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The Paris Peace Conference /
1919

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PREFACE

In October 1943 President Roosevelt, looking ahead to the time of settlement after the war with Germany, directed that the preparation of an annotated edition of the treaty of peace with Germany signed at Versailles, June 28, 1919 be undertaken with a view to greater understanding of the out-working of the provisions of the peace settlement with Germany in the period between the two world wars.

The settlement which brought the war of 1914-18 to a close was the most far-reaching and the widest-ranging system of treaties made up to that time. The treaty of peace with Germany was only one of four major treaties of settlement which entered into force, and all were supplemented by a series of other instruments. The treaty with Germany was the main instrument and much of the actual text of the other treaties was adapted from its provisions. Experience under the treaties with Austria, Bulgaria, and Hungary, therefore, to a considerable extent corresponds with that under the Treaty of Versailles.

This publication consists of factual notes which briefly record the action taken in consequence of the provisions of most of the 440 articles of the Treaty of Versailles and the annexes thereto. No other form of presentation was deemed to be equally accurate, precise, and susceptible of presenting facts objectively. The arrangement of the treaty itself, therefore, determines the order of the annotations. The narrative thus follows the scheme of the treaty and reflects no preconceptions. Any attempt to give continuity to the material by any other plan would have involved editorial judgments. Annotations have been made in order to indicate the practical effect and historical importance of the articles, and only incidentally indicate their legal meaning or historical origin. Special attention has been given to articles which provided the basis for controversial discussion and political action.

The negotiations which resulted in the language of the treaty taking its final form have not been recorded, for it was not the intention of the makers but the action of the parties to the treaty which was to be ascertained. It was seldom found to be pertinent to discuss interpretations of the language finally adopted.

No treaty in history has produced so much comment, has been so freely criticized, and possibly so little read and understood as the

PREFACE

treaty of peace signed at Versailles. In order to make clear the principal issues as they were understood at the time, the correspondence between the German delegation to the peace conference and the Allied and Associated Governments has been utilized in summaries which are printed immediately following the sections and articles of the treaty to which they refer. However, the covering note of May 29, 1919 by which the German delegation submitted its "Observations on the Conditions of Peace" and the letter covering the reply of the Allied and Associated powers are printed, pp. 39, 44. The treaty touched in one way or another almost every question that had come on to the international scene in the period before the war which it ended, and it attempted to deal with many phases of questions newly recognized to be important. Fully to apprehend it and its ramifications as a whole would require a comprehensive understanding of pre-war situations, the nature of the treatment given them in the treaty, and the situation resulting from the operation of the treaty provisions. Most of the publications concerning the treaty or the matters with which it deals have been subjective and weighted with reviews and interpretations of the negotiations which fixed the terms. Subsequent developments have been discussed or related with reference to the negotiations rather than to the concluded terms. In the annotations here published, however, the actual language of the treaty is the basis used.

The annotations have been prepared under certain limitations which seemed proper. Provisions which laid down a customary or clear procedure and which were executed in the normal course of diplomatic relations have usually not been annotated. Extensive notes could obviously have been made to part III, section V, *Alsace-Lorraine*, following through the minute details of the transfer of administration, but as nothing of particular international significance occurred during the transition, there appeared to be no adequate reason for elaborating upon the details.

The editorial rule was adopted that, once certain provisions had been executed in the sense of being assimilated to the relations between the states concerned, they no longer were part of the treaty's history. Thus, a provision which became a basis for the bilateral relations of two countries was considered as executed and requiring no further annotation. Care has been taken to note such treaties, to cite the texts, and to summarize any provisions in them which are of particular interest.

On the other hand, some parts of the treaty have had an extensive history, and the arrangements growing out of them supplemented

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as well as superseded the terms of the treaty. That is especially the case with part VIII, *Reparation*.

Other parts or sections were intimately related to problems primarily handled outside of the treaty's terms. It was deemed desirable to accompany part V, *Military, Naval, and Air Clauses*, with a summary account of negotiations for the reduction of armaments outside of the scope of the treaty of peace with Germany proper. This account was obviously given a different form than if it had been prepared as an annotation to article 8 of the Covenant of the League of Nations, in execution of which much of that activity was undertaken.

In several instances provisions of the treaty were the starting point of developments of broad political significance. Account of such matters has been taken, for example, in annotations to articles 31, 42, 91, 100, 173, 231, and 268(*b*).

For the same reason the preamble to part V and part VIII have received somewhat extensive treatment.

The treaties of peace contained within them the constituent instruments of two international institutions which began existence under their own terms when they entered into force. Only such annotations have been made to part I, *The Covenant of the League of Nations*, and part XIII, *Labour*, as were presumed to relate directly to the terms of the treaty of peace proper. The development of those organizations as institutions has not been considered to be a part of the history of the treaty.

The United States did not ratify the Treaty of Versailles. Its relations to the Paris Peace Conference and the separate treaty of August 25, 1921 by which the status of peace was resumed between the United States and Germany are dealt with in the Introduction, where the treaty of 1921 is set forth in full.

These annotations were prepared by Mr. Denys P. Myers, formerly of the Division of Political Studies and now of the Division of International Organization Affairs. Dr. Bernadotte E. Schmitt, Special Adviser in the Division of Research and Publication, collaborated in their final editing. Their preparation was carried on throughout under the general review of Dr. Harley A. Notter, formerly Chief of the Division of Political Studies and now Adviser in the Office of Special Political Affairs, and of Dr. E. Wilder Spaulding, Chief of the Division of Research and Publication.

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INTRODUCTION

The Paris Peace Conference, 1919

The treaty of peace with Germany brought to an end the principal phase of a war which lasted 51 months, became world-wide in its extent, and destroyed or altered the conditions under which formal relations had subsisted between the governments of the states concerned. The Paris Peace Conference faced the task of reestablishing relations between the belligerents by means of treaties of peace with the five states under armistice: Austria, Bulgaria, Germany, Hungary, and Turkey.

The conference was the forum in which the terms of the treaties of peace with Germany, Austria, Bulgaria, Hungary, and Turkey were elaborated, agreed to, and signed. The proceedings began January 12, 1919. The conference in the broadest sense ended with the signing of the treaty of peace with Turkey on August 10, 1920. In a narrower sense the conference closed with the meeting of the Council of Ministers of Foreign Affairs on January 21, 1920, with subsequent proceedings concerning only those governments directly interested. In general the pattern of procedure was a conference of the victors for drafting the terms by which the respective defeated states were to be bound, followed by a period in which the delegations of the latter states were present for written negotiations on the conclusive terms. Until May 7, 1919, when the Conditions of Peace were handed to the German delegation, the conference was a preliminary peace conference of the victor group; thereafter the two stages of the conference overlapped with respect to different enemy states.

The organization of the peace conference, therefore, centered around the arrangements made by the victor group for elaborating their terms. In form all the treaties of peace were bilateral, being instruments in which the multiple "party of the first part" included all belligerents which had entered the war against each of the respective enemy states, which were the single party of each treaty's "second part".

The peace conference was organized by the representatives of the United States, the British Empire, France, Italy, and Japan, which came to be designated as the "Principal Allied and Associated Powers". The rules of procedure of the preliminary peace conference (*Foreign Relations, The Paris Peace Conference, 1919*, III, 172)

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

determined the membership and the extent of representation in the following provisions:

“The Conference summoned with a view to lay down the conditions of peace, in the first place by peace preliminaries and later by a definite Treaty of Peace, shall include the representatives of the Allied or Associated belligerent Powers.

“The belligerent Powers with general interests (the United States of America, the British Empire, France, Italy, Japan) shall attend all sessions and commissions.

“The belligerent Powers with special interests (Belgium, Brazil, the British Dominions and India, China, Cuba, Greece, Guatemala, Hayti, the Hedjaz, Honduras, Liberia, Nicaragua, Panama, Poland, Portugal, Roumania, Serbia, Siam, the Czecho-Slovak Republic) shall attend the sessions at which questions concerning them are discussed.

“Powers having broken off diplomatic relations with the enemy Powers (Bolivia, Ecuador, Peru, Uruguay) shall attend sessions at which questions interesting them will be discussed.

“Neutral Powers and States in process of formation shall, on being summoned by the Powers with general interests, be heard, either orally or in writing, at sessions devoted especially to the examination of questions in which they are directly concerned, and only in so far as those questions are concerned.”

Owing to this structure precise terms to define part or all of the groups came into usage. The following phrases were employed at Paris (and are so employed throughout this publication) with the signification indicated:

Principal Allied and Associated Powers—The Governments of the United States of America, the British Empire, France, Italy, and Japan.

Principal Allied Powers—The Governments of the British Empire, France, Italy, and Japan.

Allied and Associated Powers—All the states other than Germany which signed the treaty of peace with Germany.

Allied Powers—The states other than the United States of America and Germany which signed the treaty of peace with Germany; or the states acting for the group; or only the Principal Allied Powers.

In order to attain agreement that would represent a consensus and because of the volume, magnitude, and complexity of the questions to be decided, an extensive series of commissions and committees was

THE PARIS PEACE CONFERENCE, 1919

set up to which all exploratory work was assigned. The mere list of personnel of these bodies as they existed on April 1, 1919 occupies 90 pages (*ibid.* 1919, III, 1). According to the nature of their assignments, they were either representative or expert in membership.

The Principal Allied and Associated Powers managed the extensive committee work through meetings of the President of the United States, who headed the American Commission To Negotiate Peace, and the heads of the other four principal delegations. They met with their ministers for foreign affairs as the Supreme Council from January 12 to March 24, 1919, popularly known as the Council of Ten until President Wilson's departure on February 14. Until his return on March 24 and until the signing of the treaty of peace with Germany, definitive decisions were made by the Council of Four, in which the representative of Japan did not participate. It was a council of five when Japan was represented. From March 27 to June 25, 1919 the Council of Ministers of Foreign Affairs—the Council of Five—took decisions within their authority. The Supreme Council reappeared after the final departure of President Wilson. In it the heads of the five Governments or the ministers of foreign affairs handled business from July 1, 1919 until January 10, 1920, the United States being continuously and responsibly represented up to December 9, 1919. Immediately after the treaty of peace with Germany went into force the representatives of the Principal Allied Powers met as the Council of Heads of Governments or the Council of Ministers of Foreign Affairs from January 10 to 21, 1920. The latter was followed by the Conference of Ambassadors, but as late as the London conference of March-April 1921 the meetings of the heads of Governments were often called gatherings of the Supreme Council. Moreover, titles differ in the records in French and English.

However this top body of the peace conference was organized, it fell to it to reach the decisions on the reports of commissions or committees and on the presentations of national delegations. These were embodied in formal articles drafted by the representatives of the Allied and Associated Powers and then submitted as Conditions of Peace to the defeated states in plenary sessions of the peace conference. The ensuing written negotiations determined the final text of the treaties of peace, which were signed by all interested parties. The most significant questions of the settlement were determined in the earlier stages of the peace conference.

By the time the German Conditions of Peace were ready, the principal problems of the peace settlements had been given solutions, and it remained to apply the principles adopted to the particular situa-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

tions of the ex-enemy states. The four treaties of peace which went into force are not only similar in form but are identic, *mutatis mutandis*, throughout a great part of their texts (see comparative table, p. 36). Approximately 290 of the 381 articles, as well as 8 annexes, of the treaty of peace with Austria repeated the provisions of the treaty with Germany. The treaty with Hungary was more and that with Bulgaria somewhat less of a borrowing from the provisions applied to Germany.

The timetable of the main stages of progress for each treaty works out as follows:

Germany. The "Conditions of Peace" were communicated to the German delegation at a plenary meeting on May 7, 1919. Written negotiations of some length ensued. "Observations on the Conditions of Peace" were handed in by the German delegation on May 29, and the "Reply of the Allied and Associated Powers" was delivered on June 16. A German cabinet crisis and a sharp correspondence in the form of an ultimatum brought a new delegation to Versailles for the signing of the treaty on June 28, the fifth anniversary of the assassination of Archduke Ferdinand of Austria. Germany's ratification was deposited on July 12, but uncertainty as to the intentions of the United States delayed the entry of the treaty into force, without the United States, until January 10, 1920.

Austria. The Austrian delegation was summoned for June 2, 1919, received the "Conditions of Peace" on July 20, and handed in their "Observations" on August 6. That treaty of peace was signed at Saint-Germain-en-Laye on September 10, 1919, entering into force on July 16, 1920.

Bulgaria. The Bulgarian delegation received the "Conditions of Peace" on September 19, 1919 and made their "Observations" on October 25. The treaty of peace was signed at Neuilly-sur-Seine on November 27, entering into force on August 9, 1920.

Hungary. The Hungarian "Conditions of Peace" were dated January 15, 1920, and their "Observations" handed in on February 20. The treaty of peace in final form was submitted to the Hungarians on May 6 and signed by them at Trianon on June 4, 1920, entering into force on July 26, 1921.

Turkey. The treaty of peace with Turkey was the last of the main instruments of the conference to be concluded. Only tentative preparations for making this treaty with the last of the defeated belligerents had been taken when the treaty of peace with Germany was brought into force on January 10, 1920. The "Conditions of

THE PARIS PEACE CONFERENCE, 1919

Peace" were worked out at London in 69 meetings between February 12 and April 10 and at San Remo in 17 meetings between April 18 to 26, and transmitted to the Turkish representatives on May 11. Their "Observations" of June 25 were considered at Spa on July 7, and the "Reply" was dated July 16. The completed treaty was signed at Sèvres on August 10, 1920 but did not enter into force. Peace with Turkey was eventually concluded by 17 instruments negotiated at the conference of Lausanne in 1923, the main treaty being signed on July 24, 1923, and entering into force on August 6, 1924.

The timetable and later stages of the settlement itself were affected by uncertainty concerning the position which the United States would take. Without waiting for participation of the United States, it would have been possible to have brought the treaty of peace with Germany into force by the middle of October 1919, with a consequent acceleration of steps with respect to other parts of the whole settlement. The Supreme Council advised the German delegation on November 1 to be ready to attend the ceremony of bringing the treaty into force upon five days' notice, and itself counted upon the 10th. The adverse vote on the treaty by the United States Senate on November 19 caused a postponement to December 1. There ensued an argument with the German delegation whether some modification of the treaty should not take place "in compensation for the absence of American delegates on commissions". The problem of putting the treaty in force for the Principal Allied and Associated Powers without the "Associated Power" worried the Supreme Council until January 9, 1920. The required procès-verbal for the first deposit of ratifications was executed the next day.

With the peace conference in course of disbandment at the time of the entry of the treaty of peace with Germany into force, the interim Committee To Coordinate the Interpretation and Execution of the Clauses of the Treaty With Germany was no longer an appropriate channel of action. Its temporary character was understood at its authorization by the Supreme Council on July 2, 1919, and that committee devoted its early attention to the creation of a continuing organ which could be given authority to pass upon current questions.

This organ was the Conference of Ambassadors, which played the principal role for the Allied and Associated Powers after the treaties of peace with Germany, Austria, Bulgaria, and Hungary entered into force. It originated in an American proposal called forth by a recommendation dated July 23, 1919 made by the Committee on Execution of the Clauses of the Treaty to the Supreme

Council of the peace conference. The plan was approved by the Supreme Council on July 28 and ordered into being by the Supreme Council by means of its resolution of December 13.

The Council of Ministers of Foreign Affairs on January 21, 1920 decided to call the committee set up by that resolution the "Conference of Ambassadors" and to invest their Ambassadors at Paris with the "full powers" held by the Supreme Council, except that the body was given no jurisdiction over questions arising out of the treaty of peace with Turkey. As finally determined, the functions of the Conference of Ambassadors embraced questions concerning the interpretation and execution of the treaties of peace, "with the exception of those entrusted by them to the League of Nations, or to the Reparation Commission, those for military, naval and air control and for the left bank of the Rhine or other permanent organs of the same character". The conference held its first meeting on January 26, 1920 and took 2,957 resolutions at 327 regular sessions up till March 30, 1931. It sat at the Quai d'Orsay in Paris. Belgium was admitted for Belgian questions after March 1920. The French representative presided, and the Ambassadors of Great Britain, Italy, and Japan sat as members, with the Ambassador of the United States as an intermittent "observer".

Collaborating with the conference was the Allied Military Committee "of Versailles", which dealt with military questions of the treaty's execution, in virtue of a decision of the Heads of Governments on December 13, 1919, until its dissolution from March 16, 1931. The conference had other aids. It called on naval counselors of the four principal powers for advice and reports, and set up the Technical Geographical Committee to assist it with reference to delimitation and territorial questions. A Technical Committee on Railroads, a Financial Committee, and an Editing Committee served the conference in their respective fields.

The action of the Conference of Ambassadors was taken in four forms: (1) Resolutions, effective decisions without appeal which could be questioned only by the Governments represented on the conference; (2) declarations, more solemn acts which engaged the general policy of the ex-allied states; (3) protocols, signed by the Ambassadors and plenipotentiaries of states, with which questions of application of the treaties were regulated; (4) procès-verbaux (minutes) of their meetings.

The United States and the Settlement

The primary relationship of the United States to the treaties was determined by its participation as a belligerent in the war of 1914-18. The President, in whose name the action would be taken, determined to attend the peace conference in person as head of the American Commission To Negotiate Peace. The President arrived in Paris on December 13, 1918 and ceased to head the commission immediately after the signing of the treaty of peace with Germany. The commission itself continued its activities through the conclusion of the treaties of peace with Austria and Bulgaria and did not take ship to return to the United States until December 10, 1919.

The commissioners of the United States signed the treaties of peace with Germany, Austria, and Hungary as a consequence of having been in a state of war with each.

The American commissioners signed the treaty of peace with Bulgaria without having been at war with that country. "We took part in the negotiations" (with Bulgaria), wrote the Secretary of State to the President on November 21, 1919, "on the theory that under Article 10 [of the Covenant] we were bound to guarantee the settlements and therefore should have a voice in reaching them and should also be a party to the treaty." On November 24 the President's secretary transmitted a memorandum from Mrs. Wilson which stated from the President that the commissioners "could sign but [he] does not advise their remaining for that purpose" (file 763.72119/8126½ A and /8127½). The commissioners, still being at Paris, did sign the treaty of peace with Bulgaria on November 27.

Uncertainty of the extent of participation of the United States in the deliberations of the Supreme Council increased in October 1919 and thereafter. The American Commission To Negotiate Peace left Paris on December 9, and the treaty of peace with Germany was brought into force on January 10, 1920 without the eventual participation of the United States having been clarified.

In Washington attention was concentrated on the treaty of peace with Germany on which a highly publicized debate had been going on since the convening of the Senate of the 66th Congress on May 19, 1919. The debate increased in critical content after the formal submission of the treaty to the Senate on July 10 and again after the submission of the report of the Committee on Foreign Relations on September 10. The Senate failed to give its advice and consent to ratification on November 19.

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The Department of State on August 28, 1919 concluded that the "United States should not participate in the work of setting up commissions, etc., until the treaty is ratified by the United States", but there seemed "to be no reason why United States representatives can not discuss with representatives of the other powers what may be done if and when the treaty comes into force". Vacancies were not filled by the United States as they occurred, a situation which caused the Council to provide that commissions could take valid decisions if all eligible states were not represented.

The Secretary of State on October 22 wrote his opinion that "our representatives may sit as unofficial observers at the meetings of certain commissions in cases where such express authority is given by the Department". On November 27, in view of the failure of the Senate to advise and consent to ratification of the treaty of peace with Germany, the Secretary of State informed the American Commission To Negotiate Peace, "the President feels that you should withdraw immediately the American representatives on all commissions growing out of or dependent on either the Peace Conference or the treaty except those dealing with Reparations Commission which are being further considered by the President. The Department feels that this Government has an interest apart from the treaty in keeping in touch with economic and financial questions." As to the Austrian, Bulgarian, and Hungarian treaties, "the position of the United States . . . is the same as outlined above with reference to the German treaty".

On December 8 the Ambassador in France was informed of the President's agreement to his "sitting on the Supreme Council in behalf of the United States as an observer and not as a participant". He was later cautioned to make it clear that "the United States is not to be considered as party to any resolution, declaration or action of or by the Council unless through special act of the Department this Government expressly adheres thereto".

On December 30 he was instructed to request the Council "to delay all actions, resolutions, or decisions which concern this Government until Department sends you instructions for each matter involved", and that "'Principal Allied and Associated Powers' should only be used when you have agreed to its use in any particular instance" (*Foreign Relations*, 1919, I, 31.)

Throughout November and December the Supreme Council devoted considerable thought to making the adjustments necessitated by the withdrawal of the United States and to organizing the work which remained. On December 13 the Supreme Council agreed that

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“the present session” of the peace conference should end at latest within a fortnight of the entry into force of the treaty with Germany. “Large questions” of policy would thereafter be dealt with by direct communication between the Governments and questions of detail would go to the Conference of Ambassadors in Paris.

The contemplated transition took place on January 21, 1920 when the Council of Heads of Government and of Ministers of Foreign Affairs in a last joint session provided for the future. The Conference of Ambassadors began its work on January 26, and shortly after there began a series of conferences extending over two years which were attended by the heads of government, the ministers of foreign affairs, or other delegates sitting as direct representatives of their governments. At this juncture it was incumbent upon the United States to decide upon the character and extent of its participation in the two series of meetings.

As to the Conference of Ambassadors, the Ambassador in France was instructed (*ibid.*, p. 32): “The Department does not object to your attending unofficially and as an observer, . . . provided your colleagues should request or offer no objection to your attending the meetings in such capacity.”

The Conference of Ambassadors solved the difficulty of the abstention of the United States from its decisions on behalf of the “Principal Allied and Associated Powers” by employing this formula: “The British Empire, France, Italy and Japan, signatories with the United States of America, as the Principal Allied and Associated Powers, to the Treaty of Peace.” The phrase was first used in the treaty transferring Slesvig to Denmark, May 22, 1920.

As to the series of conferences, no general instruction was issued. The first two of these were regarded as continuations of the peace conference for concluding the treaty of peace with Turkey. At the London conference, February 12–April 10, 1920, the President did not wish the Ambassador to attend “in any capacity even if you should be invited” (*ibid.*, 1920, I, 1). At San Remo, April 18–26, 1920, the Ambassador in Italy was present as an “observer”. Until January 1923 there were subsequently held 15 conferences that can be regarded as related to the peace conference, of which 3 dealt only with Turkey and the Near East. Nine of the series dealt wholly or in part with reparation questions, in which the United States participated only at the informational level through its unofficial observer with the Reparation Commission. At Paris, August 8–13, 1921, there was an observer for the Upper Silesian question only (*ibid.*, 1921, I, 15), and there was an observer at Cannes, January

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6-13, 1922. An invitation to Genoa, April 10-May 19, 1922, was declined since the conclusion was reached that it would be "a conference of a political character in which the Government of the United States could not helpfully participate" (*ibid.*, 1922, 1, 393). However, the Ambassador in Italy was sent to Genoa for the duration of the conference.

The function of an observer was described in the instruction of April 20, 1920 to the Ambassador in Italy for attendance at the San Remo conference (*ibid.*, 1920, 1, 2): "You are not to participate but will act solely as an observer. You are to express no opinion and take no action on any subjects [considered] by the Supreme Council but you are to report the proceedings to the Department and await instructions on any question on which an expression of the views of this Government is desired." The policy of the representative of the United States admitted to the Conference of Ambassadors to be an observer, as described by the first Ambassador in France to fill the position, was that "in every case where it seems that United States in the event of ratifying treaties concerned might even possibly desire to adopt different attitude from that decided upon by Conference a reservation has been made" (*ibid.*, p. 3).

The Acting Secretary of State reported in a circular telegram of January 18, 1921 that it had been decided to discontinue representation on the Conference of Ambassadors "since this country has not accepted the Treaty of Versailles and as the most important questions raised by the armistice have been disposed of". By January 28 the Ambassador in France was asked to get copies of the minutes of meetings of the Conference of Ambassadors "informally"; they "would be of great value to the Department".

The Secretary of State of the new administration was equally cautious when he took office in March 1921, while the Principal Allied Powers were sitting in London to decide on the reparation program. From their president on May 6 came this request (*ibid.*, 1921, 1, 12):

"As President of the Allied Conference which is just completing its sittings in London, I am authorised with the unanimous concurrence of all the Powers here represented to express to the United States Government our feeling that the settlement of the international difficulties in which the world is still involved would be materially assisted by the co-operation of the United States; and I am therefore to enquire whether that Government is disposed to be represented in the future, as it was at an earlier date, at Allied Confer-

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ences, wherever they may meet, at the Ambassadors' Conference, which sits at Paris, and on the Reparations Commission.

"We are united in feeling that American cognizance of our proceedings and, where possible, American participation in them, will be best facilitated by this."

The Government of the United States accepted this invitation the same day, saying that, "while maintaining the traditional policy of abstention from participation in matters of distinctly European concern", it was "deeply interested in the proper economic adjustments and in the just settlement of the matters of world-wide importance which are under discussion in these conferences, and desires helpfully to cooperate in the deliberations upon these questions."

After the Schedule of Payments for reparation was accepted, the Ambassador in London was designated to participate in the Supreme Council without committing his Government "to any action on its part". Nonparticipation was to resolve any difficulty in separating "matters of 'distinctly European concern' from matters of 'world-wide importance'" (*ibid.*, p. 14). The American Ambassador in Paris resumed as "unofficial American observer on the Conference of Ambassadors". His function was "to make reservations for reference to the Department on decisions affecting the interests of the United States", refraining from opinion or comment on other questions and making any commitments only on instructions.

The pattern of participation as it stood in May 1921 remained substantially unchanged so long as questions originating from the Paris Peace Conference were uppermost. The general lines of the policy described were given more rigidity when the Senate's condition to the treaties restoring friendly relations with Germany, Austria, and Hungary became applicable. Attendance of the "observer" at meetings of the Conference of Ambassadors was seldom more than formal. The staff attached to the office of the unofficial American observer on the Reparation Commission rendered many services. Some of the personnel were taken over by the Commission, while the unofficial observer himself was not infrequently called upon to give awards, to umpire questions, or to make disinterested reports upon such matters as the evaluation of shipping tonnage.

Peace Between the United States and Germany

The treaty of peace was laid before the Senate by the President of the United States with a message, with a view to its advice and consent to ratification, on July 10, 1919. The substance, form, and the

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order of negotiation of its various parts had, however, been under debate in the Senate since the previous December. Since the convening of the first session of the 66th Congress on May 19, the presumed contents of the treaty had been daily under critical discussion on the floor.

The Senate Committee on Foreign Relations reported the treaty to the Senate on September 10, 1919, after 45 days devoted to reading its text and to hearings. Two minority reports were also submitted (S. Rept. 176, 66th Cong., 1st sess., serial 7590).

The majority of the committee proposed 46 amendments, of which 40 were designed to remove the United States from participation in all commissions or bodies for which continuing action was provided under the treaty. These amendments called for striking out the words "and Associated" from the term "Allied and Associated Powers" wherever it appeared. All amendments were defeated in Committee of the Whole by November 6.

Four reservations were originally proposed by the committee. Following the extensive debate on the amendments ranging over the entire treaty, those reservations were superseded by 16 reservations reported by the committee on October 23 (S. Doc. 143, 66th Cong., 1st sess., serial 7610). The resolution of ratification embodying 14 reservations was prepared in the Committee of the Whole. The resolution failed in the Senate on November 19 to receive the required two-thirds vote by a vote of 39 to 55. Of the 14 reservations, all except four related to the Covenant of the League of Nations or the Constitution of the International Labour Organisation, which are physically Parts I and XIII of the treaty.

On the same day in the Senate, a resolution to advise and consent to the ratification of the treaty without reservations failed by a vote of 38 to 53.

An effort to agree on compromise reservations was made in the next session. A resolution somewhat revised and embodying 15 reservations failed of the two-thirds requirement in the Senate on March 19, 1920, by a vote of 49 to 35.

The chairman of the Senate Committee on Foreign Relations, who was the leader of the Republican majority, thereupon submitted a resolution "to return to the President the Treaty of Peace with Germany". It was adopted by a vote of 43 to 37.

On December 20, 1919 the Senate Committee on Foreign Relations had before it S.J. Res. 136 (66th Cong., 2d sess.), by Mr. Knox, which consisted of the single sentence: "That peace exists between the United States and Germany." Also before the committee was S.

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Con. Res. 17, by Mr. Lodge, to the same effect, but with a preamble, the form of this proposal enabling it to take effect without approval by the President. After discussion the committee adopted a substitute joint resolution by a vote of 7 to 3 which would repeal the joint resolution of April 6, 1917 declaring a state of war, assert rights under the treaty of peace with Germany, and reaffirm the policy expressed in the act of August 29, 1916 (39 Stat. 556, 618) by requesting the President to "invite all the great governments of the world" to formulate in conference plans for an international court and for disarmament. This was submitted to the Senate as S.J. Res. 139 (66th Cong., 2d sess.) from the committee. It was put on the calendar and reposed there (*Congressional Record*, Dec. 20, 1919, p. 960).

This approach to the problem was sidetracked after the Christmas holidays for the second attempt of the Senate to reach agreement on a resolution advising and consenting to ratification of the treaty of peace. The Senate vote of March 19 closed that line of action.

The Senate having failed, the House of Representatives took over, and on April 9 the chairman of its Committee on Foreign Affairs introduced H.J. Res. 327 (66th Cong., 2d sess.), "terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States, permitting on conditions the resumption of reciprocal trade, and for other purposes". This came from the committee without amendment on April 6 but with both majority and minority reports (H. Rept. 801, serial 7653). The debate on April 8 and 9 was limited in time by a rule adopted 214 to 155. An effort to recommit the proposal with an amendment was defeated 177 to 222, and the adoption of the joint resolution as it stood was by a vote of 242 to 150.

The Senate Committee on Foreign Relations discussed it at length without action on April 15. On the 16th Senator McCumber proposed a substitute providing for the resumption of commercial relations with Germany and the repeal of laws prohibiting trade and commerce enacted since April 6, 1917 to establish conditions "as though no war had existed". Senator Knox suggested reverting to S.J. Res. 139. Not until April 29 did the committee resolve its quandary, and then it reported out a substitute for the House proposal by a vote of 9 to 6 (U. S. Senate, Committee on Foreign Relations, *Proceedings* . . . 63d-67th Cong. (1913-23), pp. 232-35).

On April 30, 1920 the chairman of the House Committee on Foreign Affairs reported out an amended form of this joint resolution, which was passed by the House on May 9, 1920 by a vote of 250 to 242. It was again amended in the Senate, to include ending of the state of

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war with the Austro-Hungarian Government and was there passed on May 15 by a vote of 43 to 38. The House concurred in the Senate amendments on May 21 by a vote of 226 to 139. The President vetoed the joint resolution on May 27, and the House on May 28 failed to pass the measure over the veto, two thirds being required, by a vote of 220 to 152 (H. Rept. 801, 66th Cong., 2d sess., pts. 1 and 2, serial 7653; S. Rept. 568, serial 7649; President's veto message, H. Doc. 799, 66th Cong., 2d sess., serial 7768).

In a conversation with René Viviani, former premier of France on a mission to the United States, the Secretary of State on March 30, 1921 told him that "he felt that there was today in the United States greater opposition to the Treaty of Versailles than at the time of the last election even", and that "the idea of separate peace with Germany gained ground". However, the memorandum of the conversation ended (*Foreign Relations*, 1921, 1, 967): "Mr. Jusserand [the French Ambassador] then stated that the President had informed him that he was not in favor of a separate peace. Secretary Hughes replied that while the President felt so with respect to a separate peace at this time, yet in view of the strong public opinion in this country with reference to the Treaty and League, unless an alternative were suggested which would have the general support of public opinion here, a separate peace might be the only course left open to us."

For the consideration of the 67th Congress, the new President (Harding) submitted a message on April 12, 1921 (*ibid.*, p. xviii) in which, adverting to the pledge "to seek an early establishment of peace", he said:

"The United States alone among the allied and the associated powers continues in a technical state of war against the Central Powers of Europe. This anomalous condition ought not to be permitted to continue. To establish the state of technical peace without further delay, I should approve a declaratory resolution by Congress to that effect, with the qualifications essential to protect all our rights. Such action would be the simplest keeping of faith with ourselves, and could in no sense be construed as a desertion of those with whom we shared our sacrifices in war, for these powers are already at peace.

"Such a resolution should undertake to do no more than thus to declare the state of peace, which all America craves. It must add no difficulty in effecting, with just reparations, the restoration for which all Europe yearns, and upon which the world's recovery must be founded. Neither former enemy nor ally can mistake America's

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position, because our attitude as to responsibility for the war and the necessity for just reparations already has had formal and very earnest expression.

“It would be unwise to undertake to make a statement of future policy with respect to European affairs in such a declaration of a state of peace. In correcting the failure of the Executive, in negotiating the most important treaty in the history of the Nation, to recognize the constitutional powers of the Senate we would go to the other extreme, equally objectionable, if Congress or the Senate should assume the function of the Executive. Our highest duty is the preservation of the constituted powers of each, and the promotion of the spirit of cooperation so essential to our common welfare.

“It would be idle to declare for separate treaties of peace with the Central Powers on the assumption that these alone would be adequate, because the situation is so involved that our peace engagements can not ignore the Old World relationship and the settlements already effected, nor is it desirable to do so in preserving our own rights and contracting our future relationships.

“The wiser course would seem to be the acceptance of the confirmation of our rights and interests as already provided and to engage under the existing treaty, assuming of course, that this can be satisfactorily accomplished by such explicit reservations and modifications as will secure our absolute freedom from inadvisable commitments and safeguard all our essential interests.”

In the 67th Congress, 1st session, Senator Knox introduced the counterpart of the 1920 proposal, S.J. Res. 16, on April 13, 1921. Reported out on April 25 with amendment (S. Rept. 2, serial 7918), the resolution was amended again and then passed by the Senate on April 30, the vote being 49 to 23. The House Committee on Foreign Affairs amended it again and reported out a complete substitute on June 7 (H. Rept. 148, serial 7920).

The House debate was limited by a special rule (H. Res. 110) adopted by a vote of 212 to 105 on June 11 (H. Rept. 166, serial 7923). The substitute was passed by the House on June 13 by a vote of 304 to 61 after the defeat of a motion to recommit, 112 to 254. The Senate on June 14 disagreed to the House version and asked for a conference. In effect, the Senate insisted on maintaining what became section 5 of the act. The House debated and agreed to the conference report (H. Rept. 237, serial 7920; S. Doc. 42, serial 7932) on June 30 by a vote of 263 to 59, and the Senate followed on July 1 with a vote of 38 to 19. Accordingly, the joint resolution became law by approval of the President on July 2, 1921 (42 Stat. 105).

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*Joint Resolution Terminating the state of war between the Imperial German Government and the United States of America and between the Imperial and Royal Austro-Hungarian Government and the United States of America.*¹

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917 [40 Stat. 1], is hereby declared at an end.

SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

SEC. 3. That the state of war declared to exist between the Imperial and Royal Austro-Hungarian Government and the United States of America by the joint resolution of Congress approved December 7, 1917 [40 Stat. 429], is hereby declared at an end.

SEC. 4. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 3, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Saint Germain-en-Laye or the treaty of Trianon, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition

¹ 42 Stat. 105; Public Res. 8 (67th Cong., 1st sess.); S.J. Res. 16.

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thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce and industrial property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America.

Sec. 6. Nothing herein contained shall be construed to repeal, modify or amend the provisions of the joint resolution "declaring that certain Acts of Congress, joint resolutions and proclamations shall be construed as if the war had ended and the present or existing emergency expired," approved March 3, 1921 [41 Stat. 1359], or the passport control provisions of an Act entitled "An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1922," approved March 2, 1921 [41 Stat. 1217]; nor to be effective to terminate the military status of any person now in desertion from the military or naval service of the United States, nor to terminate the liability to prosecution and punishment under the Selective Service law, approved May 18, 1917 [40 Stat. 76], of any person who failed to comply with the provisions of said Act, or of Acts amendatory thereof.

Approved, July 2, 1921.

The text of the public resolution was cabled to Berlin on July 5 and was followed on the same day by a telegram to the commissioner at Berlin inquiring whether the German Government intended to question in any way any of the rights, interests, and advantages stipulated for the benefit of the United States in the treaty of peace. The resolution indicated, said the Secretary of State, "that the United States will not enter into any treaty which fails to secure them". The commissioner's communication was to "be informal, but we desire an authoritative and definite answer" (*Foreign Relations*, 1921, II, 6). On the 22d the German Minister for Foreign Affairs transmitted a paper "which shows the attitude taken by the

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Reichskabinett", which, however, was "not to be regarded as an official communication to the Government of the United States". It was, said the German minister, a statement on the contents of the memorandum on the assumption that its text as presented by the commissioner "fully corresponds with the views of the American Government".

The German Minister for Foreign Affairs next wished assurance that the United States would recognize any condition, limitation, or right accorded to Germany in any treaty provision under which the United States claimed a right, privilege, or advantage. The Secretary of State understood this inquiry to mean "that each provision of the Versailles Treaty must be construed in the light of its context, that is, according to its true meaning". There was "not the slightest objection to this view". It was, however, undesirable that the specific advantages claimed by the United States or the rights in Germany's favor be set forth, since that "would amount to an attempt to insert a commentary upon the Treaty of Versailles into the proposed treaty" (*ibid.*, p. 10). This did not satisfy the Germans, and the United States agreed to insert what is the second paragraph of article II(1) of the treaty. In transmitting assent to this on August 11, the Secretary of State declined to include any reference to disposition of the holdings of the Alien Property Custodian and added that opposition or delay to completing the treaty "cannot in any possible contingency be helpful to Germany". Germany further desired to introduce the idea of reciprocity but was eventually satisfied with the statement that the United States could reach no agreement inconsistent with the resolution of July 2 and the assurance that its intention was "to maintain all rights obtained through participation in the War and thus to maintain equal footing with co-belligerents".

The treaty restoring friendly relations was signed on behalf of the United States and Germany at Berlin on August 25, 1921 and took effect by the exchange of ratifications at Berlin on November 11, 1921, in accordance with article III.

It did not reestablish peace between the United States and Germany. As to the United States the state of war, which had existed since April 6, 1917, was "declared at an end" by virtue of the public resolution of July 2, 1921. In the proclamation promulgating the treaty as in force, the President proclaimed on November 14, 1921 "that the war between the United States and Germany terminated on July 2, 1921".

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The actual status of war had been modified in several respects prior to either date. A general license had been issued by the War Trade Board of the Department of State on March 3, 1919; a joint resolution of Congress approved March 3, 1921 (41 Stat. 1359) had suspended much war legislation; and the rest of the war powers became suspended as of July 2, 1921. By article II(5) of the treaty the United States was entitled to date any act or election under the Treaty of Versailles from January 10, 1920.

As to Germany the transition from war to peace with respect to the United States was regarded by the German Government as marked by the entrance of the treaty into force on November 11, 1921. Full diplomatic relations were resumed by the United States with Germany as from November 16.

The treaty restoring friendly relations between the United States and Germany did not meet with the complete approval of the Senate, which gave its advice and consent to ratification on October 18, 1921 subject to understandings, made a part of the resolution of ratification, as follows:

“that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation;

“that the rights and advantages which the United States is entitled to have and enjoy under this Treaty embrace the rights and advantages of nationals of the United States specified in the Joint Resolution or in the provisions of the Treaty of Versailles to which this Treaty refers”.

The instrument of ratification by the President, dated October 21, 1921, records that he does “ratify and confirm the same and every clause thereof, subject to the understandings hereinabove recited”.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

*Treaty Between the United States and Germany
Restoring Friendly Relations*

Signed at Berlin August 25, 1921

[The vertical rule indicates treaty text.]

The United States of America and Germany:

Considering that the United States, acting in conjunction with its co-belligerents, entered into an Armistice with Germany on November 11, 1918, in order that a Treaty of Peace might be concluded;

Considering that the Treaty of Versailles was signed on June 28, 1919, and came into force according to the terms of its Article 440, but has not been ratified by the United States;

Considering that the Congress of the United States passed a Joint Resolution, approved by the President July 2, 1921, which reads in part as follows:

“Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

“SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

“SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals, which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand

PEACE BETWEEN THE UNITED STATES AND GERMANY

by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce and industrial property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America."

Being desirous of restoring the friendly relations existing between the two Nations prior to the outbreak of war:

Have for that purpose appointed their plenipotentiaries:

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

THE PRESIDENT OF THE UNITED STATES OF AMERICA

ELLIS LORING DRESEL, Commissioner of the United States of America to Germany,

and

THE PRESIDENT OF THE GERMAN EMPIRE

DR. FRIEDRICH ROSEN, Minister for Foreign Affairs,

Who, having communicated their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

Germany undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations or advantages specified in the aforesaid Joint Resolution of the Congress of the United States of July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the Treaty of Versailles which the United States shall fully enjoy notwithstanding the fact that such Treaty has not been ratified by the United States.

ARTICLE II.

With a view to defining more particularly the obligations of Germany under the foregoing Article with respect to certain provisions in the Treaty of Versailles, it is understood and agreed between the High Contracting Parties:

(1) That the rights and advantages stipulated in that Treaty for the benefit of the United States, which it is intended the United States shall have and enjoy, are those defined in Section 1, of Part IV, and Parts V, VI, VIII, IX, X, XI, XII, XIV, and XV.

The United States in availing itself of the rights and advantages stipulated in the provisions of that Treaty mentioned in this paragraph will do so in a manner consistent with the rights accorded to Germany under such provisions.

(2) That the United States shall not be bound by the provisions of Part I of that Treaty, nor by any provisions of that Treaty including those mentioned in Paragraph (1) of this Article, which relate to the Covenant of the League of Nations, nor shall the United States be bound by any action taken by the League of Nations, or by the Council or by the Assembly thereof, unless the United States shall expressly give its assent to such action.

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(3) That the United States assumes no obligations under or with respect to the provisions of Part II, Part III, Sections 2 to 8 inclusive of Part IV, and Part XIII of that Treaty.

(4) That, while the United States is privileged to participate in the Reparation Commission, according to the terms of Part VIII of that Treaty, and in any other Commission established under the Treaty or under any agreement supplemental thereto, the United States is not bound to participate in any such commission unless it shall elect to do so.

(5) That the periods of time to which reference is made in Article 440 of the Treaty of Versailles shall run, with respect to any act or election on the part of the United States, from the date of the coming into force of the present Treaty.

ARTICLE III.

The present Treaty shall be ratified in accordance with the constitutional forms of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place as soon as possible at Berlin.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate in Berlin this twenty-fifth day of August 1921.

[SEAL] ELLIS LORING DRESEL

[SEAL] ROSEN

Unlike other treaties of the United States, the treaty restoring friendly relations between the United States and Germany was published in three editions with differing content.

The first edition was issued in November 1921 as a 9-page pamphlet, the treaty being embodied in the proclamation of the President of November 14, 1921.

It was reissued with the addition of the instrument of ratification, dated October 21, 1921, reciting the understandings of the Senate in giving its advice and consent. This 10-page edition is reproduced in 42 Stat. 1939.

In September 1922 Treaty Series 658 was reissued, containing the treaty in that second form in a pamphlet running to 121 pages. The additional material consisted of those parts of the treaty of peace with Germany listed in article II (1) "which stipulated the rights and advantages which it is intended the United States shall have and enjoy". The part of the treaty of peace with Germany listed in article II (2),

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by the provisions of which "the United States shall not be bound", and those parts listed in article II (3) under which "the United States assumes no obligations", were not annexed. This edition is current.

The treaty of peace between the United States and Austria, signed at Vienna August 24, 1921 and in force November 8, 1921, was published in 9 pages as Treaty Series 659 as embodied in the proclamation of November 17, 1921. It was republished as a treaty establishing friendly relations in the current 113-page edition of Treaty Series 659, with the instrument of ratification of October 21, 1921 and parts V, VI, VIII, IX, X, XI, XII, and XIV of the Treaty of Saint-Germain-en-Laye concluded September 10, 1920. The reproduction in 42 Stat. 1946 includes the proclamation and instrument of ratification. The proclamation of this treaty recites that the war existing between the United States and the Imperial and Royal Austro-Hungarian Government since December 7, 1917 terminated on July 2, 1921.

The treaty establishing friendly relations between the United States and Hungary, signed at Budapest August 29, 1921 and in force December 17, 1921, was published in 5 pages as Treaty Series 660 as embodied in the proclamation of December 20, 1921 and with the instrument of ratification dated October 21, 1921. The proclamation made no reference to termination of the state of war declared against the Austro-Hungarian Government on December 7, 1917. In this form it was reproduced in 42 Stat. 1951. The second and current edition of Treaty Series 660 runs to 118 pages and contains parts V, VI, VIII, IX, X, XI, XII, and XIV of the Treaty of Trianon concluded June 4, 1920.

Germany and the Treaty of Peace

The German Government executed its obligations under the treaty at the outset as it found execution necessary or advisable. Much of the machinery of treaty execution became stabilized, and continuing operations took on an appearance of smoothness, which was enhanced by a tendency to introduce negotiating techniques in the relations involved. Moreover, many provisions of the treaty were either executed or given a new form by subsequent action. During the ascendancy of Gustav Stresemann as Chancellor (1924-29) a "policy of fulfilment" was proclaimed, which was not entirely abandoned until the accession of the National Socialists to power in 1933.

The form of the negotiations at Paris was not to the liking of the Germans. They received "Conditions of Peace" worked out by the victors and after being summoned to receive them handed in proposals

GERMANY AND THE TREATY OF PEACE

for amendment, which were accepted or rejected in the preparation of the final text by the Allied and Associated Powers. In the note of June 23, 1919 the German peace delegation wrote: "Yielding to superior force, and without renouncing in the meantime its own view of the unheard-of injustice of the peace conditions, the Government of the German Republic declares that it is ready to accept and sign the peace conditions imposed". From that attitude, which was taken up by some sections of the German public, arose the idea of a "dictated peace", for years sedulously fostered by the National Socialists. Their policy was stated by the Foreign Minister in a speech at Danzig on October 24, 1939, in which he said (file 740.0011 European War 1939/1042) :

"Since January 30, 1933 the aim of Germany's foreign policy has been to abolish the Treaty of Versailles and its consequences. . . . As a matter of fact, in recent years the Führer has done nothing but remedy the most serious consequences which this most unreasonable of all dictates in history imposed upon a nation and, in fact, upon the whole of Europe, in other words, repair the worst mistakes committed by none other than the statesmen of the western democracies."

A semi-official publication of the National Socialist German Government, *Das Diktat von Versailles*, compiled by Fritz Berber and published in 1939, specifies those parts of the treaty of peace which, according to Nazi Germany, had been abrogated by negotiation or "legal means of another sort" as follows:

- Part III, sec. III, demilitarization of the left bank of the Rhine, by the memorandum of the German Government of March 7, 1936;
- Part III, sec. VI, relation with Austria, by the German law of March 13, 1938;
- Part V, disarmament of Germany, by the law concerning the Wehrmacht, March 16, 1935;
- Part VII, war crimes, "by the Lersner note" (file 763.72119/892) of February 3, 1920;
- Part VIII, art. 231, "the war-guilt lie", by the declaration of Adolf Hitler of January 30, 1937;
- Part VIII, reparation, by the unratified convention of Lausanne, July 2, 1932;
- Part X, economic provisions, by numerous liquidation conventions and restitution laws;
- Part XII, sec. II, waterways, by the note of November 15, 1936;
- Part XIV, guaranties, by the evacuation agreement of August 30, 1929.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

The International Military Tribunal, in its indictment of October 18, 1945 of twenty-four individuals and seven groups or organizations from the Reich Cabinet down, specified in two counts a common plan or conspiracy to commit crimes against peace, under article 6 (A) of its Charter, which reads:

“Crimes against peace. Namely, planning, preparation, initiation or waging of a war of aggression, or war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.”

Under Count One, (F) 2, the tribunal preferred six specific charges and in Appendix C, which cites particulars of violations of 26 treaties, conventions, and assurances, five additional violations of articles of the Treaty of Versailles are set forth (*Trial of War Criminals*, Department of State publication 2420, p. 83), as follows:

“(1) In that Germany did, on and after 7 March 1936, maintain and assemble armed forces and maintain and construct military fortifications in the demilitarized zone of the Rhineland in violation of the provisions of Articles 42 to 44 of the Treaty of Versailles.

“(2) In that Germany did, on or about 13 March 1938, annex Austria into the German Reich in violation of the provisions of Article 80 of the Treaty of Versailles.

“(3) In that Germany did, on or about 22 March 1939, incorporate the district of Memel into the German Reich in violation of the provisions of Article 99 of the Treaty of Versailles.

“(4) In that Germany did, on or about 1 September 1939, incorporate the Free City of Danzig into the German Reich in violation of the provisions of Article 100 of the Treaty of Versailles.

“(5) In that Germany did, on or about 16 March 1939, incorporate the provinces of Bohemia and Moravia, formerly part of Czechoslovakia, into the German Reich in violation of the provisions of Article 81 of the Treaty of Versailles.

“(6) In that Germany did, at various times in March 1935 and thereafter, repudiate various parts of Part V, Military, Naval and Air Clauses of the Treaty of Versailles, by creating an air force, by use of compulsory military service, by increasing the size of the army beyond treaty limits, and by increasing the size of the navy beyond treaty limits.”

STATUS OF THE TREATIES OF THE CONFERENCE

ANNEX

Status of the Treaties of the Conference

The Paris Peace Conference produced many treaties related to and in addition to the main treaties of peace. A list is here given of these instruments with relevant data concerning their validity and with notes giving the details of action by the United States with respect to each.

- Treaty of peace between the Allied and Associated Powers and Germany, signed at Versailles June 28, 1919; entered into force in accordance with the final clauses on January 10, 1920, 4:15 p.m. Submitted to the Senate by the President July 10, 1919 (S. Doc. 50, 66th Cong., 1st sess., serial 7608); the Senate failed to give its advice and consent to ratification on November 19, 1919 and March 19, 1920; by Senate resolution of March 19, 1920 it was "resolved, that the Secretary of the Senate be instructed to return to the President the Treaty of Peace with Germany . . . and respectfully inform the President that the Senate has failed to advise and consent to the ratification of the said treaty, being unable to obtain the constitutional majority therefor"; S. Doc. 49 (66th Cong., 1st sess., serial 7608); S. Doc. 50 (66th Cong., 1st sess., serial 7608); S. Doc. 51 (66th Cong., 1st sess., serial 7596); C. F. Redmond (ed.), *Treaties, Conventions, etc., between the United States of America and Other Powers, 1910-23*, III, 3329; Unperfected Treaties I-5.
- Protocol to the treaty of peace with Germany, signed at Versailles June 28, 1919; entered into force in accordance with the final clauses of the treaty of peace, January 10, 1920, 4:15 p.m. Submitted to the Senate by the President July 31, 1919; considered by the Senate Committee on Foreign Relations February 10, 1920; failed with the treaty; returned to the Secretary of State by Senate resolution of February 12, 1935; S. Doc. 66 (66th Cong., 1st sess., serial 7608); *Treaties, Conventions, etc., 1910-23*, III, 3522; Unperfected Treaties G-9 and I-5.
- Agreement between the United States and France to secure for the Republic of France the immediate aid of the United States in case of unprovoked aggression on the part of Germany, with mutual dependent agreement between the French Republic and the United Kingdom, signed at Versailles June 28, 1919; did not enter into force.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Submitted to the Senate by the President July 29, 1919; not considered by the Senate; returned to the Secretary of State by Senate resolution of February 12, 1935; S. Doc. 63 (66 Cong., 1st sess., serial 7600); *Treaties, Conventions, etc.*, 1910-23, III, 3709; Unperfected Treaties H-9.

Agreement between the United States, Belgium, British Empire, and France and Germany with regard to the military occupation of the territories of the Rhine, signed at Versailles June 28, 1919; entered into force in accordance with the final clauses of the treaty of peace on January 10, 1920.

Submitted to the Senate by the President August 29, 1919; considered by the Senate Committee on Foreign Relations February 10, 1920; filed with the Department of State February 1, 1922; printed as S. Docs. 75 and 81 (66th Cong., 1st sess., serials 7600 and 7608); *Treaties, Conventions, etc.*, 1910-23, III, 3524; Unperfected Treaties M-5.

Treaty between the United States of America, the British Empire, France, Italy, and Japan and Poland, signed at Versailles June 28, 1919; entered into force in accordance with the final clauses of the treaty of peace on January 10, 1920.

Submitted to the Senate by the President August 29, 1919; not considered by the Senate; S. Doc. 82 (66th Cong., 1st sess., serial 7600); *Treaties, Conventions, etc.*, 1910-23, III, 3714; Unperfected Treaties J-5.

Treaty of peace between the Allied and Associated Powers and Austria, signed at Saint-Germain-en-Laye September 10, 1919; entered into force in accordance with the final clauses on July 16, 1920, 11 a.m.

Not submitted to the Senate by the President; the Conditions of Peace, submitted to Austria on June 2, published as S. Doc. 92 (66th Cong., 1st sess., serial 7604); not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3149; Unperfected Treaties O-9.

Protocol supplementary to treaty of peace with Austria, signed at Saint-Germain-en-Laye September 10, 1919; entered into force in accordance with the final clauses of the treaty of peace on July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3295; Unperfected Treaties O-9.

Declaration regarding shipping losses supplementary to the treaty of peace with Austria, signed at Saint-Germain-en-Laye Sep-

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tember 10, 1919; entered into force in accordance with the final clauses of the treaty of peace on July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3297; Unperfected Treaties O-9.

Special declaration on blockade of Hungary supplementary to the treaty of peace with Austria, signed at Saint-Germain-en-Laye September 10, 1919; entered into force in accordance with the final clauses of the treaty of peace on July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3298; Unperfected Treaties O-9.

Protocol of signature of the treaty of peace with Austria and other treaty instruments, signed at Saint-Germain-en-Laye September 10, 1919; force exhausted September 13, 1919.

Submission to the Senate not necessary; 112 *British and Foreign State Papers*, p. 530; file 763.72119/9750.

Agreement concerning the contributions to the cost of the liberation of the territories of the former Austro-Hungarian Monarchy, signed at Saint-Germain-en-Laye September 10, 1919; entered into force with the treaty of peace with Austria on July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 16; *Treaties, Conventions, etc.*, 1910-23, III, 3299; Unperfected Treaties P-9.

Agreement with regard to the Italian reparation payments, signed at Saint-Germain-en-Laye September 10, 1919; entered into force with the treaty of peace with Austria July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 13; *Treaties, Conventions, etc.*, 1910-23, III, 3301; Unperfected Treaties R-9.

Treaty between the Principal Allied and Associated Powers and Czechoslovakia, signed at Saint-Germain-en-Laye September 10, 1919; entered into force July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3699; Unperfected Treaties U-9.

Treaty between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State, signed at Saint-Germain-en-Laye September 10, 1919; entered into force with the treaty of peace with Austria on July 16, 1920.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 5; *Treaties, Conventions, etc.*, 1910-23, III, 3731; Unperfected Treaties X-9.
- Declaration of accession by the Serb-Croat-Slovene State to the treaty of peace with Austria, the treaty between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State, and the agreements with regard to the Italian reparation payments and the contributions to the cost of liberation of the territories of the former Austro-Hungarian Empire, signed at Paris December 5, 1919; in force on entry into force of the respective instruments.
- Not submitted to the Senate by the President; not considered by the Senate; United Kingdom, Treaty Series 8 (1920); file 763.72119/9750.
- Convention revising the general act of Berlin of February 26, 1885 and the general act and declaration of Brussels of July 2, 1890, signed at Saint-Germain-en-Laye September 10, 1919; entered into force July 31, 1920.
- Submitted to the Senate by the President May 22, 1928; ratification advised by the Senate with an understanding April 3, 1930; ratified by the President subject to the understanding April 11, 1930; ratification of the United States deposited with the Government of the French Republic October 29, 1934; in effect for the United States on October 29, 1934; Treaty Series 877; 49 Stat. 3027; Edward J. Trenwith, *Treaties, Conventions, etc., between the United States of America and Other Powers*, 1923-37, IV, 4849.
- Convention relating to the liquor traffic in Africa, signed at Saint-Germain-en-Laye September 10, 1919; entered into force July 31, 1920.
- Submitted to the Senate by the President May 22, 1928; ratification advised by the Senate with reservation February 28, 1929; ratified by the President subject to the Senate reservation March 7, 1929; ratification of the United States deposited with the Government of the French Republic March 22, 1929; Treaty Series 779; 46 Stat. 2199; *Treaties, Conventions, etc.*, 1923-37, IV, 4856.
- Protocol to the convention relating to the liquor traffic in Africa, signed at Saint-Germain-en-Laye September 10, 1919; applicable until convention entered into force.
- Submission to the Senate not required; *Treaties, Conventions, etc.*, 1910-23, III, 3751.

STATUS OF THE TREATIES OF THE CONFERENCE

- Convention for the control of the trade in arms and ammunition, signed at Saint-Germain-en-Laye and Paris September 10, 1919; did not enter into force.
- Not submitted to the Senate by the President; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 26; *Treaties, Conventions, etc.*, 1910-23, III, 3752; Unperfected Treaties Y-9.
- Protocol to the convention for the control of trade in arms and ammunition, signed at Saint-Germain-en-Laye September 10, 1919; did not enter into force.
- Not submitted to the Senate by the President; *Treaties, Conventions, etc.*, 1910-23, III, 3766; Unperfected Treaties Y-9; certified copy also filed in the National Archives with Treaty Series 779.
- Declaration concerning the canceling of article 61 of the German Constitution, signed by the German delegate to the peace conference in the presence of the representatives of the Principal Allied and Associated Powers at Versailles, September 22, 1919.
- Submission to the Senate not necessary; file 763.72119/7621.
- Declaration modifying the agreement of September 10, 1919 between the Allied and Associated Powers concerning the contributions to the cost of the liberation of the territories of the former Austro-Hungarian Monarchy, signed at Paris December 8, 1919; entered into force July 16, 1920.
- Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3303; Unperfected Treaties Q-9.
- Declaration modifying the agreement of September 10, 1919 between the Allied and Associated Powers with regard to the Italian reparation payments, signed at Paris December 8, 1919; entered into force July 16, 1920.
- Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3305; Unperfected Treaties S-9.
- Treaty between the Principal Allied and Associated Powers and Rumania, signed at Paris December 9, 1919; entered into force July 16, 1920.
- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 40; *Treaties, Conventions, etc.*, 1910-23, III, 3724; Unperfected Treaties W-9.
- Treaty of peace between the Allied and Associated Powers and Bulgaria, signed at Neuilly-sur-Seine November 27, 1919; entered into force in accordance with the final clauses August 9, 1920.

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- The United States Congress had not adopted a joint resolution declaring a state of war with Bulgaria; not submitted to the Senate by the President; not considered by the Senate; no "treaty restoring friendly relations" was made with Bulgaria; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 47; Unperfected Treaties T-9.
- Protocol to the treaty of peace with Bulgaria, signed at Neuilly-sur-Seine November 27, 1919; entered into force August 9, 1920.
- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67 Cong., 1st sess., serial 7924), p. 162; Unperfected Treaties T-9.
- Protocol of signature to the treaty of peace with Bulgaria, signed at Neuilly-sur-Seine, November 27, 1919; force exhausted December 5, 1919.
- Submission to the Senate not necessary; file 763.72119/8167 and /11705.
- Treaty of peace between the Allied and Associated Powers and Hungary, signed at Trianon June 4, 1920; entered into force in accordance with the final clauses on July 26, 1921.
- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 163; *Treaties, Conventions, etc.*, 1910-23, III, 3539; Unperfected Treaties V-9.
- Protocol to the treaty of peace with Hungary, signed at Trianon June 4, 1920; entered into force July 26, 1921.
- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 318; *Treaties, Conventions, etc.*, 1910-23, III, 3696; Unperfected Treaties V-9.
- Declaration on shipping losses accompanying the treaty of peace with Hungary; signed at Trianon June 4, 1920; entered into force July 26, 1921.
- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 319; *Treaties, Conventions, etc.*, 1910-23, III, 3697; Unperfected Treaties V-9.
- Convention relating to the regulation of aerial navigation, opened for signature at Paris, October 13, 1919 - June 1, 1920; signed for the United States May 31, 1920; entered into force on July 11, 1922.
- Submitted to the Senate by the President June 16, 1926; withdrawn by the President by message of January 12, 1934; *Foreign Rela-*

STATUS OF THE TREATIES OF THE CONFERENCE

tions, 1926, I, 152; *Treaties, Conventions, etc.*, 1910-23, III, 3768; Unperfected Treaties T-8.

Additional protocol to the convention regulating aerial navigation, signed at Paris May 1, 1920; entered into force on July 16, 1922. Submitted to the Senate by the President June 16, 1926; withdrawn by the President by message of January 12, 1934; *Foreign Relations*, 1926, I, 166; Executive O, 69th Cong., 1st sess.; *Treaties, Conventions, etc.*, 1910-23, III, 3817; Unperfected Treaties T-8.

Protocol amending article 5 of the convention regulating aerial navigation, signed at London October 27, 1922; entered into force on December 14, 1926.

Submitted to the Senate by the President June 16, 1926; withdrawn by the President by message of January 12, 1934; *Foreign Relations*, 1926, I, 167; Executive O, 69th Cong., 1st sess.; Unperfected Treaties T-8.

Protocol amending article 34 of the convention, signed at London June 30, 1923; entered into force on December 14, 1926.

Submitted to the Senate by the President June 16, 1926; withdrawn by the President by message of January 12, 1934; *Foreign Relations*, 1926, I, 169; Executive O, 69th Cong., 1st sess.; Unperfected Treaties T-8.

Protocol relative to amendments to articles 3, 5, 7, 15, 34, 37, 41, 42, and the final clauses of the convention, signed at Paris January 15, 1929 and subsequently approved in draft with reservations by the United States representative sitting with the International Commission for Air Navigation; not in force.

Not submitted to the Senate by the President; International Commission for Air Navigation, *Official Bulletin*, 1929.

Treaty recognizing the sovereignty of Norway over Spitsbergen, signed at Paris February 9, 1920; entered into force August 14, 1925.

Submitted to the Senate by the President January 14, 1924; ratification advised by the Senate February 18, 1924; ratified by the President March 4, 1924; ratification deposited with the Government of the French Republic April 2, 1924; Treaty Series 686; 43 Stat. 1892; *Treaties, Conventions, etc.*, 1923-37, IV, 4861.

Treaty between the Principal Allied and Associated Powers and Poland, Rumania, the Serb-Croat-Slovene State, and the Czecho-Slovak State relative to certain frontiers of these states, signed at Sèvres August 10, 1920; did not enter into force.

Made in the name of the United States but not signed on its behalf; 113 *British and Foreign State Papers*, p. 866.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

**Table of Corresponding Articles of the
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German Observations on the Conditions of Peace

*The President of the German Peace Delegation to the
President of the Peace Conference*

May 29, 1919.

MR. PRESIDENT: I have the honour to transmit to you herewith the observations of the German Delegation on the draft Treaty of Peace. We came to Versailles in the expectation of receiving a peace proposal based on the agreed principles. We were firmly resolved to do everything in our power with a view to fulfilling the grave obligations which we had undertaken. We hoped for the peace of justice which had been promised to us. We were aghast when we read in that document the demands made upon us by the victorious violence of our enemies. The more deeply we penetrated into the spirit of this Treaty, the more convinced we became of the impossibility of carrying it out. The exactions of this Treaty are more than the German people can bear.

With a view to the re-establishment of the Polish State we must renounce indisputably German territory, nearly the whole of the province of West Prussia, which is preponderantly German, of Pomerania, Danzig, which is German to the core; we must let that ancient Hanse town be transformed into a free State under Polish suzerainty. We must agree that East Prussia shall be amputated from the body of the State, condemned to a lingering death, and robbed of its northern portion including Memel which is purely German. We must renounce Upper Silesia for the benefit of Poland and Czechoslovakia, although it has been in close political connexion with Germany for more than 750 years, is instinct with German life, and forms the very foundation of industrial life throughout East Germany.

Preponderantly German circles (*Kreise*) must be ceded to Belgium without sufficient guarantees that the plebiscite, which is only to take place afterwards, will be independent. The purely German district of the Saar must be detached from our Empire and the way must be paved for its subsequent annexation to France, although we owe her debts in coal only, not in men.

For fifteen years Rhenish territory must be occupied, and after those fifteen years the Allies have the power to refuse the restoration of the country; in the interval the Allies can take every measure to sever the economic and moral links with the mother country and finally to misrepresent the wishes of the indigenous population.

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Although the exaction of the cost of the war has been expressly renounced, yet Germany, thus cut in pieces and weakened, must declare herself ready in principle to bear all the war expenses of her enemies, which would exceed many times over the total amount of German State and private assets. Meanwhile her enemies demand in excess of the agreed conditions reparation for damage suffered by their civil population, and in this connexion Germany must also go bail for her-allies. The sum to be paid is to be fixed by our enemies unilaterally and to admit of subsequent modification and increase. No limit is fixed save the capacity of the German people for payment, determined not by their standard of life but solely by their capacity to meet the demands of their enemies by their labour. The German people would thus be condemned to perpetual slave labour.

In spite of these exorbitant demands, the reconstruction of our economic life is at the same time rendered impossible. We must surrender our merchant fleet. We are to renounce all foreign securities. We are to hand over to our enemies our property in all German enterprises abroad, even in the countries of our allies. Even after the conclusion of peace the enemy States are to have the right of confiscating all German property. No German trader in their countries will be protected from these war measures. We must completely renounce our Colonies, and not even German missionaries shall have the right to follow their calling therein. We must thus renounce the realisation of all our aims in the spheres of politics, economics, and ideas.

Even in internal affairs we are to give up the right of self-determination. The International Reparation Commission receives dictatorial powers over the whole life of our people in economic and cultural matters. Its authority extends far beyond that which the Emperor, the German Federal Council and the Reichstag combined ever possessed within the territory of the Empire. This Commission has unlimited control over the economic life of the State, of communities and of individuals. Further, the entire educational and sanitary system depends on it. It can keep the whole German people in mental thralldom. In order to increase the payments due by the thrall, the Commission can hamper measures for the social protection of the German worker.

In other spheres also Germany's sovereignty is abolished. Her chief waterways are subjected to international administration; she must construct in her territory such canals and railways as her enemies wish; she must agree to treaties, the contents of which are unknown to her, to be concluded by her enemies with the new States on the east,

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even when they concern her own frontiers. The German people is excluded from the League of Nations to which is entrusted all work of common interest to the world.

Thus must a whole people sign the decree for its own proscription, nay, its own death sentence.

Germany knows that she must make sacrifices in order to attain peace. Germany knows that she has, by agreement, undertaken to make these sacrifices and will go in this matter to the utmost limits of her capacity.

1. Germany offers to proceed with her own disarmament in advance of all other peoples, in order to show that she will help to usher in the new era of the peace of Justice. She gives up universal compulsory service and reduces her army to 100,000 men except as regards temporary measures. She even renounces the warships which her enemies are still willing to leave in her hands. She stipulates, however, that she shall be admitted forthwith as a State with equal rights into the League of Nations. She stipulates that a genuine League of Nations shall come into being, embracing all peoples of goodwill, even her enemies of to-day. The League must be inspired by a feeling of responsibility towards mankind and have at its disposal a power to enforce its will sufficiently strong and trusty to protect the frontiers of its members.

2. In territorial questions Germany takes up her position unreservedly on the ground of the Wilson programme. She renounces her sovereign right in Alsace-Lorraine, but wishes a free plebiscite to take place there. She gives up the greater part of the province of Posen, the districts incontestably Polish in population together with the capital. She is prepared to grant to Poland, under international guarantees, free and secure access to the sea by ceding free ports at Danzig, Königsberg and Memel, by an agreement regulating the navigation of the Vistula and by special railway conventions. Germany is prepared to ensure the supply of coal for the economic needs of France, especially from the Saar region, until such time as the French mines are once more in working order. The preponderantly Danish districts of Sleswig will be given up to Denmark on the basis of a plebiscite. Germany demands that the right of self-determination shall also be respected where the interests of the Germans in Austria and Bohemia are concerned.

She is ready to subject all her colonies to administration by the community of the League of Nations if she is recognized as its mandatory.

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3. Germany is prepared to make payments incumbent on her in accordance with the agreed programme of peace up to a maximum sum of 100 milliards of gold marks,—20 milliards by May 1, 1926, and the balance (80 milliards) in annual payments without interest. These payments shall in principle be equal to a fixed percentage of the German Imperial and State revenues. The annual payment shall approximate to the former peace Budget. For the first ten years the annual payment shall not exceed one milliard of gold marks a year. The German taxpayer shall not be less heavily burdened than the taxpayer of the most heavily burdened State among those represented on the Reparation Commission.

Germany presumes in this connexion that she will not have to make any territorial sacrifices beyond those mentioned above and that she will recover her freedom of economic movement at home and abroad.

4. Germany is prepared to devote her entire economic strength to the service of reconstruction. She wishes to cooperate effectively in the reconstruction of the devastated regions of Belgium and Northern France. To make good the loss in production of the destroyed mines in Northern France, up to 20 million tons of coal will be delivered annually for the first five years and up to 8 million tons for the next five years. Germany will facilitate further deliveries of coal to France, Belgium, Italy and Luxemburg.

Germany is moreover prepared to make considerable deliveries of benzol, coal tar and sulphate of ammonia as well as dye-stuffs and medicines.

5. Finally, Germany offers to put her entire merchant tonnage into a pool of the world's shipping, to place at the disposal of her enemies a part of her freight space as part payment of reparation, and to build for them for a series of years in German yards an amount of tonnage exceeding their demands.

6. In order to replace the river boats destroyed in Belgium and Northern France, Germany offers river craft from her own resources.

7. Germany thinks that she sees an appropriate method for the prompt fulfillment of her obligation to make reparation, by conceding participation in industrial enterprises, especially in coal mines to ensure deliveries of coal.

8. Germany, in accordance with the desires of the workers of the whole world, wishes to see the workers in all countries free and enjoying equal rights. She wishes to ensure to them in the

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Treaty of Peace the right to take their own decisive part in the settlement of social policy and social protection.

9. The German Delegation again makes its demand for a neutral enquiry into the responsibility for the war and culpable acts in its conduct. An impartial Commission should have the right to investigate on its own responsibility the archives of all the belligerent countries and all the persons who took an important part in the war.

Nothing short of confidence that the question of guilt will be examined dispassionately can put the peoples lately at war with each other in the proper frame of mind for the formation of the League of Nations.

These are only the most important among the proposals which we have to make. As regards other great sacrifices and also as regards the details, the Delegation refers to the accompanying memorandum and the annex thereto.¹

The time allowed us for the preparation of this memorandum was so short that it was impossible to treat all the questions exhaustively. A fruitful and illuminating negotiation could only take place by means of oral discussion. This treaty of peace is to be the greatest achievement of its kind in all history. There is no precedent for the conduct of such comprehensive negotiations by an exchange of written notes only. The feeling of the peoples who have made such immense sacrifices makes them demand that their fate should be decided by an open, unreserved exchange of ideas on the principle: "Open covenants of peace openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view."

Germany is to put her signature to the Treaty laid before her and to carry it out. Even in her need, Justice is for her too sacred a thing to allow her to stoop to accept conditions which she cannot undertake to carry out. Treaties of Peace signed by the Great Powers have, it is true, in the history of the last decades again and again proclaimed the right of the stronger. But each of these Treaties of Peace has been a factor in originating and prolonging the World War. Whenever in this war the victor has spoken to the vanquished, at Brest-Litovsk and Bucharest, his words were but the seeds of future discord.

¹ The memorandum and annex appear in *Foreign Relations, The Paris Peace Conference, 1919*, vi, 800.

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The lofty aims which our adversaries first set before themselves in their conduct of the war, the new era of an assured peace of justice, demand a Treaty instinct with a different spirit. Only the cooperation of all nations, a cooperation of hands and spirits can build up a durable peace. We are under no delusions regarding the strength of the hatred and bitterness which this war has engendered; and yet the forces which are at work for an union of mankind are stronger now than ever they were before. The historic task of the Peace Conference of Versailles is to bring about this union.

Accept, Mr. President, the expression of my distinguished consideration.

BROCKDORFF-RANTZAU

Reply of the Allied and Associated Powers to the Observations of the German Delegation on the Conditions of Peace, and Ultimatum

Letter to the President of the German Delegation, Covering the Reply of the Allied and Associated Powers

June 16, 1919.

SIR: The Allied and Associated Powers have given the most earnest consideration to the observations of the German Delegation on the Conditions of Peace. The reply protests against the peace both on the ground that it conflicts with the terms upon which the Armistice of November 11th, 1918 was signed, and that it is a peace of violence and not of justice. The protest of the German Delegation shows that they utterly fail to understand the position in which Germany stands to-day. They seem to think that Germany has only to "make sacrifices in order to attain peace", as if this were but the end of some mere struggle for territory and power.

I

The Allied and Associated Powers therefore feel it necessary to begin their reply by a clear statement of the judgment passed upon the war by practically the whole of civilised mankind.

In the view of the Allied and Associated Powers the war which began on August 1st, 1914, was the greatest crime against humanity and the freedom of peoples that any nation, calling itself civilised, has ever consciously committed. For many years the rulers of Germany, true to the Prussian tradition, strove for a position of dominance in Europe. They were not satisfied with that growing pros-

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perity and influence to which Germany was entitled, and which all other nations were willing to accord her, in the society of free and equal peoples. They required that they should be able to dictate and tyrannise to a subservient Europe, as they dictated and tyrannised over a subservient Germany.

In order to attain their ends they used every channel in their power through which to educate their own subjects in the doctrine that might was right in international affairs. They never ceased to expand German armaments by land and sea, and to propagating the falsehood that this was necessary because Germany's neighbours were jealous of her prosperity and power. They sought to sow hostility and suspicion instead of friendship between nations. They developed a system of espionage and intrigue which enabled them to stir up internal rebellion and unrest and even to make secret offensive preparations within the territory of their neighbours whereby they might, when the moment came, strike them down with greater certainty and ease. They kept Europe in a ferment by threats of violence and when they found that their neighbours were resolved to resist their arrogant will, they determined to assert their predominance in Europe by force. As soon as their preparations were complete, they encouraged a subservient ally to declare war against Serbia at 48 hours' notice, knowing full well that a conflict involving the control of the Balkans could not be localised and almost certainly meant a general war. In order to make doubly sure, they refused every attempt at conciliation and conference until it was too late, and the world war was inevitable for which they had plotted, and for which alone among the nations they were fully equipped and prepared.

Germany's responsibility, however, is not confined to having planned and started the war. She is no less responsible for the savage and inhuman manner in which it was conducted.

Though Germany was herself a guarantor of Belgium, the rulers of Germany violated, after a solemn promise to respect it, the neutrality of this unoffending people. Not content with this, they deliberately carried out a series of promiscuous shootings and burnings with the sole object of terrifying the inhabitants into submission by the very frightfulness of their action. They were the first to use poisonous gas, notwithstanding the appalling suffering it entailed. They began the bombing and long distance shelling of towns for no military object, but solely for the purpose of reducing the morale of their opponents by striking at their women and children. They commenced the submarine campaign with its piratical

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challenge to international law, and its destruction of great numbers of innocent passengers and sailors, in mid ocean, far from succour, at the mercy of the winds and the waves, and the yet more ruthless submarine crews. They drove thousands of men and women and children with brutal savagery into slavery in foreign lands. They allowed barbarities to be practised against their prisoners of war from which the most uncivilised people would have recoiled.

The conduct of Germany is almost unexampled in human history. The terrible responsibility which lies at her doors can be seen in the fact that not less than seven million dead lie buried in Europe, while more than twenty million others carry upon them the evidence of wounds and sufferings, because Germany saw fit to gratify her lust for tyranny by resort to war.

The Allied and Associated Powers believe that they will be false to those who have given their all to save the freedom of the world if they consent to treat this war on any other basis than as a crime against humanity and right.

This attitude of the Allied and Associated Powers was made perfectly clear to Germany during the war by their principal statesmen. It was defined by President Wilson in his speech of April 6, 1918, and explicitly and categorically accepted by the German people as a principle governing the peace:

“Let everything that we say, my fellow countrymen, everything that we henceforth plan and accomplish, ring true to this response till the majesty and might of our concerted power shall fill the thought and utterly defeat the force of those who flout and misprize what we honor and hold dear. Germany has once more said that force, and force alone, shall decide whether justice and peace shall reign in the affairs of men, whether Right as America conceives it or Dominion as she conceives it, shall determine the destinies of mankind. There is, therefore, but one response possible from us: Force, Force to the utmost, Force without stint or limit, righteous and triumphant Force which shall make Right the law of the world, and cast every selfish dominion down in the dust.”

It was set forth clearly in a speech of the Prime Minister of Great Britain, of 14th December 1917:

“There is no security in any land without certainty of punishment. There is no protection for life, property or money in a State where the criminal is more powerful than the law. The law of nations is no exception, and, until it has been vindicated, the peace of

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the world will always be at the mercy of any nation whose professors have assiduously taught it to believe that no crime is wrong so long as it leads to the aggrandisement and enrichment of the country to which they owe allegiance. There have been many times in the history of the world criminal States. We are dealing with one of them now. And there will always be criminal States until the reward of international crime becomes too precarious to make it profitable, and the punishment of international crime becomes too sure to make it attractive."

It was made clear also in an address of M. Clemenceau, of September 1918:

"What do they (the French soldiers) want? What do we ourselves want? To fight, to fight victoriously and unceasingly, until the hour when the enemy shall understand that no compromise is possible between such crime and 'justice.' . . . We only seek peace, and we wish to make it just and permanent in order that future generations may be saved from the abominations of the past."

Similarly, Signor Orlando speaking on October 3rd, 1918, declared:

"We shall obtain Peace when our enemies recognise that humanity has the right and duty to safeguard itself against a continuation of such causes as have brought about this terrible slaughter; and that the blood of millions of men calls not for vengeance but for the realisation of those high ideals for which it has been so generously shed. Nobody thinks of employing—even by way of legitimate retaliation—methods of brutal violence or of overbearing domination or of suffocation of the freedom of any people—methods and policies which made the whole world rise against the Central Powers. But nobody will contend that the moral order can be restored simply because he who fails in his iniquitous endeavour declares that he has renounced his aim. Questions intimately affecting the peaceful life of Nations, once raised, must obtain the solution which Justice requires."

Justice, therefore, is the only possible basis for the settlement of the accounts of this terrible war. Justice is what the German Delegation asks for and says that Germany had been promised. Justice is what Germany shall have. But it must be justice for all. There must be justice for the dead and wounded and for those who have been orphaned and bereaved that Europe might be freed from Prussian despotism. There must be justice for the peoples who now

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stagger under war debts which exceed £30,000,000,000 that liberty might be saved. There must be justice for those millions whose homes and land, ships and property German savagery has spoliated and destroyed.

That is why the Allied and Associated Powers have insisted as a cardinal feature of the Treaty that Germany must undertake to make reparation to the very uttermost of her power; for reparation for wrongs inflicted is of the essence of justice. That is why they insist that those individuals who are most clearly responsible for German aggression and for those acts of barbarism and inhumanity which have disgraced the German conduct of the war, must be handed over to a justice which has not been meted out to them at home. That, too, is why Germany must submit for a few years to certain special disabilities and arrangements. Germany has ruined the industries, the mines and the machinery of neighbouring countries, not during battle, but with the deliberate and calculated purpose of enabling her industries to seize their markets before their industries could recover from the devastation thus wantonly inflicted upon them. Germany has despoiled her neighbours of everything she could make use of or carry away. Germany has destroyed the shipping of all nations on the high seas, where there was no chance of rescue for their passengers and crews. It is only justice that restitution should be made and that these wronged peoples should be safeguarded for a time from the competition of a nation whose industries are intact and have even been fortified by machinery stolen from occupied territories. If these things are hardships for Germany, they are hardships which Germany has brought upon herself. Somebody must suffer for the consequences of the war. Is it to be Germany, or only the peoples she has wronged?

Not to do justice to all concerned would only leave the world open to fresh calamities. If the German people themselves, or any other nation, are to be deterred from following the footsteps of Prussia, if mankind is to be lifted out of the belief that war for selfish ends is legitimate to any state, if the old era is to be left behind and nations as well as individuals are to be brought beneath the reign of law, even if there is to be early reconciliation and appeasement, it will be because those responsible for concluding the war have had the courage to see that justice is not deflected for the sake of convenient peace.

It is said that the German Revolution ought to make a difference and that the German people are not responsible for the policy of the rulers whom they have thrown from power.

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The Allied and Associated Powers recognize and welcome the change. It represents a great hope for peace, and for a new European order in the future. But it cannot affect the settlement of the war itself. The German Revolution was stayed until the German armies had been defeated in the field, and all hope of profiting by a war of conquest had vanished. Throughout the war, as before the war, the German people and their representatives supported the war, voted the credits, subscribed to the war loans, obeyed every order, however savage, of their government. They shared the responsibility for the policy of their government, for at any moment, had they willed it, they could have reversed it. Had that policy succeeded they would have acclaimed it with the same enthusiasm with which they welcomed the outbreak of the war. They cannot now pretend, having changed their rulers after the war was lost, that it is justice that they should escape the consequences of their deeds.

II

The Allied and Associated Powers therefore believe that the peace they have proposed is fundamentally a peace of justice. They are no less certain that it is a peace of right fulfilling the terms agreed upon at the time of the armistice. There can be no doubt as to the intentions of the Allied and Associated Powers to base the settlement of Europe on the principle of freeing oppressed peoples, and re-drawing national boundaries as far as possible in accordance with the will of the peoples concerned, while giving to each facilities for living an independent national and economic life. These intentions were made clear, not only in President Wilson's address to Congress of January 8, 1918, but in "the principles of settlement enunciated in his subsequent addresses", which were the agreed basis of the peace. A memorandum on this point is attached to this letter.¹

Accordingly the Allied and Associated Powers have provided for the reconstitution of Poland as an independent state with "free and secure access to the sea". All "territories inhabited by indubitably Polish populations" have been accorded to Poland. All territory inhabited by German majorities, save for a few isolated towns and for colonies established on land recently forcibly expropriated and situated in the midst of indubitably Polish territory, have been left to Germany. Wherever the will of the people is in doubt a plebiscite has been provided for. The town of Danzig is to be constituted a free city, so that the inhabitants will be autonomous and

¹ Memorandum appears in *Foreign Relations*, The Paris Peace Conference, 1919, VI, 935.

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not come under Polish rule and will form no part of the Polish state. Poland will be given certain economic rights in Danzig and the city itself has been severed from Germany because in no other way was it possible to provide for that "free and secure access to the sea" which Germany has promised to concede.

The German counter-proposals entirely conflict with the agreed basis of peace. They provide that great majorities of indisputably Polish population shall be kept under German rule. They deny secure access to the sea to a nation of over twenty million people, whose nationals are in the majority all the way to the coast, in order to maintain territorial connection between East and West Prussia, whose trade has always been mainly sea-borne. They cannot, therefore, be accepted by the Allied and Associated Powers. At the same time in certain cases the German Note has established a case for rectification, which will be made; and in view of the contention that Upper Silesia though inhabited by a two to one majority of Poles (1,250,000 to 650,000, 1910 German census) wishes to remain a part of Germany, they are willing that the question of whether Upper Silesia should form part of Germany, or of Poland, should be determined by the vote of the inhabitants themselves.

In regard to the Saar basin the regime proposed by the Allied and Associated Powers is to continue for fifteen years. This arrangement they considered necessary both to the general scheme for reparation, and in order that France may have immediate and certain compensation for the wanton destruction of her Northern coal mines. The district has been transferred not to French sovereignty, but to the control of the League of Nations. This method has the double advantage that it involves no annexation, while it gives possession of the coal field to France and maintains the economic unity of the district, so important to the interests of the inhabitants. At the end of fifteen years the mixed population, who in the meanwhile will have had control of its own local affairs under the governing supervision of the League of Nations, will have complete freedom to decide whether they wish union with Germany, union with France, or the continuance of the regime established by the Treaty.

As to the territories which it is proposed to transfer from Germany to Denmark and Belgium, some of these were forcibly seized by Prussia, and in every case the transfer will only take place as the result of a decision of the inhabitants themselves taken under conditions which will ensure complete freedom to vote.

REPLY OF THE ALLIED AND ASSOCIATED POWERS

Finally, the Allied and Associated Powers are satisfied that the native inhabitants of the German colonies are strongly opposed to being again brought under Germany's sway, and the record of German rule, the traditions of the German Government and the use to which these colonies were put as bases from which to prey upon the commerce of the world, make it impossible for the Allied and Associated Powers to return them to Germany, or to entrust to her the responsibility for the training and education of their inhabitants.

For these reasons the Allied and Associated Powers are satisfied that their territorial proposals are in accord both with the agreed basis of peace and are necessary to the future peace of Europe. They are therefore not prepared to modify them except as indicated.

III

Arising out of the territorial settlement are the proposals in regard to international control of rivers. It is clearly in accord with the agreed basis of the peace and the established public law of Europe that inland states should have secure access to the sea along navigable rivers flowing through their territory. The Allied and Associated Powers believe that the arrangements which they propose are vital to the free life of the new inland states that are being established and that they are no derogation from the rights of the other riparian states. If viewed according to the discredited doctrine that every state is engaged in a desperate struggle for ascendancy over its neighbours, no doubt such an arrangement may be an impediment to the artificial strangling of a rival. But if it be the ideal that nations are to co-operate in the ways of commerce and peace, it is natural and right. The provisions for the presence of representatives of nonriparian States on these river commissions is security that the general interest will be considered. In the application of these principles some modifications have however been made in the original proposals.

IV

The German Delegation appear to have seriously misinterpreted the economic and financial conditions. There is no intention on the part of the Allied and Associated Powers to strangle Germany or to prevent her from taking her proper place in international trade and commerce. Provided that she abides by the Treaty of Peace and provided also that she abandons those aggressive and exclusive traditions which have been apparent no less in her business than in her political methods, the Allied and Associated Powers intend that

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Germany shall have fair treatment in the purchase of raw materials and the sale of goods, subject to those temporary provisions already mentioned in the interests of the nations ravaged and weakened by German action. It is their desire that the passions engendered by the war should die as soon as possible, and that all nations should share in the prosperity which comes from the honest supply of their mutual needs. They wish that Germany shall enjoy this prosperity like the rest, though much of the fruit of it must necessarily go for many years to come, in making reparation to her neighbours for the damage she has done. In order to make their intention clear, a number of modifications have been made in the financial and economic clauses of the Treaty. But the principles upon which the treaty is drawn must stand.

V

The German Delegation have greatly misinterpreted the Reparation proposals of the Treaty.

These proposals confine the amount payable by Germany to what is clearly justifiable under the terms of armistice in respect of damage caused to the civilian population of the Allies by German aggression. They do not provide for that interference in the internal life of Germany by the Reparation Commission which is alleged.

They are designed to make the payment of that reparation which Germany must pay as easy and convenient to both parties as possible and they will be interpreted in that sense. The Allied and Associated Powers therefore are not prepared to modify them.

But they recognise with the German Delegation, the advantage of arriving as soon as possible at the fixed and definite sum which shall be payable by Germany and accepted by the Allies. It is not possible to fix this sum to-day, for the extent of damage and the cost of repair has not yet been ascertained. They are therefore willing to accord to Germany all necessary and reasonable facilities to enable her to survey the devastated and damaged regions, and to make proposals thereafter within four months of the signing of the Treaty for a settlement of the claims under each of the categories of damage for which she is liable. If within the following two months an agreement can be reached, the exact liability of Germany will have been ascertained. If agreement has not been reached by then, the arrangement as provided in the Treaty will be executed.

VI

The Allied and Associated Powers have given careful consideration to the request of the German Delegation that Germany should at

REPLY OF THE ALLIED AND ASSOCIATED POWERS

once be admitted to the League of Nations. They find themselves unable to accede to this request.

The German revolution was postponed to the last moments of the war and there is as yet no guarantee that it represents a permanent change.

In the present temper of international feeling, it is impossible to expect the free nations of the world to sit down immediately in equal association with those by whom they have been so grievously wronged. To attempt this too soon would delay and not hasten that process of appeasement which all desire.

But the Allied and Associated Powers believe that if the German people prove by their acts that they intend to fulfil the conditions of the peace, and that they have abandoned those aggressive and estranging policies which caused the war, and have now become a people with whom it is possible to live in neighbourly good fellowship, the memories of the past years will speedily fade, and it will be possible at an early date to complete the League of Nations by the admission of Germany thereto. It is their earnest hope that this may be the case. They believe that the prospects of the world depend upon the close and friendly co-operation of all nations in adjusting international questions and promoting the welfare and progress of mankind. But the early entry of Germany into the League must depend principally upon the action of the German people themselves.

VII

In the course of its discussion of their economic terms and elsewhere the German Delegation has repeated its denunciation of the blockade instituted by the Allied and Associated Powers.

Blockade is and always has been a legal and recognised method of war, and its operation has from time to time been adapted to changes in international communications.

If the Allied and Associated Powers have imposed upon Germany a blockade of exceptional severity which throughout they have consistently sought to conform to the principles of international law, it is because of the criminal character of the war initiated by Germany and of the barbarous methods adopted by her in prosecuting it.

The Allied and Associated Powers have not attempted to make a specific answer to all the assertions made in the German note. The fact that some observations have been passed over in silence does not indicate, however, that they are either admitted or open to discussion.

VIII

In conclusion the Allied and Associated Powers must make it clear that this letter and the memorandum attached constitute their last word.

They have examined the German observations and counter-proposals with earnest attention and care. They have, in consequence, made important practical concessions, but in its principles they stand by the Treaty.

They believe that it is not only a just settlement of the great war, but that it provides the basis upon which the peoples of Europe can live together in friendship and equality. At the same time it creates the machinery for the peaceful adjustment of all international problems by discussion and consent, whereby the settlement of 1919 itself can be modified from time to time to suit new facts and new conditions as they arise.

It is frankly not based upon a general condonation of the events of 1914–1918. It would not be a peace of justice if it were. But it represents a sincere and deliberate attempt to establish “that reign of law, based upon the consent of the governed, and sustained by the organised opinion of mankind” which was the agreed basis of the peace.

As such the Treaty in its present form must be accepted or rejected.

The Allied and Associated Powers therefore require a declaration from the German Delegation within five days from the date of this communication that they are prepared to sign the Treaty as it stands today.

If they declare within this period that they are prepared to sign the Treaty as it stands, arrangements will be made for the immediate signature of the Peace at Versailles.

In default of such a declaration, this communication constitutes the notification provided for in article 2 of the Convention of February 16th 1919 prolonging the Armistice which was signed on November 11th 1918 and has already been prolonged by the agreement of December 13th 1918 and January 16th 1919. The said armistice will then terminate, and the Allied and Associated Powers will take such steps as they think needful to enforce their Terms.

I have the honor, etc.

CLEMENCEAU

I

**The Treaty of Peace
Between the
Allied and Associated Powers
and
Germany
Signed at Versailles, June 28, 1919**

Preamble

[The vertical rule indicates treaty text.]

THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY and JAPAN,

These Powers being described in the present Treaty as the Principal Allied and Associated Powers,

BELGIUM, BOLIVIA, BRAZIL, CHINA, CUBA, ECUADOR, GREECE, GUATEMALA, HAITI, THE HEDJAZ, HONDURAS, LIBERIA, NICARAGUA, PANAMA, PERU, POLAND, PORTUGAL, ROUMANIA THE SERB-CROAT-SLOVENE STATE, SIAM, CZECHO-SLOVAKIA and URUGUAY,

These Powers constituting with the Principal Powers mentioned above the Allied and Associated Powers,

of the one part;

And GERMANY,

of the other part;

Note to Preamble

This arrangement of the high contracting parties determines the treaty of peace to be a bilateral instrument of which the party of the first part is plural and divides the 32 components of the first part into two groups, whereas the party of the second part is the single party of Germany. This bilateral treaty type is unusual but not unprecedented, appearing in a much more complex form as early as the treaties of Münster and Osnabrück which constituted the Peace of Westphalia of 1648.

At Paris this form was chosen as a practical matter rather than by reference to precedent. It stemmed from the rules of procedure of the preliminary peace conference which were adopted on January 18, 1919. By those rules the "representatives of the Allied and Associated belligerent" states were distinguished as those with general interests and known as the "Principal Allied and Associated Powers", whose representatives should attend all sessions and commissions.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to Preamble—Continued

Representatives of states with special interests should attend "sessions at which questions concerning them are discussed". In addition, states having broken off diplomatic relations with the enemy were admitted to sessions at which questions interesting them were discussed; and neutrals and "states in process of formation" were heard orally or in writing on being summoned to those parts of meetings in which their direct interests were discussed.

The five largest states, which were able to bear the brunt of the war, took at Paris the responsible leadership and their assumption of various assignments under the treaty as the "Principal Allied and Associated Powers" was a significant feature of the settlement. The idea of the "Principal Allied and Associated Powers" took form in the year before the armistice as the Supreme War Council. In the preliminary peace conference they sat as the Council of Ten, the Council of Foreign Ministers, the Council of Five, and the Council of Four, according to the makeup of a particular meeting. In one or another of those forms they managed the preliminary peace conference, decided upon the functions of the peace conference, and were the chief spokesmen in the peace congress.

The other "Allied and Associated Powers" identified in the treaty's party of the first part included belligerent states which had broken off diplomatic relations with Germany, and states which were still in process of formation.

The bilateral form of the treaty with its plural party of the first part carried out the plans of the victors. In all their countries, when the Germans called for an armistice, there was a latent feeling that the German authorities were not to be trusted, even after a revolution, in the joint fabrication of a durable peace. The victorious belligerents came together at Paris in a preliminary peace conference and undertook to agree upon the terms and conditions which should be laid before the German Government for acceptance. In the case of Germany, these tentative decisions were drawn up in a document significantly entitled "Conditions of Peace With Germany" and submitted to the German delegation to the peace conference on May 7, 1919 in French and English versions. Until June 16 written negotiations with the German delegation took place, with considerable effect in detail on the final conclusions. From June 16 to June 28 delegates to the peace conference perfected the French and English versions of the text of the treaty of peace that was signed on the latter date.

Notwithstanding the special position assigned to the "Principal Allied and Associated Powers" and to their continuing diplomatic

PREAMBLE

Note to Preamble—Continued

body, the Conference of Ambassadors, developments under the treaty of peace with Germany in large measure became dissipated among Germany and the individual states of the first part. The bilateral relations of Germany and many states were dealt with throughout the treaty of peace in such terms as to call for decisions by the Conference of Ambassadors. Once such decisions were taken, the continuation of relations was understood to be remitted to the parties in interest. In many instances, however, a state with a direct interest did not have an exclusive interest in the matter. The broader interest was occasionally asserted by submission of a question to the League of Nations on the initiative of the Conference of Ambassadors or by inclusion of a clause providing for third-party review of disputes over the application or interpretation of decisions or ensuing treaties. In principle, the multilateral action of the multiple party "of the one part" was devolved into a series of bilateral relations between the states constituting it and Germany, the party "of the other part" to the treaty of peace. As against the text of the treaty, this practice gave Germany a technical advantage in subsequent developments. Multilateral obligations were avoided by bilateral negotiations, and unilateral action became eventually possible against the beneficiaries of particular provisions.

Bearing in mind that on the request of the Imperial German Government an Armistice was granted on November 11, 1918, to Germany by the Principal Allied and Associated Powers in order that a Treaty of Peace might be concluded with her, and

Note to Preamble

Germany's request for an armistice on October 4, 1918 resulted in the granting of an armistice on terms fixed and signed by the principal "Allied and Associated Powers" on November 11, which was prolonged by conventions of December 13, 1918, January 16, 1919, and February 16, 1919 (*Treaties, Conventions, etc.*, 1910-23, III, 3307). With certain modifications the armistice conditions controlled relations with Germany until the entrance into force of the treaty of peace on January 10, 1920. However, many clauses of the treaty of peace itself were put into execution upon the delivery by the German Government of its ratification at Paris on July 12, 1919.

The Allied and Associated Powers being equally desirous that the war in which they were successively involved directly or in-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

directly and which originated in the declaration of war by Austria-Hungary on July 28, 1914, against Serbia, the declaration of war by Germany against Russia on August 1, 1914, and against France on August 3, 1914, and in the invasion of Belgium, should be replaced by a firm, just and durable Peace,

Note to Preamble

It appears from this paragraph that the German Government acknowledged that the war of 1914–18 originated in the declarations of war which it made against Russia and France in August 1914 and in the invasion of Belgium.

For this purpose the HIGH CONTRACTING PARTIES represented as follows:

THE PRESIDENT OF THE UNITED STATES OF AMERICA, by:

The Honourable Woodrow WILSON, PRESIDENT OF THE UNITED STATES, acting in his own name and by his own proper authority;

The Honourable Robert LANSING, Secretary of State;

The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;

The Honourable Edward M. HOUSE;

General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

Note to Preamble

The plenipotentiaries are listed as representatives of the chiefs of the states, which is characteristic of a treaty of the most formal type. The listing follows the order of the state names at the beginning of the Preamble.

As the President of the United States of America accredited the delegation of that state and the President was a member of it, an unusual accrediting problem arose. In as much as his powers were included among those “found in good and due form”, the text notes that he was “acting in his own name and by his own proper authority”. That is an exact statement of the case.

The United States did not ratify the treaty.

PREAMBLE

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, by :

The Right Honourable David LLOYD GEORGE, M.P., First Lord of His Treasury and Prime Minister ;

The Right Honourable Andrew BONAR LAW, M.P., His Lord Privy Seal ;

The Right Honourable Viscount MILNER, G.C.B., G.C.M.G., His Secretary of State for the Colonies ;

The Right Honourable Arthur James BALFOUR, O.M., M.P., His Secretary of State for Foreign Affairs ;

The Right Honourable George Nicoll BARNES, M.P., Minister without portfolio ;

And

for the DOMINION of CANADA, by :

The Honourable Charles Joseph DOHERTY, Minister of Justice ;

The Honourable Arthur Lewis SIFTON, Minister of Customs ;

Text of May 7 :

The Right Honourable Sir Robert Laird BORDEN, G.C.M.G., Prime Minister ;

The Right Honourable Sir George Eulas FOSTER, G.C.M.G., Minister of Trade and Commerce ;

for the COMMONWEALTH of AUSTRALIA, by :

The Right Honourable William Morris HUGHES, Attorney General and Prime Minister ;

The Right Honourable Sir Joseph COOK, G.C.M.G., Minister for the Navy ;

for the UNION OF SOUTH AFRICA, by :

General the Right Honourable Louis BOTHA, Minister of Native Affairs and Prime Minister ;

Lieutenant-General the Right Honourable Jan Christian SMUTS, K. C., Minister of Defence ;

for the DOMINION of NEW ZEALAND, by :

The Right Honourable William Ferguson MASSEY, Minister of Labour and Prime Minister ;

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

for INDIA, by :

The Right Honourable Edwin Samuel MONTAGU, M.P., His
Secretary of State for India;
Major-General His Highness Maharaja Sir Ganga Singh
Bahadur, Maharaja of BIKANER, G.C.S.I., G.C.I.E.,
G.C.V.O., K.C.B., A.D.C.;

Note to Preamble

His Britannic Majesty, the head of the British Empire, accredited six separate delegations. Representatives of the self-governing dominions and India are subordinated under the main entry, outside of the alphabetic order. The arrangement reflects a nice and difficult question which was the subject of some debate in the preliminary peace conference and which virtually established a new category of the entities which are the persons of international relations. The British Empire until 1919 in international relations was regarded as a unit. The autonomous character of the several dominions and the special position of India required adjustment in the international scheme of things. The arrangement, internationally accepted in the treaty of peace with Germany and carried over into the Covenant of the League of Nations and the International Labour Organisation, was a step of fundamental significance in the evolution of what came to be known from 1926 on as the British Commonwealth of Nations. This development received constitutional status in the Statute of Westminster in 1931.

Other states parties of the first part are listed in the French alphabetic order and include those which were full belligerents, some which merely severed diplomatic relations, and three states which were in process of formation or reorganization during the peace conference.

It will be noted that the number of plenipotentiaries varies. The size of delegations was regulated by the rules of procedure of the preliminary peace conference (*Foreign Relations, The Paris Peace Conference, 1919, III, 172*). Belligerents "with general interests", the Principal Allied and Associated Powers, had five plenipotentiaries each, though Italy's delegation was incomplete at the signing of this treaty with Germany by reason of the voluntary absence of certain delegates. Belligerent states "with special interests" were assigned three, two, or one representative according to the extent of their concern with the subject-matter of the treaty. The four states which had broken off diplomatic relations with Germany had one representative each.

PREAMBLE

THE PRESIDENT OF THE FRENCH REPUBLIC, by:

Mr. Georges CLEMENCEAU, President of the Council, Minister of War;

Mr. Stephen PICHON, Minister for Foreign Affairs;

Mr. Louis-Lucien KLOTZ, Minister of Finance;

Mr. André TARDIEU, Commissary General for Franco-American Military Affairs;

Mr. Jules CAMBON, Ambassador of France;

HIS MAJESTY THE KING OF ITALY, by:

Baron S. SONNINO, Deputy;

Marquis G. IMPERIALI, Senator, Ambassador of His Majesty the King of Italy at London;

Mr. S. CRESPI, Deputy;

Text of May 7:

Mr. V. E. ORLANDO, President of the Council of Ministers;

Baron S. SONNINO, Minister of Foreign Affairs;

Marquis G. F. SALVAGO RAGGI, Senator of the Kingdom, formerly Ambassador of His Majesty the King of Italy at Paris;

Mr. A. SALANDRA, Deputy, formerly President of the Council of Ministers;

Mr. S. BARZILAI, Deputy, formerly Minister;

HIS MAJESTY THE EMPEROR OF JAPAN, by:

Marquis SAÏONZI, formerly President of the Council of Ministers;

Baron MAKINO, formerly Minister for Foreign Affairs, Member of the Diplomatic Council;

Viscount CHINDA, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at London;

Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at Paris;

Mr. H. IJUIN, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at Rome;

HIS MAJESTY THE KING OF THE BELGIANS, by:

Mr. Paul HYMANS, Minister for Foreign Affairs, Minister of State;

Mr. Jules van den HEUVEL, Envoy Extraordinary and Minister Plenipotentiary, Minister of State;

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Mr. Emile VANDERVELDE, Minister of Justice, Minister of State;

THE PRESIDENT OF THE REPUBLIC OF BOLIVIA, by:

Mr. Ismael MONTES, Envoy Extraordinary and Minister Plenipotentiary of Bolivia at Paris;

THE PRESIDENT OF THE REPUBLIC OF BRAZIL, by:

Mr. João Pandiá CALOGERAS, Deputy, formerly Minister of Finance;

Mr. Raul FERNANDES, Deputy;

Mr. Rodrigo Octavio de L. MENEZES, Professor of International Law at Rio de Janeiro;

Treat of May 7:

Mr. Epitacio PESSOA, formerly Minister of State, formerly Member of the Supreme Court of Justice, Federal Senator;

Mr. Pandiá CALOGERAS, Deputy, formerly Minister of Finance;

Mr. Raúl FERNANDES;

THE PRESIDENT OF THE CHINESE REPUBLIC, by:

Mr. Lou Tseng-Tsiang, Minister for Foreign Affairs;

Mr. Chengting Thomas WANG, formerly Minister of Agriculture and Commerce;

Note to Preamble

China did not sign this treaty because it was unwilling to accept articles 156-58 relating to Shantung. Separate agreements regarding the restoration of the state of peace were concluded between China and Germany on May 20, 1921 (9 League of Nations Treaty Series, p. 271) by reason of the fact that China did not ratify the treaty of peace. The main agreement, which entered into force on July 1, 1921, took the form of a German declaration pointing out that Germany had been obliged to renounce all its rights, titles, and privileges in China by this treaty, and included German consent to the abrogation of consular jurisdiction in China.

THE PRESIDENT OF THE CUBAN REPUBLIC, by:

Mr. Antonio Sánchez de BUSTAMANTE, Dean of the Faculty of Law in the University of Havana, President of the Cuban Society of International Law;

PREAMBLE

THE PRESIDENT OF THE REPUBLIC OF ECUADOR, by :

Mr. Enrique DORN Y DE ALSÚA, Envoy Extraordinary and
Minister Plenipotentiary of Ecuador at Paris;

Note to Preamble

Ecuador did not ratify the treaty of peace.

HIS MAJESTY THE KING OF THE HELLENES, by :

Mr. Eleftherios K. VENISÉLOS, President of the Council of
Ministers;

Mr. Nicolas POLITIS, Minister for Foreign Affairs;

THE PRESIDENT OF THE REPUBLIC OF GUATEMALA,
by :

Mr. Joaquin MÉNDEZ, formerly Minister of State for Public
Works and Public Instruction, Envoy Extraordinary and
Minister Plenipotentiary of Guatemala at Washington,
Envoy Extraordinary and Minister Plenipotentiary on
special mission at Paris;

THE PRESIDENT OF THE REPUBLIC OF HAITI, by :

Mr. Tertullien GUILBAUD, Envoy Extraordinary and Minister
Plenipotentiary of Haiti at Paris;

HIS MAJESTY THE KING OF THE HEDJAZ, by :

Mr. Rustem HAÏDAR;

Mr. Abdul Hadi AOUNI;

Note to Preamble

The Hedjaz did not ratify the treaty of peace.

THE PRESIDENT OF THE REPUBLIC OF HONDURAS, by :

Dr. Policarpo BONILLA, on special mission to Washington,
formerly President of the Republic of Honduras, Envoy
Extraordinary and Minister Plenipotentiary;

THE PRESIDENT OF THE REPUBLIC OF LIBERIA, by :

The Honourable Charles Dunbar Burgess KING, Secretary of
State;

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA,
by :

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Mr. Salvador CHAMORRO, President of the Chamber of Deputies;

THE PRESIDENT OF THE REPUBLIC OF PANAMA, by:

Mr. Antonio BURGOS, Envoy Extraordinary and Minister Plenipotentiary of Panama at Madrid;

THE PRESIDENT OF THE REPUBLIC OF PERU, by:

Mr. Carlos G. CANDAMO, Envoy Extraordinary and Minister Plenipotentiary of Peru at Paris;

THE PRESIDENT OF THE POLISH REPUBLIC, by:

Mr. Ignace J. PADEREWSKI, President of the Council of Ministers, Minister for Foreign Affairs;

Mr. Roman DMOWSKI, President of the Polish National Committee;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC, by:

Dr. Affonso Augusto DA COSTA, formerly President of the Council of Ministers;

Dr. Augusto Luiz Vieira SOARES, formerly Minister for Foreign Affairs;

HIS MAJESTY THE KING OF ROUMANIA, by:

Mr. Ion I. C. BRATIANO, President of the Council of Ministers, Minister for Foreign Affairs;

General Constantin COANDA, Corps Commander, A. D. C. to the King, formerly President of the Council of Ministers;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS, AND THE SLOVENES, by:

Mr. Nicolas P. PACHITCH, formerly President of the Council of Ministers;

Mr. Ante TRUMBIC, Minister for Foreign Affairs;

Mr. Milenko VESNITCH, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of the Serbs, the Croats and the Slovenes at Paris;

HIS MAJESTY THE KING OF SIAM, by:

His Highness Prince CHAROON, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of Siam at Paris;

PREAMBLE

His Serene Highness Prince Traidos PRABANDHU, Under Secretary of State for Foreign Affairs;

THE PRESIDENT OF THE CZECHO-SLOVAK REPUBLIC,
by:

Mr. Karel KRAMÁŘ, President of the Council of Ministers;
Mr. Eduard BENEŠ, Minister for Foreign Affairs;

THE PRESIDENT OF THE REPUBLIC OF URUGUAY, by:

Mr. Juan Antonio BUERO, Minister for Foreign Affairs, formerly Minister of Industry;

GERMANY, by:

Mr. Hermann MÜLLER, Minister for Foreign Affairs of the Empire;
Dr. BELL, Minister of the Empire;

Text of May 7 :

Count BROCKDORFF-RANTZAU, Minister for Foreign Affairs of the Empire;

Dr. LANDSBERG, Minister of Justice of the Empire;

Mr. GIESBERTS, Minister of Posts of the Empire;

Oberbürgermeister LEINERT, President of the Prussian National Assembly;

Dr. SCHÜCKING;

Dr. Karl MELCHIOR;

Acting in the name of the German Empire and of each and every component State,

Note to Preamble

The German plenipotentiaries signed "in the name of the German Empire and of each and every component state" in the German Reich of 1871-1918. In 1914 Baden, Bavaria, Hesse-Darmstadt, Saxe-Coburg, Saxony, and Württemberg were in diplomatic relations with Great Britain and other states, while Bremen, Brunswick, Hamburg, Hesse, Mecklenburg-Schwerin, Mecklenburg-Strelitz, Oldenburg, Saxe-Altenburg, and Saxe-Weimar were in diplomatic relations with Russia and some other states. Component states were not separately represented in the German delegation to the peace conference. The treaty of peace consequently favored the unification of Germany. It was not until the issuance of a decree of March 17, 1933 that the German states were completely deprived of their right to enter into foreign relations.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

WHO having communicated their full powers found in good and due form have AGREED AS FOLLOWS:

From the coming into force of the present Treaty the state of war will terminate. From that moment and subject to the provisions of this Treaty official relations with Germany, and with any of the German States, will be resumed by the Allied and Associated Powers.

Note to Preamble

This paragraph is to be read with the final clauses, which determine when the treaty came into force. After representatives of the American Commission To Negotiate Peace had ceased to be required in enemy countries and a trend toward peace relations began, the United States appointed "commissioners" at Vienna as of May 15, 1919; at Budapest, December 4, 1919; and at Berlin, November 4, 1919, though arrival was delayed until January 17, 1920 so as "not to unnecessarily irritate" the British and French. These commissioners were instructed not to undertake the customary diplomatic relations; for the instructions see *Foreign Relations*, 1919, II, 244, 410.

The United States did not resume diplomatic relations with Austria, Germany, and Hungary until the entry into force of its treaties restoring friendly relations in 1921.

Bolivia severed diplomatic relations with Germany on April 13, 1917, and its ratification of the treaty of peace was included in the deposit of January 10, 1920, the procès-verbal of which brought the treaty into force. On July 20, 1921 (10 League of Nations Treaty Series, p. 301) Bolivia and Germany executed a protocol for the resumption of diplomatic relations. Such a special provision was not deemed necessary by the other states which ratified the treaty but had only severed diplomatic relations, namely, Uruguay, whose severance of relations with Germany extended from October 7, 1917 to November 8, 1920, and Peru, from October 8, 1917 to November 9, 1920. Ecuador severed relations on December 9, 1917 but did not ratify the treaty and resumed diplomatic relations with Germany only on July 28, 1923.

PART I

PART I
THE COVENANT OF THE LEAGUE
OF NATIONS

[The vertical rule indicates treaty text.]

Notes to Part I, Articles 1 to 26

On May 9, 1919, two days after receiving the draft treaty, the German delegation transmitted to M. Clemenceau, the president of the peace conference, a scheme for a League of Nations set forth in 66 articles (*Foreign Relations, The Paris Peace Conference, 1919*, v, 563, vi, 765). The Allied and Associated Powers replied on May 22 that "the proposals of the Covenant are much more practical than those of the German Government", and they declined discussion until the League had been definitely constituted (*ibid.*, v, 767).

The German delegation returned to the issue in its counter-proposals of May 29 by offering to negotiate on the basis of the Covenant on condition that Germany was admitted to the League as a power with equal rights immediately on "signature" of the treaty (*ibid.*, vi, 818). It also offered certain suggestions regarding economic matters which would "safeguard the complete equality of rights and reciprocity for all nations". If admitted to the League, Germany was prepared to agree to the conditions laid down in part V of the treaty regarding its military, naval, and air forces and especially to the abolition of universal military service, provided this signified "the initiation of a general limitation of the armaments of all nations". During the period of transition, Germany would need more than 100,000 men (Art. 160) for the maintenance of order, but it was prepared to dismantle its fortresses in the west and establish a neutral zone. "The highest and most precious object of the peace is to provide an assurance that this war has been the last of all wars . . . Germany is ready to do all that lies in its power to contribute to the attainment of this end."

In their reply of June 16, the Allies (the phrase is used for convenience, instead of the somewhat cumbersome "Allied and Associated Powers") stated that it had never been their intention that "Germany or any other power should be indefinitely excluded from the League of Nations" and that they would support the application for membership of "any State whose government shall have given clear proofs of its stability as well as of its intention to observe its

Notes to Part I, Articles 1 to 26—Continued

international obligations—particularly those obligations which arise out of the Treaty of Peace” (*ibid.*, p. 940). In the case of Germany, “a definite test” would be necessary, the length of which would “largely depend upon the acts of the German Government”. Finally, the Allies recognized that “the acceptance by Germany of the terms laid down for her own disarmament will facilitate and hasten the accomplishment of a general reduction of armaments; and they intend to open negotiations immediately with a view to the eventual adoption of a scheme of such general reduction”.

The Covenant of the League of Nations, which is also part I of the treaties of peace with Austria, Bulgaria, and Hungary, was an instrument independent of the treaty of peace with Germany after January 10, 1920, the date on which the treaty itself and the Covenant both entered into force. The incorporation of the Covenant in the treaties of peace insured that it should come into force as a part of them, but by the nature of the instrument, and particularly the stipulations of article 1 and of the Annex, all parties to the treaties of peace were not automatic members of the League of Nations and membership in the League of Nations was not identical with the signatories of the treaties. The parties of the first part to the treaty of peace with Germany were all included in the list of states eligible for original membership in the League of Nations, but Germany was not. Those which did not ratify the treaty might acquire conventional relationship with the Covenant by becoming members. Germany by its ratification of the treaty of peace was obligated by the terms of the Covenant toward all other parties to the treaty, non-reciprocally, whether or not they were members of the League of Nations.

In view of the independent life of the League of Nations under the Covenant, which is a voluminous study in itself, action and experience under it are not included here.

The treaty restoring friendly relations between the United States and Germany, signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates in article II (2) “that the United States shall not be bound by the provisions of Part I of that Treaty [treaty of peace] nor by any provisions of that Treaty . . . which relate to the Covenant of the League of Nations, nor shall the United States be bound by any action taken by the League of Nations or by the Council or by the Assembly thereof, unless the United States shall expressly give its

PART I

Notes to Part I, Articles 1 to 26—Continued

consent to such action". The Senate of the United States in its resolution of October 18, 1921 giving advice and consent to the ratification of the treaty restoring friendly relations stipulated "that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of Congress of the United States shall provide for such representation or participation".

Part I of the treaty of peace was not printed as an annex of the treaty restoring friendly relations with Germany by the Department of State in Treaty Series 658, nor in 42 Stat. 1939. The entire treaty of peace with Germany, as well as the treaties with Austria and Hungary, was printed as a separate appendix in the volume compiled under resolution of the Senate of August 19, 1921 (S. Doc. 348, 67th Cong., 4th sess., serial 8167, *Treaties, Conventions, etc.*, 1910-23, III, 3329).

On April 18, 1946 the 21st session of the Assembly of the League of Nations adopted the following Resolution for the Dissolution of the League of Nations:

"The Assembly of the League of Nations,

"Considering that the Charter of the United Nations has created, for purposes of the same nature as those for which the League of Nations was established, an international organisation known as the United Nations to which all States may be admitted as Members on the conditions prescribed by the Charter and to which the great majority of the Members of the League already belong;

"Desiring to promote, so far as lies in its power, the continuation, development and success of international co-operation in the new form adopted by the United Nations;

"Considering that, since the new organisation has now commenced to exercise its functions, the League of Nations may be dissolved; and

"Considering that, under Article 3, paragraph 3, of the Covenant, the Assembly may deal at its meetings with any matter within the sphere of action of the League:

"Adopts the following resolution:

"Dissolution of the League of Nations"

"1. (1) With effect from the day following the close of the present session of the Assembly, the League of Nations shall cease to exist except for the sole purpose of the liquidation of its affairs as provided in the present resolution.

"(2) The liquidation shall be effected as rapidly as possible and the date of its completion shall be notified to all the Members by the Board of Liquidation provided for in paragraph 2." . . .

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

THE HIGH CONTRACTING PARTIES,

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,
by the prescription of open, just and honourable relations between nations,
by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and
by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

Note to I, Preamble

The text of an amendment to the Covenant was determined by a resolution adopted by the Assembly. It was then embodied in a protocol which was transmitted to member states for ratification.

The protocol opened by the Assembly for signature by members of the League on September 30, 1938, when ratified, would revise the Preamble to read as follows:

“In order to promote international cooperation and to achieve international peace and security

“by the acceptance of obligations not to resort to war,

“by the prescription of open, just and honorable relations between nations,

“by the firm establishment of the understanding of international law as the actual rule of conduct among Governments, and

“by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another,

“This Covenant has been adopted for the establishment of the League of Nations.”

ARTICLE 1.

[The paragraphs of the Covenant are numbered in accordance with a resolution of the Assembly adopted on September 27, 1926.]

1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant

PART I: ARTICLE 1

and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

2. Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Text of May 7:

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military and naval forces and armaments.

3. Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

Note to I, 1

The protocol opened for signature on September 30, 1938 would, when ratified, revise article 1 to read as follows:

“1. Any fully self-governing State, Dominion or Colony not being a Member of the League of Nations may become a Member thereof if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

“2. Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.”

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to I, 1—Continued

COMPREHENSIVE LIST OF LEAGUE OF NATIONS
MEMBERSHIP

Afghanistan	Sept. 26, 1934
Albania	Dec. 17, 1920
Argentine Republic	Jan. 10, 1920
Australia	Jan. 10, 1920
Austria	Dec. 15, 1920
Belgium	Jan. 10, 1920
Bolivia	Jan. 10, 1920
Brazil	Jan. 10, 1920 – June 13, 1928
Bulgaria	Dec. 16, 1920
Canada	Jan. 10, 1920
Chile	Jan. 10, 1920 – May 31, 1940
China	July 16, 1920
Colombia	Feb. 16, 1920
Costa Rica	Dec. 16, 1920 – Dec. 31, 1926
Cuba	Mar. 8, 1920
Czechoslovakia	Jan. 10, 1920
Denmark	Mar. 8, 1920
Dominican Republic	Sept. 29, 1924
Ecuador	Sept. 28, 1934
Egypt	May 26, 1937
Estonia	Sept. 22, 1921
Ethiopia	Sept. 28, 1923
Finland	Dec. 16, 1920
France	Jan. 10, 1920
Germany	Sept. 8, 1926 – Oct. 20, 1935
Greece	Mar. 30, 1920
Guatemala	Jan. 10, 1920 – May 25, 1938
Haiti	June 30, 1920 – Apr. 7, 1944
Honduras	Nov. 3, 1920 – July 9, 1938
Hungary	Sept. 18, 1922 – Apr. 9, 1941
India	Jan. 10, 1920
Iran (Persia)	Jan. 10, 1920
Iraq	Oct. 3, 1932
Ireland (Irish Free State)	Sept. 10, 1923
Italy	Jan. 10, 1920 – Dec. 9, 1939
Japan	Jan. 10, 1920 – Mar. 26, 1935
Latvia	Sept. 22, 1921
Liberia	June 30, 1920
Lithuania	Sept. 22, 1921
Luxembourg	Dec. 16, 1920
Mexico	Sept. 12, 1931
Netherlands	Mar. 9, 1920
New Zealand	Jan. 10, 1920
Nicaragua	Nov. 3, 1920 – June 26, 1938
Norway	Mar. 9, 1920
Panama	Nov. 25, 1920

PART I: ARTICLE 1

Note to I, 1—Continued

MEMBERSHIP—Continued

Paraguay	Jan. 10, 1920 – Feb. 23, 1935
Peru	Jan. 10, 1920 – Apr. 7, 1941
Poland	Jan. 10, 1920
Portugal	Apr. 8, 1920
Rumania	Sept. 14, 1920 – July 9, 1942
El Salvador	Mar. 10, 1920 – Aug. 8, 1939
Siam (Thailand)	Jan. 10, 1920
Spain	Jan. 10, 1920 – May 7, 1941
Sweden	Mar. 9, 1920
Switzerland	Mar. 8, 1920
Turkey	July 18, 1932
Union of South Africa	Jan. 10, 1920
Union of Soviet Socialist Republics	Sept. 18, 1934 – Dec. 14, 1939
United Kingdom of Great Britain and Northern Ireland (British Empire)	Jan. 10, 1920
Uruguay	Jan. 10, 1920
Venezuela	Mar. 3, 1920 – June 10, 1940
Yugoslavia (Serb-Croat-Slovene State)	Feb. 10, 1920

The Albanian regime set up after the Italian *coup d'état* of April 7, 1939 gave a notice of intention to withdraw that was not accepted at its face value by the Secretary-General and was referred by the Council to the Assembly, which did not consider the question at its session in December 1939. Albania was subsequently retained in the budget for a token annual payment.

Austria, after the occupation by Germany on March 13, 1938, was the subject of a notice by Germany to the Secretary-General on March 18 that Austria had “ceased to be a member of the League of Nations” from the promulgation of a federal law dated March 13. The Assembly in 1938 decided that this communication was not a notice of withdrawal; it made no claim for payment by Austria of budgetary contributions after March 18, 1938.

The French Government at Vichy gave a two years’ notice of withdrawal on April 19, 1941 (Doc. C.26.M.23. 1941). On April 15, 1943 General Henri-Honoré Giraud and on April 16 General Charles de Gaulle, acting for the groups which joined to form the French Committee of National Liberation, addressed telegrams to the chairman of the Supervisory Commission and the Secretary-General, respectively, in which they were requested “to be good enough to consider that the said notification made under foreign pressure can have no effect and that consequently France continues to be a Member of the League of Nations” (Doc. C.8.M.8. 1943; see also file 500.C001/1525 and 500.C001/1527).

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to I, 1—Continued

Honduras, Hungary, Nicaragua, Paraguay, and Peru were in arrears in their contributions to the League budget at the expiration of their membership. After 1940 all failed to keep up the annuities under the consolidated arrears contracts.

China, which was unwilling to accept articles 156–158 relating to Shantung by signing the treaty of peace with Germany, became a member of the League of Nations by signing and ratifying the treaty of peace with Austria, which entered into force on July 16, 1920.

Rumania's membership in the League resulted from its ratification of the treaty of peace with Hungary on September 4, 1920.

Ecuador ratified no treaty of peace but took up membership in the League of Nations in September 1934 as a consequence of its being named an original member in the annex.

The parties of the second part of the treaties of peace with Germany, Austria, Bulgaria, and Hungary were admitted to the League of Nations in virtue of article 1 of the Covenant as follows:

Austria	December 15, 1920
Bulgaria	December 16, 1920
Hungary	September 18, 1922
Germany	September 8, 1926

Germany, Italy, and Japan, the signatories to the treaty of September 7, 1940 establishing the totalitarian "Axis", withdrew from membership in the League of Nations in order to gain freedom from the obligations of the Covenant under the following circumstances:

Japan

On February 24, 1933 the Assembly of the League of Nations adopted a resolution that found against Japan in the "Manchuria Incident" which began on September 18, 1931. The Committee of Inquiry, headed by the Earl of Lytton, had incorporated in its report detailed suggestions for the orderly reconciliation of the complex relations between China and Japan, and that program of reformation and reorganization was repeated in the resolution adopted by the Assembly in February 1933. Japan alone voted against the resolution, its vote not counting under article 15, paragraph 10, of the Covenant. The Assembly of the League simultaneously set up under a further resolution a Far East Advisory Committee to follow events and to concert action to maintain non-recognition of the existing regime in Manchuria. On March 27 the Japanese Government telegraphed to the Secretary-General of the League of Nations that the "gross errors" in the Assembly showed a failure to grasp realities in the Far

PART I: ARTICLE 1

Note to I, 1—Continued

East, exhibited a misapprehension of the “spirit of Japan”, and that the “challenge” of Japan’s recognition of “Manchukuo” cut “away the ground for the stabilization of the Far-Eastern situation”. Since the Japanese Government realized that there was “an irreconcilable divergence of views, dividing Japan and the League on policies of peace”, the Government, carrying out a rescript of the Emperor, believed that “there remains no room for further collaboration”. For such reasons, Japan gave notice of an intention to withdraw from the League, which became effective on March 27, 1935.

Germany

* Germany was admitted as a member of the League of Nations and voted to a permanent seat on the Council on September 8, 1926, following an extensive period of political *rapprochement*. The adoption of the plan of the First Committee of Experts (Dawes Plan) on reparation in 1924 led, by a series of political negotiations, to the proposals which culminated in the Locarno settlement of October 16, 1925, the several instruments of which entered into force upon the admission of Germany to the League.

An important development in 1925 was the organization of the Preparatory Commission for the disarmament conference, which included Germany as a member. The Conference for the Reduction and Limitation of Armaments began on February 2, 1932. On December 3, 1932 the Governments of France, Italy, the United Kingdom, the United States, and Germany subscribed to a common declaration divided into three parts, in the first of which the Governments of France, Italy, and the United Kingdom assured Germany “equality of rights in a system which would provide security for all nations”. Adolf Hitler came to power on January 30, 1933 and thereafter negotiations in the conference to find a formula for the limitation of land armament to which France and Germany would agree made little headway. The German Minister for Foreign Affairs on October 14, 1933 sent to the Bureau and the General Commission of the conference a telegram in which he stated that “the German Government is accordingly compelled to leave the Disarmament Conference”. The reasons given to justify this conclusion were that the conference “will not fulfill what is its sole object—namely, general disarmament”; that the sole cause was “the unwillingness on the part of the highly armed states to carry out their contractual obligation to disarm”; and that “this renders impossible the satisfaction of Germany’s recognized claim to equality of rights”, a condition on which its continuance in the conference hinged.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to I, 1—Continued

The president of the conference, with the approval of the General Commission, replied that he was "unable to accept" the reasons given for the "grave decision" of the German Government. The program then under study provided for the realization of equality of rights which Germany demanded.

On October 19 the German Government gave notice of its intention to withdraw from the League—a notice which became effective October 21, 1935. Immediately upon the giving of that notice Germany absented itself from League of Nations activities, progressively took a hostile attitude toward that institution, and finally openly exerted its influence to block League undertakings.

Italy

The Fascist Government of Italy had cooperated to a limited extent at Geneva for some years before the members of the Council of the League on October 7, 1935 found that the Italian Government had violated article 12 of the Covenant by invading Ethiopia. This finding eventually brought sanctions into operation under article 16, paragraph 1. The application of the sanctions which were employed did not prevent Italy from occupying Ethiopia and replacing the Ethiopian Government with a regime of its own. The sanctions were lifted on July 15, 1936. On December 11, 1937, the Italian Minister for Foreign Affairs telegraphed to the Secretary-General that "in consequence of the decisions of the Grand Council of Fascism I hereby inform you that Italy withdraws from the League of Nations on December 11, 1937/XVI". Italy thereafter fulfilled its formal obligations, such as the payment of budgetary contributions, but without any participation in the activities of the League up to the date of the maturity of its notice of withdrawal on December 10, 1939.

ARTICLE 2.

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

ARTICLE 3.

1. The Assembly shall consist of Representatives of the Members of the League.

2. The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

PART I: ARTICLES 2 TO 4

3. The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

4. At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

ARTICLE 4.

1. The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

2. With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

Note to I, 4 (1, 2)

Germany was named as a permanent member of the Council on September 4, 1926, with approval by the Assembly on September 8. The Union of Soviet Socialist Republics was so named by the Council on September 15, 1934, with approval by the Assembly on September 18.

The number of members of the Council selected by the Assembly was increased, by application of the second clause of this paragraph, from 4 to 6 on September 25, 1922, from 6 to 9 on September 8, 1926, from 9 to 10 on October 9, 1933, and from 10 to 11 on October 8, 1936. The decisions of 1933 and 1936 were provisional.

The protocol opened for signature on September 30, 1938, when ratified, would revise paragraphs 1 and 2 of article 4 to read as follows:

“1. The Council shall consist of Members of the League of Nations entitled to a permanent seat on the Council, and of other Members entitled to a temporary seat thereon. The latter shall be selected by the Assembly from time to time in its discretion.

“2. In addition to the Members of the League that have a permanent seat, the Council may, with the approval of the majority of the Assembly, name additional Members of the League, whose Repre-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to I, 4 (1, 2)—Continued

sentatives shall always be Members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.”

The Council held 107 sessions between January 16, 1920 and December 14, 1939. At the 21st ordinary session of the Assembly, Geneva, April 8–18, 1946, which decided the cessation of the League, the following resolution was adopted:

“The Assembly, with the concurrence of all the members of the Council which are represented at the present session,

“decides that, so far as required, it will, during the present session, assume the functions falling within the competence of the Council.”

2 *bis*. The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.

Note to I, 4 (2 bis)

The foregoing paragraph came into force on July 29, 1926 in accordance with the provisions of article 26.

3. The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

4. The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

5. Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interest of that Member of the League.

6. At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

ARTICLE 5.

1. Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

PART I: ARTICLES 5 TO 6

Note to I, 5 (1)

The protocol opened for signature on September 30, 1938, when ratified, would revise paragraph 1 to read as follows:

“Except where otherwise expressly provided in this Covenant, or by agreements conferring certain powers on the League of Nations, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.”

2. All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

3. The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

ARTICLE 6.

1. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

2. The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

3. The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

4. The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

[The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.]

5. The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly.

Note to I, 6 (5)

The foregoing paragraph superseded the original provision and came into force August 13, 1924 in accordance with the provisions of article 26.

Two amendments adopted by the Assembly and opened for signature on October 5, 1921 were in effect withdrawn as a result of a

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to I, 6 (5)—Continued

resolution of the Assembly of September 30, 1922. They provided for the addition of the following paragraph to article 6 and the insertion of an annex to the Covenant in the subjoined language:

“The allocation of the expenses of the League set out in Annex 3 shall be applied as from January 1st, 1922, until a revised allocation has come into force after adoption by the Assembly.”

“III: ALLOCATION OF THE EXPENSES OF THE LEAGUE

“States [and] Units Payable

“Albania 2, Argentina 35, Australia 15, Austria 2, Belgium 15, Bolivia 5, Brazil 35, British Empire 90, Bulgaria 10, Canada 35, Chile 15, China 65, Colombia 10, Costa Rica 2, Cuba 10, Czecho-Slovakia 35, Denmark 10, Esthonia 5, Finland 5, France 90, Greece 10, Guatemala 2, Haiti 5, Honduras 2, India 65, Italy 65, Japan 65, Latvia 5, Liberia 2, Lithuania 5, Luxembourg 2, Netherlands 15, New Zealand 10, Nicaragua 2, Norway 10, Panama 2, Paraguay 2, Peru 10, Persia 10, Poland 15, Portugal 10, Salvador 2, Roumania 35, Serb-Croat-Slovene State 35, Siam 10, South Africa 15, Spain 35, Sweden 15, Switzerland 10, Uruguay 10, Venezuela 5.”

ARTICLE 7.

1. The Seat of the League is established at Geneva.
2. The Council may at any time decide that the Seat of the League shall be established elsewhere.
3. All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.
4. Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.
5. The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

ARTICLE 8.

1. The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.
2. The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

PART I: ARTICLES 7 TO 11

3. Such plans shall be subject to reconsideration and revision at least every ten years.

4. After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

5. The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

6. The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

Text of May 7:

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military and naval programmes and the condition of such of their industries as are adaptable to war-like purposes.

ARTICLE 9.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

Text of May 7:

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military and naval questions generally.

ARTICLE 10.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

ARTICLE 11.

1. Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

2. It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE 12.

[The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

[In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.]

1. The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision, or the report by the Council.

2. In any case under this Article the award of the arbitrators or the judicial decision shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

Note to I, 12 (1-2)

The foregoing two paragraphs came into force on September 26, 1924 in accordance with the provisions of article 26.

ARTICLE 13.

[The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

[Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if estab-

PART I: ARTICLES 12 TO 13

lished would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

[For the consideration of any such dispute the court of arbitration to which the case is referred shall be the Court agreed on by the parties to the dispute or stipulated in any convention existing between them.

[The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.]

1. The Members of the League agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration or judicial settlement, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration or judicial settlement.

2. Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration or judicial settlement.

3. For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article 14, or any tribunal agreed on by the parties to the dispute or stipulated in any convention existing between them.

4. The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award or decision, the Council shall propose what steps should be taken to give effect thereto.

Note to I, 13 (1-4)

The foregoing four paragraphs came into force on September 26, 1924 in accordance with the provisions of article 26.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ARTICLE 14.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

Note to I, 14

The undertaking in the first sentence in this article has been fulfilled. The Council on February 13, 1920 appointed an Advisory Committee of Jurists to report a scheme to it. The draft statute prepared by the committee, June 16 – July 24, 1920, was revised and finally approved by the Council on October 28. It was then submitted to the first session of the Assembly of the League for consideration and was approved by it. The Statute was attached to a protocol of signature dated December 16, 1920, ratification of which constituted adoption of the plan. The Statute entered into force in September 1921. The Court met in a preliminary session on January 30, 1922.

The Senate of the United States on January 27, 1926 advised and consented to the ratification of the protocol of signature subject to five reservations, some of which were unacceptable to the states signatories to the protocol. On September 14, 1929 a conference of states signatories to the protocol opened for signature a protocol for the accession of the United States. The Senate of the United States on January 29, 1935, by vote of 52 to 36, failed to adopt a resolution approving ratification of the protocol of accession by the United States. The Permanent Court of International Justice continued in being under a protocol for the revision of the Statute dated September 14, 1929, which entered into effect on February 1, 1936.

The 21st ordinary session of the Assembly of the League of Nations on April 18, 1946 adopted this resolution:

“That the Permanent Court of International Justice is for all purposes to be regarded as dissolved with effect from the day following the close of the present session of the Assembly [April 19, 1946], but without prejudice to such subsequent measures of liquidation as may be necessary.”

ARTICLE 15.

[If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in

PART I: ARTICLES 14 TO 15

accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.]

1. If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration or judicial settlement in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

Note to I, 15

The foregoing paragraph came into force on September 26, 1924 in accordance with the provisions of article 26.

2. For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

3. The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

4. If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

5. Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

6. If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

7. If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

8. If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

9. The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

10. In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

ARTICLE 16.

1. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

Note to I, 16 (1)

The Assembly on October 5, 1921 adopted proposals of amendment which, except as noted, have since been pending for ratification:

“Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations and to prohibit all intercourse at least between persons resident within their ter-

Note to I, 16 (1)—Continued

ritories and persons resident within the territory of the covenant-breaking State and, if they deem it expedient, also between their nationals and the nationals of the covenant-breaking State, and to prevent all financial, commercial or personal intercourse at least between persons resident within the territory of that State and persons resident within the territory of any other State, whether a Member of the League or not, and, if they deem it expedient, also between the nationals of that State and the nationals of any other State whether a Member of the League or not.”

[The above amendment was adopted by the Assembly on September 27, 1924 to supersede the amendment of that paragraph, which, as adopted on October 5, 1921, was in the following language: “. . . which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between persons residing in their territory and persons residing in the territory of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between persons residing in the territory of the covenant-breaking State and persons residing in the territory of any other State, whether a Member of the League or not.”]

“It is for the Council to give an opinion whether or not a breach of the Covenant has taken place. In deliberations on this question in the Council, the votes of Members of the League alleged to have resorted to war and of Members against whom such action was directed shall not be counted.

“The Council will notify to all Members of the League the date which it recommends for the application of the economic pressure under this Article.

“Nevertheless, the Council may, in the case of particular Members, postpone the coming into force of any of these measures for a specified period where it is satisfied that such a postponement will facilitate the attainment of the object of the measures referred to in the preceding paragraph, or that it is necessary in order to minimize the loss and inconvenience which will be caused to such Members.”

2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Text of May 7:

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military or naval force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

Note to I, 16 (2)

An amendment adopted by the Assembly on September 21, 1925 provided for the deletion of the words "in such case" and was submitted to member states. It did not come into force.

3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

Note to I, 16 (4)

In November 1939 the Soviet Union made demands on Finland for the transfer of certain strategic points in Finnish territory and the cession of a Finnish area claimed to be a strategic menace to Leningrad while in the possession of a foreign state. Finland proposed examining the claims under the treaty of non-aggression concluded between the two states on January 21, 1932 and stipulated to be in force until December 31, 1945. The Soviet Union unilaterally denounced the treaty and on November 30 attacked Finland. The Finnish Government appealed to the League under article 15 of the Covenant, requesting that the Assembly consider the matter. The Assembly convened December 11, the Soviet Union declining to attend. On December 14 the Assembly found that the Soviet Union, "by the aggression which it has committed against Finland", "has failed to observe not only its special political agreements with Finland but also Article 12 of the Covenant of the League of Nations and the Pact of Paris". By refusing to be present at the Assembly's examination of the dispute under article 15, the Soviet Union had

PART I: ARTICLE 17

Note to I, 16 (4)—Continued

“failed to observe one of the League’s most essential covenants for the safeguarding of peace and the security of nations” and had “by its own action placed itself outside the Covenant”. The Assembly therefore recommended “the Council to pronounce upon the question” of “what consequences should follow from this situation”. The Council on the same day, for the reasons set forth by the Assembly and in virtue of article 16, paragraph 4, of the Covenant, found “that, by its act, the Union of Soviet Socialist Republics has placed itself outside the League of Nations. It follows that the Union of Soviet Socialist Republics is no longer a Member of the League.” The resolution was adopted unanimously, with China, Greece, and Yugoslavia abstaining and with Iran and Peru absent.

ARTICLE 17.

1. In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

2. Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

3. If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

4. If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Text of May 7:

If both parties of the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Text of May 7—Continued

dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

ARTICLE 18.

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

Note to I, 18

Treaty Series: Publication of Treaties and International Engagements Registered With the Secretariat of the League of Nations was issued beginning September 1920.

Registrations through December 1945 numbered 4834, which were published in 205 volumes. A ninth index volume completed the series in 1946.

ARTICLE 19.

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

ARTICLE 20.

1. The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

2. In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

ARTICLE 21.

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

PART I: ARTICLES 18 TO 22

ARTICLE 22.

1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

6. There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory,

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

subject to the safeguards above mentioned in the interests of the indigenous population.

7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

8. The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

Note to I, 22

Article 22 in this form was included in the final report of the Commission on the League of Nations, which was approved on April 28, 1919, two months before the signing of the treaty of peace. It was, therefore, drafted without cognizance of the precise territories to which paragraphs 4, 5 and 6 would relate.

The territories which came under the regime set up by this article were 3 former parts of the Ottoman Empire and 7 former overseas possessions of Germany referred to in part IV, section I, of the treaty of peace. Those 10 territorial areas were originally administered under 15 mandates.

The "A" mandates (art. 22, par. 4) were allocated at a meeting of the Supreme Council held at San Remo, Italy, on April 25, 1920 and attended by the representatives of the British Empire, France, Italy, Japan, and the United States (in the capacity of an observer). This decision read in part (file 763.72119/9869, document I.C.P. 106) :

"(a) To accept the terms of the Mandates Article as given below with reference to Palestine, on the understanding that there was inserted in the *procès-verbal* an undertaking by the Mandatory Power that this would not involve the surrender of the rights hitherto enjoyed by the non-Jewish communities in Palestine; this undertaking not to refer to the question of the religious protectorate of France, which had been settled earlier in the previous afternoon by the undertaking given by the French Government that they recognized this protectorate as being at an end.

"(c) [Translation] The mandatories chosen by the Principal Allied Powers are: France for Syria, and Great Britain for Mesopotamia and Palestine.

Note to I, 22—Continued

“In reference to the above decision the Supreme Council took note of the following reservation of the Italian Delegation:

“[Translation] The Italian Delegation, considering the great economic interests which Italy as an exclusively Mediterranean power possessed in Asia Minor, reserves its approval of the present resolution until the regulation of Italian interests in Asiatic Turkey.”

Paragraph (b) of the resolution, with only drafting changes and an elaboration of the boundary clause, became articles 94–97 and article 132 of the Treaty of Sèvres, as follows:

“*Article 94.* The High Contracting Parties agree that Syria and Mesopotamia shall, in accordance with the fourth paragraph of Article 22, Part I (Covenant of the League of Nations), be provisionally recognised as independent States subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.

“A Commission shall be constituted within fifteen days from the coming into force of the present Treaty to trace on the spot the frontier line described in Article 27, II (2) and (3). This Commission will be composed of three members nominated by France, Great Britain and Italy respectively, and one member nominated by Turkey; it will be assisted by a representative of Syria for the Syrian frontier, and by a representative of Mesopotamia for the Mesopotamian frontier.

“The determination of the other frontiers of the said States, and the selection of the Mandatories, will be made by the Principal Allied Powers.

“*Article 95.* The High Contracting Parties agree to entrust, by application of the provisions of Article 22, the administration of Palestine, within such boundaries as may be determined by the Principal Allied Powers, to a Mandatory to be selected by the said Powers. The Mandatory will be responsible for putting into effect the declaration originally made on November 2, 1917, by the British Government, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

Note to I, 22—Continued

“The Mandatory undertakes to appoint as soon as possible a special Commission to study and regulate all questions and claims relating to the different religious communities. In the composition of this Commission the religious interests concerned will be taken into account. The Chairman of the Commission will be appointed by the Council of the League of Nations.

“*Article 96.* The terms of the mandates in respect of the above territories will be formulated by the Principal Allied Powers and submitted to the Council of the League of Nations for approval.

“*Article 97.* Turkey hereby undertakes, in accordance with the provisions of Article 132, to accept any decisions which may be taken in relation to the questions dealt with in this Section.

“*Article 132.* Outside her frontiers as fixed by the present Treaty Turkey hereby renounces in favour of the Principal Allied Powers all rights and title which she could claim on any ground over or concerning any territories outside Europe which are not otherwise disposed of by the present Treaty.

“Turkey undertakes to recognize and conform to the measures which may be taken now or in the future by the Principal Allied Powers, in agreement where necessary with third Powers, in order to carry the above stipulation into effect.”

The Italian reservation was superseded by a tripartite agreement between the British Empire, France, and Italy respecting Anatolia, signed at Sèvres August 10, 1920 (United Kingdom, Treaty Series No. 12 (1920); 113 *British and Foreign State Papers*, p. 797). Areas in which the special interests of the three states existed were recognized and bounded, and the three states undertook “to render diplomatic support to each other in maintaining their respective positions” in those areas. The mandatories were to enjoy *vis-à-vis* the other contracting parties the same rights and privileges in the mandates as were enjoyed in the special areas. The agreement was to go into force with the treaty of peace signed with Turkey at Sèvres on August 10, 1920; but that treaty did not go into force. Instead, the treaty of peace which Turkey signed at Lausanne on July 24, 1923 (28 League of Nations Treaty Series, p. 11) included the whole of Anatolia in Turkey and left no possibility for areas of special interest within its defined boundaries.

Article 16 of this treaty of July 24, 1923, which came into force on August 6, 1924, reads as follows:

PART I: ARTICLE 22

Note to I, 22—Continued

“Turkey hereby renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present Treaty and the islands other than those over which her sovereignty is recognised by the said Treaty, the future of these territories and islands being settled or to be settled by the parties concerned.

“The provisions of the present Article do not prejudice any special arrangements arising from neighbourly relations which have been or may be concluded between Turkey and any limitrophe countries.”

The United States was not a party to this treaty of peace with Turkey, but it was represented at Lausanne by an observer of ambassadorial rank for the reason that “it will be practically impossible for the Allies to conduct negotiations without dealing with matters in which this Government is interested”. The following position was taken: “To permit the Allies to conclude their negotiations without any attempt to present Department’s views or to obtain assurances for protection of American interests would leave this Government with a *fait accompli* so far as the relations between the Allies and the Turks were concerned.” Therefore, “American observers will be present during the course of the negotiations, ready at any opportune or critical moment to interpose the necessary word for our protection” (*Foreign Relations*, 1923, II, 886). The disposition of the former Turkish territories was not included in the American interests involved.

The colonies renounced by Germany in favor of the Principal Allied and Associated Powers under article 119 of the Treaty of Versailles were administered under “B” and “C” mandates as described in paragraphs 5 and 6 of article 22. On May 7, 1919 the territories referred to were allocated to mandatories for administration under the terms of article 22 by a decision of the representatives of the United States, France, Great Britain, and Italy. The decision read (file 180.03401/149):

“(1) Togoland and Camerouns. France and Great Britain shall make a joint recommendation to the League of Nations as to their future.

“German East Africa. The mandate shall be held by Great Britain.

“German South West Africa. The mandate shall be held by the Union of South Africa.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to I, 22—Continued

“The German Samoan Islands. The mandate shall be held by New Zealand.

“The Other German Pacific Possessions South of the Equator excluding the German Samoan Islands and Nauru, the mandate shall be held by Australia.

“Nauru. The mandate shall be given to the British Empire.

“German Islands North of the Equator. The mandate shall be held by Japan.”

Certain changes in this rough allocation were made.

France and Great Britain by a declaration of July 10, 1919 arranged to delimit frontiers in the Cameroons and Togoland eastward and westward respectively for mandatory administration.

Owing to their stability and proximity to the Belgian Congo, the native kingdoms of Ruanda and Urundi were detached from the former German East Africa, which under British mandate was named Tanganyika. The mandate of the two kingdoms was assigned to Belgium.

The deposits at Nauru had been exploited by a German corporation, the Pacific Phosphate Company, which was taken over by the British, Australian, and New Zealand Governments under an agreement of July 2, 1919. In virtue of that agreement the British Empire's mandate was assigned to Australia for 5-year periods.

The former Turkish territory of Mesopotamia was designated as an “A” mandate on April 25, 1920 but was not strictly administered as such owing to the prompt setting up of the government of Iraq under King Feisal. With that government the designated mandatory, the United Kingdom, concluded a treaty of alliance on October 10, 1922 (35 League of Nations Treaty Series, p. 13). An organic law of July 10, 1924 (League of Nations, *Official Journal*, 1924, p. 801) and a unilateral undertaking by the British representative on the Council of the League of Nations on September 27, 1924 (*ibid.*, p. 1346) to apply the principles of article 22 of the Covenant to Iraq further defined its status within the mandatory system. The British Government made the usual annual reports required of mandatories. A treaty of January 13, 1926 (47 League of Nations Treaty Series, p. 419) for revision of the alliance of 1922 stipulated for consideration every four years whether Iraq should be put forward for admission to the League. The frontier with Turkey was determined by a treaty between Turkey and the United Kingdom and Iraq, which was there recognized “as an in-

Note to I, 22—Continued

dependent state", signed at Angora on June 5, 1926 (64 League of Nations Treaty Series, p. 379). After various negotiations the British Government on November 4, 1929 informed the League of Nations that it would recommend Iraq for admission to the League in 1932 (League of Nations, *Official Journal*, 1929, p. 1838). A fresh treaty of alliance, signed at Baghdad on June 30, 1930 and in force from October 3, 1932 for 25 years (132 League of Nations Treaty Series, p. 363), replaced the treaties of October 10, 1922 and January 13, 1926. A special report by the mandatory gave the Permanent Mandates Commission evidence that the progress of Iraq during the period 1920-31 satisfied the *de facto* conditions requisite for termination of the mandate. On May 19, 1932 the Council of the League adopted the conditions to be met for its termination (League of Nations, *Official Journal*, 1932, pp. 1212, 1347), which were ratified by Iraq in July (*ibid.*, pp. 1483, 1557). Admission to the League was unanimously voted by the Assembly on October 3, 1932, at which date the mandated status of Iraq terminated.

The "A" mandate of Syria and Lebanon underwent an evolution bringing the two entities involved to the verge of independence. The mandate provided for an organic law, which was promulgated only on May 14, 1930 (League of Nations, *Official Journal*, 1930, p. 1099). This law embodied constitutions of the Lebanese Republic and the State of Syria, organic regulations of the Sanjak of Alexandretta, and organic statutes of the Governments of Latakia and the Jebel Druse. The Sanjak of Alexandretta, having been placed under a statute by decision of the Council on May 29, 1937 (*ibid.*, 1937, pp. 329, 580), was transferred to Turkey by an arrangement between France and Turkey of June 23, 1939, in force on July 13 (*ibid.*, 1939, p. 356). France signed treaties of friendship and alliance with Lebanon at Beirut on November 13, 1936 and with Syria at Damascus on December 22, 1936 (France, Ministère des affaires étrangères, *Rapport à la Société des Nations sur la situation de la Syrie et du Liban (année 1936)*, pp. 201, 229). These treaties were to come into force, along with new organic statutes of the Jebel Druse and the Aluite (Latakia), upon the admission of Syria and Lebanon to the League of Nations. France delayed the ratification of the treaties while the Alexandretta matter was being settled and the arrangements for admission to the League were being completed. After the surrender of France in June 1940 the Free French National Committee, which was later succeeded by the French Committee of National Liberation, took over the administration of the

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to I, 22—Continued

territories from the Vichy French forces with the aid of British contingents. On June 8, 1941 the commander of the Free French forces in the Middle East, in the name of the committee, assumed the powers, responsibilities, and duties of the representative of France in the Levant and as such informed the people of Syria and the Lebanon that "I come to put an end to the mandatory regime and proclaim you free and independent". On September 7, 1944 the Department of State extended formal recognition to both. Lebanon and Syria signed the Declaration by United Nations, April 12, 1945 and are Members of the United Nations.

The "A" mandate for Palestine contained two special provisions:

1. The mandatory was to "be responsible for putting into effect the declaration originally made on the 2nd November, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

2. Article 25 of the mandate permitted the mandatory to withhold application of such provisions of the mandate as were inapplicable to the existing local conditions in the territory of the mandate east of the River Jordan, which is inhabited by an Arab population not concerned with the establishment of a Jewish national home. The applicable parts of the Palestine mandate were recited in a decision of September 16, 1922, which provided for the separate administration of Trans-Jordan. The government of that territory was, subject to the mandate, formed by the Emir Abdullah, brother of King Feisal of Iraq, who had been at Amman since February 1921. That status was not altered by an agreement between the United Kingdom and the Emirate concluded on February 20, 1928 (*League of Nations, Official Journal*, 1928, p. 1574) which recognized the existence of an independent government in Trans-Jordan and defined and limited its powers. The ratifications were exchanged on October 31, 1929.

The texts of the mandates and decisions of the Council of the League of Nations of equivalent value are published in various separate documents issued by the Secretariat. The texts of mandates are quoted in the preambles of the treaties and conventions which the United States concluded with mandatory states (see p. 101 ff.). All the texts are compiled in Manley O. Hudson, *International Legisla-*

PART I: ARTICLE 22

Note to I, 22—Continued

tion, I, 42-126 (Washington, Carnegie Endowment for International Peace).

The mandates under which the various territories have been administered were submitted by the mandatory governments to the Council of the League of Nations in accordance with paragraph 8 of article 22. The terms were reviewed by the Council, in some cases revised on its recommendation, and finally approved by it. The following table gives the pertinent data for each territory:

DATA ON MANDATED TERRITORIES¹

Mandate	Mandatory	Terms defined by Council	Population (1931)	Area sq. mi.
"A" Mandates				
Palestine	United Kingdom	July 24, 1922	1,035,154	9,010
Trans-Jordan . .	United Kingdom	Sept. 16, 1922	305,584	15,444
Syria and Lebanon	France	July 24, 1922	2,656,596	62,163
"B" Mandates				
Cameroons	France	July 18, 1922	2,186,015	165,928
Cameroons	United Kingdom	July 18, 1922	774,585	34,236
Ruanda-Urundi .	Belgium	July 20, 1922	3,450,000	20,541
Tanganyika . . .	United Kingdom	July 20, 1922	5,063,660	374,085
Togoland	France	July 18, 1922	725,580	20,077
Togoland	United Kingdom	July 18, 1922	293,671	13,240
"C" Mandates				
Islands, North				
Pacific	Japan	Dec. 17, 1920	73,027	830
Nauru	British Empire (Australia acting)	Dec. 17, 1920	2,692	8.43
New Guinea and Islands				
South-West Africa	Australia	Dec. 17, 1920	392,816	93,000
Western Samoa .	South Africa	Dec. 17, 1920	242,290	322,393
	New Zealand	Dec. 17, 1920	46,023	1,133

¹ See also League of Nations, *The Mandates System: Origin—Principles—Application* (1945.VI.A.1).

The United States concluded treaties or conventions with mandatory states defining rights of its nationals in several of the mandated territories. These instruments stipulated that the United States should receive copies of the annual reports which mandatories by article 22, paragraph 7, were obligated to make to the League of

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to I, 22—Continued

Nations. The rights defined are equivalent to those possessed by members of the League of Nations.

The conventions concluded with respect to "A" mandated territories were signed after the negotiation of the Treaty of Lausanne of July 24, 1923 and state in the preamble that by that treaty concluded "with the Allied Powers Turkey renounces all her rights and titles over" the area concerned.

The convention and protocol defining the rights of the United States of America and of its nationals in Iraq was signed with the United Kingdom and Iraq, at London, January 9, 1930; in force February 24, 1931 (Treaty Series 835; 47 Stat. 1817; *Treaties, Conventions, etc.*, 1923-37, iv, 4335). The assent of the United States was required by article 6 to "any change in the rights of the United States" as defined in the convention in case of the termination of the special relations existent between the United Kingdom and Iraq in accordance with the treaty of alliance of 1922 and the treaty of 1926, both of which were schedules to the convention. Article 7 of the convention provided for its ceasing to have effect upon the termination of those special relations, which, as between the United Kingdom and Iraq, occurred with the entry into force on October 3, 1932 of the superseding treaty of alliance of June 30, 1930. A treaty of commerce and navigation between the United States and Iraq signed at Baghdad, December 3, 1938 and in force June 19, 1940 (Treaty Series 960) supplants the provisions of the convention "so far as commerce and navigation are concerned" as a consequence of negotiations stipulated by article 7 of the convention to be entered into "on the termination of the said special relations" between the United Kingdom and Iraq.

The mandate of France with respect to Syria and the Lebanon came into force on September 29, 1923. On April 4, 1924 the United States concluded with France a convention concerning rights in Syria and the Lebanon, in force July 13, 1924, (Treaty Series 695; 43 Stat. 1821; (*Treaties, Conventions, etc.*, 1923-37, iv, 4169).

The mandate of the United Kingdom with respect to Palestine came into force on September 29, 1923. On December 3, 1924 the United States concluded a convention defining the rights of nationals in Palestine with the United Kingdom; in force December 3, 1925 (Treaty Series 728; 44 Stat. 2184; *Treaties, Conventions, etc.*, 1923-37, iv, 4227).

The conventions of the United States concerning "B" mandates held by Belgium and France recognize the assignment of administra-

PART I: ARTICLE 22

Note to I, 22—Continued

tion under the mandate to the respective mandatory and in their preambles state that “the benefits accruing under the aforesaid Article 119 of the Treaty of Versailles were confirmed to the United States by the treaty between the United States and Germany, signed August 25, 1921”. These instruments are as follows:

The convention defining the rights of nationals in the Cameroons with France, signed at Paris, February 13, 1923; in force June 3, 1924 (Treaty Series 690; 43 Stat. 1178; *Treaties, Conventions, etc.*, 1923–37, iv, 4153).

The convention defining the rights of nationals in Togoland with France, signed at Paris, February 13, 1923; in force June 3, 1924; (Treaty Series 691; 43 Stat. 1790; *Treaties, Conventions, etc.*, 1923–37, iv, 4160).

The treaty concerning rights in the territory of Ruanda-Urundi with Belgium, signed at Brussels, April 18, 1923, and protocol signed at Brussels, January 21, 1924; in force November 18, 1924; (Treaty Series 704; 43 Stat. 1863; *Treaties, Conventions, etc.*, 1923–37, iv, 3954).

The other conventions concerning “B” mandates were concluded in view of the facts that “His Britannic Majesty has accepted a mandate for the administration of part of the former German colony” and that the two Governments were “desirous of reaching a definite understanding as to the rights of their respective Governments and of their nationals in the said territory”. These instruments are:

The convention defining the rights of nationals in the Cameroons with His Britannic Majesty, signed at London, February 10, 1925; in force April 8, 1926 (Treaty Series 743; 44 Stat. 2422; *Treaties, Conventions, etc.*, 1923–37, iv, 4235).

The convention defining the rights of nationals in East Africa (Tanganyika) with His Britannic Majesty, signed at London, February 10, 1925; in force April 8, 1926 (Treaty Series 744; 44 Stat. 2427; *Treaties, Conventions, etc.*, 1923–37, iv, 4239).

The convention defining the rights of nationals in Togoland with His Britannic Majesty, signed at London, February 10, 1925; in force July 8, 1926 (Treaty Series 745; 44 Stat. 2433; *Treaties, Conventions, etc.*, 1923–37, iv, 4244).

A single treaty was concluded by the United States with respect to a “C” mandate:

Treaty with Japan regarding rights of the two Governments and

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to I, 22—Continued

their respective nationals in former German islands in the Pacific Ocean north of the Equator, and in particular the Island of Yap, signed at Washington, February 11, 1922; in force July 13, 1922 (Treaty Series 664; 42 Stat. 2149; *Treaties, Conventions, etc.*, 1910-23, III, 2723).

ARTICLE 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

- (a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;
- (f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

ARTICLE 24.

1. There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

PART I: ARTICLES 23 TO 26

2. In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

3. The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

ARTICLE 25.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

ARTICLE 26.

1. Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

2. No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

Note to I, 26

Amendments were adopted by the Assembly and opened for signature in three protocols on October 5, 1921 which would replace the provisions of article 26 by the following:

“Amendments to the present Covenant the text of which shall have been voted by the Assembly on a three-fourths’ majority, in which there shall be included the votes of all the Members of the Council represented at the meeting, will take effect when ratified by the Members of the League whose Representatives composed the Council when the vote was taken and by the majority of those whose Representatives form the Assembly.

“If the required number of ratifications shall not have been obtained within twenty-two months after the vote of the Assembly, the proposed amendment shall remain without effect.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to I, 26—Continued

“The Secretary-General shall inform the Members of the taking effect of an amendment.

“Any Member of the League which has not at that time ratified the amendment is free to notify the Secretary-General within a year of its refusal to accept it, but in that case it shall cease to be a Member of the League.”

ANNEX

I. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS
SIGNATORIES OF THE TREATY OF PEACE.

UNITED STATES OF AMERICA.	HAITI.
BELGIUM.	HEDJAZ.
BOLIVIA.	HONDURAS.
BRAZIL.	ITALY.
BRITISH EMPIRE.	JAPAN.
CANADA.	LIBERIA.
AUSTRALIA.	NICARAGUA.
SOUTH AFRICA.	PANAMA.
NEW ZEALAND.	PERU.
INDIA.	POLAND.
CHINA.	PORTUGAL.
CUBA.	ROUMANIA.
ECUADOR.	SERB-CROAT-SLOVENE STATE.
FRANCE.	SIAM.
GREECE.	CZECHO-SLOVAKIA.
GUATEMALA.	URUGUAY.

STATES INVITED TO ACCEDE TO THE COVENANT.

ARGENTINE REPUBLIC.	PERSIA.
CHILI.	SALVADOR.
COLOMBIA.	SPAIN.
DENMARK.	SWEDEN.
NETHERLANDS.	SWITZERLAND.
NORWAY.	VENEZUELA.
PARAGUAY.	

Note to I, Annex I

The protocol opened for signature on September 30, 1938, when ratified, would bring into effect the following provision: “The first part of the Annex shall be omitted.”

PART I: ARTICLE 26

II. FIRST SECRETARY GENERAL OF THE LEAGUE OF NATIONS.

The Honourable Sir James Eric Drummond, K.C.M.G., C.B.

Note to I, Annex II

Sir Eric Drummond served until June 30, 1933. He was succeeded by Joseph Avenol July 1, 1933. Sean Lester became Acting Secretary-General in August 1940.

The General Committee of the 21st session of the Assembly on April 16 recommended, and the Assembly adopted, a resolution which read:

"The Assembly, in accordance with paragraph 2 of Article 6 of the Covenant, confirms Mr. Sean Lester as Secretary-General of the League of Nations as from September 1st, 1940."

The resolution for the dissolution of the League of Nations adopted by the Assembly on April 18, 1946 provides:

"3. The Secretary-General shall be responsible to the Board [of Liquidation]. He shall retire from office on the completion of the liquidation."

Note

**Instruments Concluded by or
Under the Auspices of the League of Nations**

ADMINISTRATION

Danzig

Convention between Poland and the Free City of Danzig, Paris, November 9, 1920; in force, November 15, 1920; 6 League of Nations Treaty Series, p. 189.

Treaty between Germany and Poland concerning the regulation of option questions, Danzig, November 8, 1920; in force, December 17, 1921; Reg. No. 177; 7 League of Nations Treaty Series, p. 323.

Treaty between Poland and the Free City of Danzig, Warsaw, October 24, 1921; in force, December 31, 1921; 116 League of Nations Treaty Series.

Saar Basin

Protocol between the German Government and the Governing Commission of the Territory of the Saar Basin, Berlin, signed and in force June 3, 1921; 5 League of Nations Treaty Series, p. 189.

Upper Silesia

German-Polish convention relating to Upper Silesia, Geneva, May 15, 1922; in force July 15, 1922 – July 15, 1937; separate

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note—Continued

edition in French; Georges Kaeckenbeeck's, *The International Experiment in Upper Silesia* (London, Oxford University Press, 1942) contains English version.

COMMUNICATIONS AND TRANSIT

Buoyage and Lighting, Coastal

Agreement concerning manned lightships not on their stations, Lisbon, October 23, 1930; in force January 21, 1931; Reg. No. 2603; 112 League of Nations Treaty Series, p. 21.

Agreement concerning maritime signals, Lisbon, October 23, 1930; in force November 22, 1931; Reg. No. 2849; 125 League of Nations Treaty Series, p. 95.

Buoyage, Maritime

Agreement for the uniform system of maritime buoyage, and rules annexed thereto, Geneva, May 13, 1936; not in force; Docs. C.128.M.67.1936.VIII.6; C.128(a).M.67(a).1936.VIII.7; and C.261.M.154.1936.VIII.11.

Danube River

Declaration by the governments of the powers which are parties to the convention instituting the definitive statute of the Danube, Geneva, December 5, 1930; in force as *modus vivendi* of June 15, 1933; League of Nations, *Official Journal*, 1931, p. 736.

Electric Questions

Convention relating to the transmission in transit of electric power, and protocol of signature, Geneva, December 9, 1923; in force July 26, 1926; Reg. No. 1380; 58 League of Nations Treaty Series, p. 315.

Hydraulic Power

Convention relating to the development of hydraulic power affecting more than one state, and protocol of signature, Geneva, December 9, 1923; in force June 30, 1925; Reg. No. 905; 36 League of Nations Treaty Series, p. 75.

Navigation, Inland

Convention and statute on the regime of navigable waterways of international concern, Barcelona, April 20, 1921; in force October 31, 1922; Reg. No. 172; 7 League of Nations Treaty Series, p. 35.

Additional protocol to the convention on the regime of navigable waterways of international concern, Barcelona, April 20, 1921;

Note—Continued

in force October 8, 1921; Reg. No. 173; 7 League of Nations Treaty Series, p. 65.

Convention regarding the measurement of vessels employed in inland navigation, and protocol of signature, Paris, November 27, 1925; in force October 1, 1927; Reg. No. 1539; 67 League of Nations Treaty Series, p. 63.

Navigation, Maritime

Declaration recognizing the right to a flag of states having no seacoast, Barcelona, April 20, 1921; in force; Reg. No. 174; 7 League of Nations Treaty Series, p. 73.

Convention and statute on the international regime of maritime ports, and protocol of signature, Geneva, December 9, 1923; in force July 26, 1926; Reg. No. 1379; 58 League of Nations Treaty Series, p. 285.

Railways

Convention and statute on the international regime of railways, and protocol of signature, Geneva, December 9, 1923; in force March 23, 1926; Reg. No. 1129; 47 League of Nations Treaty Series, p. 55.

River Law

Convention for the unification of certain rules concerning collisions in inland navigation, with protocol-annex, Geneva, December 9, 1930; not in force; League of Nations, *Official Journal*, 1931, p. 642.

Convention on the registration of inland navigation vessels, rights *in rem* over such vessels and other cognate questions, with protocol-annex, Geneva, December 9, 1930; not in force; League of Nations, *Official Journal*, 1931, p. 646.

Convention on administrative measures for attesting the right of inland navigation vessels to a flag, with protocol-annex, Geneva, December 9, 1930; not in force; League of Nations, *Official Journal*, 1931, p. 659.

Road Traffic

Agreement between customs authorities in order to facilitate the procedure in the case of undischarged or lost triptychs, Geneva, March 28, 1931; in force June 26, 1931; Reg. No. 2739; 119 League of Nations Treaty Series, p. 47.

Convention concerning the unification of road signals, Geneva, March 30, 1931; in force July 16, 1934; Reg. No. 3459; 150 League of Nations Treaty Series, p. 247.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note—Continued

Convention on the taxation of foreign motor vehicles, with protocol and annex, Geneva, March 30, 1931; in force May 9, 1933; Reg. No. 3185; 138 League of Nations Treaty Series, p. 149.

Transit

Convention and statute on freedom of transit, Barcelona, April 20, 1921; in force October 31, 1922; Reg. No. 171; 7 League of Nations Treaty Series, p. 11.

DISARMAMENT AND SECURITY

Aaland Islands

Convention relating to the non-fortification and neutralization of the Aaland Islands, Geneva, October 20, 1921; registration, April 6, 1922; Reg. No. 255; 9 League of Nations Treaty Series, p. 211.

Arms and Ammunition

Convention for the supervision of the international trade in arms and ammunition and in implements of war, Geneva, June 17, 1925; not in force; League of Nations, *Official Journal*, 1925, p. 1118.

Declaration regarding the territory of Ifni, Geneva, June 17, 1925; not in force; League of Nations, *Official Journal*, 1925, p. 1154.

Protocol for the prohibition of the use in war of asphyxiating, poisonous, and other gases and of bacteriological methods of warfare, Geneva, June 17, 1925; in force February 8, 1928; Reg. No. 2138; 94 League of Nations Treaty Series, p. 65.

Assistance, Financial

Convention on financial assistance, Geneva, October 2, 1930; not in force; League of Nations, *Official Journal*, 1930, p. 1648.

Disputes, Pacific Settlement

General act (pacific settlement of international disputes), Geneva, September 26, 1928; in force August 16, 1929; Reg. No. 2123; 93 League of Nations Treaty Series, p. 343.

Protocol for the pacific settlement of international disputes ("Geneva protocol"), Geneva, October 2, 1924; not in force, abandoned; *Records of 5th Assembly*, 3d Committee, p. 212 (League of Nations, *Official Journal*, Spec. Supp. No. 26).

Ethiopia

Declaration by delegates on the occasion of its admission to the League of Nations giving adherence to the principles of the convention concerning the supervision of the trade in arms and

PART I: ARTICLE 26

Note—Continued

ammunition signed at Saint-Germain-en-Laye, September 10, 1919, made at Geneva, September 27, 1923; confirmed March 29, 1924; Reg. No. 606; 25 League of Nations Treaty Series, p. 179.

War, Prevention of

General convention to improve the means of preventing war, Geneva, September 26, 1931; not in force; League of Nations, *Official Journal*, Spec. Supp. No. 92, p. 24.

Agreement between Colombia and Peru relating to the procedure for putting into effect the recommendations proposed by the Council of the League of Nations in the report which it adopted on March 18, 1933, in order to avoid any incident that might aggravate the relations between the two countries, with annexes, Geneva, May 25, 1933; Reg. No. 3192; 138 League of Nations Treaty Series, p. 251.

Record of the transfer of the territory of Leticia to the Colombian authorities by the commission appointed by the League of Nations, Leticia, June 19, 1934; Reg. No. 3192; 152 League of Nations Treaty Series, p. 314.

ECONOMIC AND FINANCIAL ACTIVITY

Agricultural Mortgage Credit

Convention for the creation of an international agricultural-mortgage credit company, with charter and statutes, Geneva, May 21, 1931; not in force; League of Nations, *Official Journal*, 1931, p. 1428.

Arbitration, Commercial

Protocol on arbitration clauses, Geneva, September 24, 1923; in force July 28, 1924; Reg. No. 678; 27 League of Nations Treaty Series, p. 157.

Convention for the execution of arbitral awards, Geneva, September 26, 1927; in force July 25, 1929; Reg. No. 2096; 92 League of Nations Treaty Series, p. 301.

Austria

Protocols on the financial restoration of Austria, Geneva, October 4, 1922; registered October 4, 1922; Reg. Nos. 334, 335, 336; 12 League of Nations Treaty Series, pp. 385, 391, 405.

Austrian protocol, Geneva, July 15, 1932; in force December 31, 1932; Reg. No. 3118; 135 League of Nations Treaty Series, p. 285.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note—Continued

Bills of Exchange, Promissory Notes, and Checks

Convention providing a uniform law for bills of exchange and promissory notes, with annexes and protocol, Geneva, June 7, 1930; in force January 1, 1934; Reg. No. 3313; 143 League of Nations Treaty Series, p. 257.

Convention for the settlement of certain conflicts of laws in connection with bills of exchange and promissory notes, and protocol, Geneva, June 7, 1930; in force January 1, 1934; Reg. No. 3314; 143 League of Nations Treaty Series, p. 317.

Convention on the stamp laws in connection with bills of exchange and promissory notes, and protocol, Geneva, June 7, 1930; in force January 1, 1934; Reg. No. 3315; 143 League of Nations Treaty Series, p. 337.

Convention providing a uniform law for checks, with annexes and protocol, Geneva, March 19, 1931; in force January 1, 1934; Reg. No. 3316; 143 League of Nations Treaty Series, p. 355.

Convention for the settlement of certain conflicts of laws in connection with checks, and protocol, Geneva, March 19, 1931; in force January 1, 1934; Reg. No. 3317; 143 League of Nations Treaty Series, p. 407.

Convention on the stamp laws in connection with checks, and protocol, Geneva, March 19, 1931; in force November 29, 1933; Reg. No. 3301; 143 League of Nations Treaty Series, p. 7.

Bulgaria

Protocol and additional act regarding the Bulgarian stabilization loan, Geneva, March 10, 1928; in force June 14, 1928; Reg. No. 1738; 74 League of Nations Treaty Series, pp. 165, 210.

Concerted Economic Action

Commercial convention, and protocol, Geneva, March 24, 1930; abandoned; League of Nations, *Official Journal*, 1930, p. 398.

Protocol regarding the program of future negotiations, Geneva, March 24, 1930; abandoned; League of Nations, *Official Journal*, 1930, p. 416.

Counterfeiting Currency

International convention for the suppression of counterfeiting currency, and protocol, Geneva, April 20, 1929; in force February 22, 1931; Reg. No. 2623; 112 League of Nations Treaty Series, p. 371.

Optional protocol regarding the suppression of counterfeiting currency, April 20, 1929; in force August 30, 1930; Reg. No. 2624; 112 League of Nations Treaty Series, p. 395.

Note—Continued*Customs*

International convention relating to the simplification of customs formalities, and protocol, Geneva, November 3, 1923; in force November 27, 1924; Reg. No. 775; 30 League of Nations Treaty Series, p. 371.

Estonia

Protocol regarding currency and banking reform in Estonia, Geneva, December 10, 1926; in force May 10, 1927; Reg. No. 1467; 62 League of Nations Treaty Series, p. 277.

Greece

Protocol for the stabilization of the currency and liquidating the budget arrears of the Hellenic State and for further settlement of Greek refugees, and declaration, Geneva, September 15, 1927; in force January 12, 1928; Reg. Nos. 1622, 1623; 70 League of Nations Treaty Series, pp. 9, 73.

Hungary

Protocols on the financial reconstruction of Hungary, March 14, 1924; Reg. Nos. 633, 634; 25 League of Nations Treaty Series, pp. 423, 427.

Rumania

Agreement establishing technical advisory cooperation in Rumania, Geneva, January 28, 1933; in force May 26, 1933, but not applied; Reg. No. 3193; 138 League of Nations Treaty Series, p. 271.

Statistics, Economic

International convention relating to economic statistics, and protocol, Geneva, December 14, 1928; in force December 14, 1930; Reg. No. 2560; 110 League of Nations Treaty Series, p. 171.

Trade Barriers

International convention for the abolition of import and export prohibitions and restrictions, and protocol, Geneva, November 8, 1927; in force January 1, 1930 – July 1, 1934; Reg. No. 2238; 97 League of Nations Treaty Series, p. 391.

Supplementary agreement to the convention of November 8, 1927 for the abolition of import and export prohibitions and restrictions, and protocol, Geneva, July 11, 1928; in force January 1, 1930 – June 30, 1934; Reg. No. 2238; 97 League of Nations Treaty Series, p. 436.

International agreement relating to the exportation of hides and skins, and protocol, Geneva, July 11, 1928; in force October 1, 1929; Reg. No. 2184; 95 League of Nations Treaty Series, p. 357.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note—Continued

International agreement relating to the exportation of bones, and protocol, Geneva, July 11, 1928; in force October 1, 1929; Reg. No. 2185; 95 League of Nations Treaty Series, p. 373.

Veterinary Questions

Convention for the campaign against contagious diseases of animals, with declaration, Geneva, February 20, 1935; in force March 23, 1938; Reg. No. 4310; 186 League of Nations Treaty Series, p. 173.

Convention concerning the transit of animals, meat, and other products of animal origin, with annex, Geneva, February 20, 1935; in force December 6, 1938; Reg. No. 4486; 193 League of Nations Treaty Series, p. 37.

Convention concerning the export and import of animal products (other than meat, meat preparations, fresh animal products, milk, and milk products), Geneva, February 20, 1935; in force December 6, 1938; Reg. No. 4487; 193 League of Nations Treaty Series, p. 59.

Whaling

Convention for the regulation of whaling, Geneva, September 24, 1931; in force January 16, 1935; Reg. No. 3586; 155 League of Nations Treaty Series, p. 349.

Wheat

Final act of the conference of wheat exporting and importing countries, with appendices and minutes of final meeting, London, August 25, 1933; in force August 25, 1933; Reg. No. 3262; 141 League of Nations Treaty Series, p. 71.

HEALTH

Post-war epidemic conditions in eastern Europe were combated unsuccessfully for some time by the individual countries. On the invitation of the Council of the League of Nations a European Health Conference was convened at Warsaw, March 20–28, 1922. A comprehensive plan of campaign to strengthen the sanitary defenses of states was agreed on and supplemented by a series of treaties between the states most intimately concerned.

Sanitary Conventions

Poland and Rumania, Warsaw, December 20, 1922; in force, July 11, 1923; 18 League of Nations Treaty Series, p. 103.

Poland and the Federal Soviet Republic of Russia and Soviet Republics of Ukraine and of White Russia, Warsaw, February 17, 1923.

PART I: ARTICLE 26

Note—Continued

Germany and Poland, Dresden, December 18, 1922; in force, February 15, 1923; 34 League of Nations Treaty Series, p. 301.

Poland and Czechoslovakia, Warsaw, 1922.

Poland and Latvia, Warsaw, July 7, 1922; in force, April 22, 1925; 37 League of Nations Treaty Series, p. 317.

Estonia and the Federal Soviet Republic of Russia and Soviet Republics of Ukraine and of White Russia, Tartu, June 25, 1922.

Latvia and the Federal Soviet Republic of Russia and Soviet Republics of Ukraine and of White Russia, Tartu, June 24, 1922; in force, October 18, 1923; 38 League of Nations Treaty Series, p. 9.

Bulgaria and the Kingdom of the Serbs, Croats, and Slovenes, April 1923.

INTELLECTUAL COOPERATION

Broadcasting

International convention concerning the use of broadcasting in the cause of peace, Geneva, September 23, 1936; in force April 2, 1938; 186 League of Nations Treaty Series, p. 301; 193 *ibid.*, p. 316.

Films

Convention for facilitating the international circulation of films of an educational character, Geneva, October 11, 1933; in force January 15, 1935; Reg. No. 3585; 155 League of Nations Treaty Series, p. 331.

Procès-verbal concerning the application of articles IV, V, VI, VII, IX, XII, and XIII of the convention of October 11, 1933, Geneva, September 12, 1938; in force August 28, 1939; 198 League of Nations Treaty Series, p. 111.

History Teaching

Declaration regarding the teaching of history, Geneva, October 2, 1937; in force November 24, 1937; 182 League of Nations Treaty Series, p. 263; 189 *ibid.*, p. 507.

INTERNATIONAL LAW

Court of International Justice, Permanent

Protocol of signature of the Permanent Court of International Justice, Geneva, December 16, 1920; in force September 5, 1921; Reg. No. 170; 6 League of Nations Treaty Series, p. 379.

Optional clause recognizing the Court's jurisdiction, as described in article 36 of the Statute, Geneva, December 16, 1920; in

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note—Continued

force between various states; Reg. No. 170; 6 League of Nations Treaty Series, p. 384.

Protocol concerning the revision of the Statute of the Permanent Court of International Justice, Geneva, September 14, 1929; in force February 1, 1936; Reg. No. 3822; 165 League of Nations Treaty Series, p. 353; League of Nations, *Official Journal*, 1929, p. 1842.

Protocol relating to the accession of the United States of America to the protocol of signature of the Statute of the Permanent Court of International Justice, Geneva, September 14, 1920; not in force; League of Nations, *Official Journal*, 1929, p. 1856.

Criminal Court

Convention for the creation of an international criminal court, Geneva, November 16, 1937; not in force; League of Nations, *Official Journal*, 1938, p. 36.

Law, Codification of International

Convention on certain questions relating to the conflict of nationality laws, The Hague, April 12, 1930; in force July 1, 1937; Reg. No. 4137; 179 League of Nations Treaty Series, p. 89.

Protocol relating to military obligations in certain cases of double nationality, The Hague, April 12, 1930; in force May 25, 1937; Reg. No. 4117; 178 League of Nations Treaty Series, p. 227; League of Nations, *Official Journal*, 1930, p. 860.

Protocol relating to a certain case of statelessness, The Hague, April 12, 1930; in force July 1, 1937; Reg. No. 4138; 179 League of Nations Treaty Series, p. 115; League of Nations, *Official Journal*, 1930, p. 870.

Special protocol concerning statelessness, The Hague, April 12, 1930; not in force; League of Nations, *Official Journal*, 1930, p. 880.

Terrorism

Convention for the prevention and punishment of terrorism, Geneva, November 16, 1937; not in force; League of Nations, *Official Journal*, 1938, p. 22.

MINORITIES

By treaty stipulations in connection with the transfer of territory to new states or reconstructed states "obligations of international concern" with respect to the treatment of persons belonging to racial, religious, or linguistic minorities were "placed under the guaranty of the League of Nations". In extension of this system

Note—Continued

of protection as provided at the Paris Peace Conference, the Council of the League obtained declarations of like purport from states possessing minorities when they were admitted to membership of the League. In addition, several treaties between states dealt with their minorities and by their terms or in practice became assimilated to the guaranty system. In all cases the members of the Council could call attention to infractions of the guaranties, for the protection of which the Council possessed wide powers.

The League of Nations published two compilations concerning minority obligations as follows:

Protection of Linguistic, Racial, and Religious Minorities by the League of Nations: Provisions contained in the various international instruments at present in force. Geneva, August 1927. (C.L.110. 1927. I. Annexe. 1927, I.B.2)

Extracts From the Minutes of the Council, Resolutions and Reports Adopted by the Assembly, Relating to the Procedure To Be Followed in Questions Concerning the Protection of Minorities (2d ed.). (C.8.M.5. 1931. I.B.1)

Aaland Islands. Agreement between Finland and Sweden embodying declaration by Finland, in respect of Aalanders, reached before the Council, June 27, 1921 (League of Nations, *Official Journal*, 1921, p. 701.)

Albania. Albanian declaration of October 2, 1921, placed under the guaranty of the League by resolution of the Council of same date (9 League of Nations Treaty Series, p. 174); effective from date of ratification, February 17, 1922 (League of Nations, *Official Journal*, 1921, p. 1164.)

Austria. Articles 62-69 of the treaty of peace with Austria, signed at Saint-Germain-en-Laye, September 10, 1919; resolution of Council, October 27, 1920 (League of Nations, *Official Journal*, 1920, No. 8, p. 10).

Austria-Czechoslovakia. Treaty signed at Brünn, July 7, 1920, is a reciprocal engagement with regard to citizenship and the protection of minorities; supplementary protocol, signed at Carlsbad, August 23, 1920; 3 League of Nations Treaty Series, pp. 190, 226.

Bulgaria. Articles 49-57 of the treaty of peace with Bulgaria, signed at Neuilly-sur-Seine, November 27, 1919; resolution of Council, October 27, 1920 (League of Nations, *Official Journal*, 1920, No. 8, p. 11).

Bulgaria. Proposal relating to protection of Greek minorities in Bulgaria, made before and accepted by the Council of the League of Nations, Geneva, September 29, 1924; Reg. No. 737; 29 League

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note—Continued

- of Nations Treaty Series, p. 117; affected by rejection of cognate proposal by Greek National Assembly February 3, 1925.
- Czechoslovakia.* Chapters I and II of treaty of September 10, 1919 between the Principal Allied and Associated Powers and Czechoslovakia (see p. 808); resolution of Council, November 29, 1920 (League of Nations, *Official Journal*, 1920, No. 8, p. 81).
- Danzig, Free City of.* Article 33 of the convention between Poland and the Free City signed at Paris, November 9, 1920; 6 League of Nations Treaty Series, p. 203 (see p. 256).
- Estonia.* Resolution of the Council of September 17, 1923, accepted by Estonian declaration of same date making certain proposals then accepted by the Council; League of Nations, *Official Journal*, 1923, p. 1311.
- Finland.* The Council on October 2, 1921 decided that the constitutional and legislative guaranties of Finland were satisfactory; League of Nations, *Official Journal*, 1921, p. 1165.
- Germany-Poland.* Convention concerning questions of option and nationality signed at Vienna, August 30, 1924 (32 League of Nations Treaty Series, p. 331); noted by Council June 8, 1925 (League of Nations, *Official Journal*, 1925, p. 895).
- Greece.* Articles 1-16 of the treaty between the Principal Allied Powers and Greece, signed at Sèvres on August 10, 1920, subject to modifications contained in the protocol, signed at Lausanne on July 24, 1923 (28 League of Nations Treaty Series, pp. 243, 221); resolution of the Council, September 26, 1924 (League of Nations, *Official Journal*, 1924, p. 1343).
- Greece.* Proposal relating to the protection of Bulgarian minorities in Greece, made before and accepted by the Council of the League of Nations, September 29, 1924; Reg. No. 738; 29 League of Nations Treaty Series, p. 123; reported as rejected by Greek National Assembly, February 3, 1925.
- Hungary.* Articles 54-60 of the treaty of peace with Hungary, signed at Trianon on June 4, 1920; resolution of Council, August 30, 1921 (League of Nations, *Official Journal*, 1921, p. 1080).
- Iraq.* Declaration before the Council, May 19, 1932 (League of Nations, *Official Journal*, 1932, p. 1347), made as part of the qualifying of the "A" mandated territory's admission to membership of the League; in effect upon the admission, October 3, 1932.
- Latvia.* Declaration of July 7, 1923, approved by the Latvian Government on July 19, 1923. The Council by resolution of September

Note—Continued

- 1, 1923 took note of the Latvian Government's approval of the declaration (League of Nations, *Official Journal*, 1923, p. 1275).
- Lithuania.* Lithuanian declaration of May 12, 1922 (22 League of Nations Treaty Series, p. 393); Council resolution, on December 11, 1923, according to the guaranty of the League (League of Nations, *Official Journal*, 1924, p. 333).
- Memel.* Article 11 of the convention relative to Memel Territory and articles 26 and 27 of annex I (Statute of Memel Territory) signed at Paris, May 8, 1924; in force, September 27, 1924; 29 League of Nations Treaty Series, pp. 85, 95.
- Poland.* Treaty of June 28, 1919 between the Principal Allied and Associated Powers and Poland (see p. 791); resolution of Council, February 13, 1920 (League of Nations, *Official Journal*, 1920, No. 8, p. 83).
- Rumania.* Treaty of December 9, 1919 between the Principal Allied and Associated Powers and Rumania (5 League of Nations Treaty Series, p. 335); resolution of Council, August 30, 1921 (League of Nations, *Official Journal*, 1921, p. 1079).
- Serb-Croat-Slovene State.* Treaty of September 10, 1919 between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State; resolution of Council, November 29, 1920 (League of Nations, *Official Journal*, 1920, No. 8, p. 83).
- Turkey.* Articles 37-44 of the treaty of peace with Turkey, signed at Lausanne on July 24, 1923 (28 League of Nations Treaty Series, p. 11); resolution of the Council, September 26, 1924 (League of Nations, *Official Journal*, 1924, p. 1344).
- Upper Silesia.* Articles 64-72 of the convention between Germany and Poland relative to Upper Silesia, concluded at Geneva, May 15, 1922; in force June 3, 1922-July 15, 1937; mutual unilateral declarations; separate print.

SOCIAL AND HUMANITARIAN ACTIVITY

Emigrants

- Agreement concerning the preparation of a transit card for emigrants, Geneva, June 14, 1929; in force September 12, 1929; Reg. No. 2148; 94 League of Nations Treaty Series, p. 277.

Obscene Publications

- International convention for the suppression of the circulation of and traffic in obscene publications, Geneva, September 12, 1923; in force August 7, 1924; Reg. No. 685; 27 League of Nations Treaty Series, p. 213.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note—Continued

Opium

- International opium convention, The Hague, January 23, 1912; in force December 31, 1914; Reg. No. 222; 8 League of Nations Treaty Series, p. 187.
- Agreement concerning the suppression of the manufacture of, internal trade in, and use of, prepared opium, protocol and final act, Geneva, February 11, 1925; in force July 28, 1926; Reg. No. 1239; 51 League of Nations Treaty Series, p. 337.
- International opium convention, and protocol, Geneva, February 19, 1925; in force September 25, 1928; Reg. No. 1845; 81 League of Nations Treaty Series, p. 317.
- Convention for limiting the manufacture and regulating the distribution of narcotic drugs, and protocol of signature, Geneva, July 13, 1931; in force July 9, 1933; Reg. No. 3219; 139 League of Nations Treaty Series, p. 301.
- Agreement on the suppression of opium-smoking, Bangkok, November 27, 1931; in force April 22, 1937; Reg. No. 4100; 177 League of Nations Treaty Series, p. 373.
- Procès-verbal to alter the latest date of issue of the annual statement of the estimated world requirements of dangerous drugs, drawn up by the Supervisory Body, as provided for by the international convention of July 13, 1931, Geneva, June 26, 1936; applied in practice; League of Nations, *Official Journal*, 1936, p. 993.
- Convention for the suppression of the illicit traffic in dangerous drugs, and protocol of signature, Geneva, June 26, 1936; in force October 26, 1939; Reg. No. 4648; 198 League of Nations Treaty Series, p. 299; League of Nations, *Official Journal*, 1936, p. 959.

Refugees

- Convention relating to the international status of refugees, Geneva, October 28, 1933; in force June 13, 1935; Reg. No. 3663; 159 League of Nations Treaty Series, p. 199.

Refugees, Special Questions

- Arrangement with regard to the issue of certificates of identity to Russian refugees, Geneva, July 5, 1922; Reg. No. 355; 13 League of Nations Treaty Series, p. 237.
- Protocol relating to the settlement of refugees in Greece and the creating of the Refugees Settlement Commission, and declaration, Geneva, September 29, 1923; Reg. Nos. 503, 504; 20 League of Nations Treaty Series, pp. 29, 41.

PART I: ARTICLE 26

Note—Continued

Additional act and declaration, September 19, 1924; in force December 4, 1924; Reg. Nos. 776, 777; 30 League of Nations Treaty Series, pp. 413, 421.

Arrangement concerning the issue of certificates of identity to Armenian refugees, Geneva, May 31, 1924; League of Nations, *Official Journal*, 1924, p. 969.

Supplementary arrangement relating to the issue of identity certificates to Russian and Armenian refugees, Geneva, May 12, 1926; Reg. No. 2004; 89 League of Nations Treaty Series, p. 47.

Protocol concerning the settlement of refugees in Bulgaria, Geneva, September 9, 1926; in force November 23, 1926; Reg. No. 1375; 58 League of Nations Treaty Series, p. 245.

Agreement concerning the legal status of Russian and Armenian refugees, Geneva, June 30, 1928; Reg. No. 2005; 89 League of Nations Treaty Series, p. 53.

Arrangement concerning the extension to other categories of refugees of certain measures taken to assist Russian and Armenian refugees, Geneva, June 30, 1928; Reg. No. 2006; 89 League of Nations Treaty Series, p. 63.

Agreement concerning the functions of the representatives of the League of Nations high commissioner for refugees, Geneva, June 30, 1928; in force August 19, 1929; Reg. No. 2126; 93 League of Nations Treaty Series, p. 377.

Convention between the Hellenic Government and the Refugees Settlement Commission, Geneva, January 24, 1930; Reg. No. 2518, November 11, 1930; 108 League of Nations Treaty Series, p. 349.

Provisional arrangement concerning the status of refugees coming from Germany, Geneva, July 4, 1936; in force August 4, 1936; Reg. No. 3952; 171 League of Nations Treaty Series, p. 75.

Convention concerning the status of refugees coming from Germany, Geneva, February 10, 1938; in force October 26, 1938; Reg. No. 4461; 192 League of Nations Treaty Series, p. 59.

Additional protocol to the provisional arrangement and to the convention concerning the status of refugees coming from Germany, Geneva, September 14, 1939; in force September 14, 1939; Reg. No. 4634; 198 League of Nations Treaty Series, p. 141.

Relief Union

Convention and statute establishing an international relief union, Geneva, July 12, 1927; in force December 27, 1932; Reg. No. 3115; 135 League of Nations Treaty Series, p. 247.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note—Continued

Slavery

Slavery convention, Geneva, September 25, 1926; in force March 9, 1927; Reg. No. 1414; 60 League of Nations Treaty Series, p. 253.

Traffic in Women and Children

International convention for the suppression of the traffic in women and children, Geneva, September 30, 1921; in force June 15, 1922; Reg. No. 269; 9 League of Nations Treaty Series, p. 415.

International convention for the suppression of the traffic in women of full age, Geneva, October 11, 1933; in force August 24, 1934; Reg. No. 3476; 150 League of Nations Treaty Series, p. 431.

PART II.

BOUNDARIES OF GERMANY.

[The vertical rule indicates treaty text.]

Notes to Part II, Articles 27 to 30

Quoting from speeches of President Wilson of February 11 and July 4, 1918, the German delegation asserted ¹ that “no territory may be separated from Germany which by centuries of peaceful union with the German State [Upper Silesia, the Saar] has indisputably proved that it belongs to the nation, or, if this is not the case, the population of which has not declared itself in favour of separation” (*Foreign Relations, The Paris Peace Conference, 1919*, VI, 822). It therefore demanded plebiscites in each of the areas to be transferred, to be held after the conclusion of peace under fair conditions administered by a neutral state after the removal of all troops. Enclaves were to be mutually exchanged, and no more German subjects were “to be placed under the rule of the acquiring State, than subjects of that State under German rule”. Self-determination, it was contended, must be applied not “solely to the prejudice of Germany” but to “all States alike”.

¹ Unless otherwise indicated, the date of the German declaration, protest, or proposal was May 29, 1919.

Notes to Part II, Articles 27 to 30—Continued

Guaranties were demanded for German minorities, “especially by the concession of the right to support and frequent German schools and churches and to publish German newspapers” (*ibid.*, p. 941). If possible, complete “cultural autonomy” should be assured. Germany was determined to treat its foreign minorities “according to the same principles”.

The Allies replied that² they were prepared to accord guaranties, under the control of the League of Nations, for the educational, religious, and cultural rights of German minorities, and they took note of the German statement that Germany was determined to treat its minorities according to the same principles.

The treaty restoring friendly relations between the United States and Germany, signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates in article II (3) “that the United States assumes no obligations under or with respect to the provisions” of this part. The Senate of the United States in its resolution of October 18, 1921 giving advice and consent to the ratification of the treaty restoring friendly relations stipulated “that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation”.

Part II of the treaty was not printed as an annex, technically a schedule, of the treaty restoring friendly relations by the Department of State in Treaty Series 658, nor in 42 Stat. 1939. The entire treaty of peace with Germany, as well as those with Austria and Hungary, was printed as a separate appendix to the treaty restoring friendly relations in the volume compiled under resolution of the Senate of August 19, 1921 and published as Senate Document 348, 67th Congress, 4th session, serial 8167; *Treaties, Conventions, etc.*, 1910–23, III.

ARTICLE 27.

The boundaries of Germany will be determined as follows:

Note to II, 27

Of the eight boundaries stipulated in this article to constitute the frontiers of Germany, three were unchanged; three underwent rela-

² Unless otherwise indicated, the date of the Allied reply was June 16, 1919.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to II, 27—Continued

tively slight changes, with adjustments dependent upon future decisions; and two—the French and Polish boundaries—involved considerable change.

1. *With Belgium:*

From the point common to the three frontiers of Belgium, Holland and Germany and in a southerly direction:

the north-eastern boundary of the former territory of *neutral Moresnet*, then the eastern boundary of the *Kreis* of Eupen, then the frontier between Belgium and the *Kreis* of Montjoie, then the north-eastern and eastern boundary of the *Kreis* of Malmédy to its junction with the frontier of Luxemburg.

Note to II, 27 (1)

In the delimitation proceedings the Conference of Ambassadors approved on July 22, 1920 the cession to Belgium of the Rohrer-Kalterherberg Railroad line and that part of the *Kreis* (circle) of Montjoie situated west of that line. Modifications of the treaty line near Roetgen were made as compensation.

Decisions concerning the fixation of the Belgo-German boundary according to these specifications, made and in effect November 6, 1922, were published in the *Reichsgesetzblatt*, 1924, II, 1. A German decree of May 18, 1940 incorporated Eupen, Malmédy, and neutral Moresnet in the German Reich, thus reverting to the pre-1919 boundary (*ibid.*, 1940, I, 777). The three have a total area of 366.59 square miles.

See also part III, section I.

An arrangement between Belgium and Germany regulating frontier questions, signed at Aix-la-Chapelle November 7, 1929 (*Reichsgesetzblatt*, 1931, II, 126), was followed by an additional arrangement concluded on May 10, 1935 and in force November 15 (*ibid.*, 1935, II, 751).

2. *With Luxemburg:*

The frontier of August 3, 1914, to its junction with the frontier of France of the 18th July, 1870.

Note to II, 27 (2)

The boundary of Germany with Luxemburg remained that of the treaty respecting the neutralization of Luxemburg signed at London, May 11, 1867, which was severally binding upon Austria, Belgium, France, Great Britain, Italy, the Netherlands, Prussia, and Russia

PART II: ARTICLE 27

Note to II, 27 (2)—Continued

(57 *British and Foreign State Papers*, p. 52; Hertslet, *Map of Europe by Treaty*, p. 1801).

Article 84 of the treaty of peace with Austria and article 68 of the treaty of peace with Hungary accept this as one of the arrangements concluded by the Allied and Associated Powers relating to Luxembourg. The Netherlands and Russia, other parties to the treaty of 1867, were not parties to the treaty of peace with Germany.

See also part III, section II.

3. With France:

The frontier of July 18, 1870, from Luxembourg to Switzerland with the reservations made in Article 48 of Section IV (Saar Basin) of Part III.

Note to II, 27 (3)

This was the frontier of 1815, imposed on France after the "Hundred Days" of Napoleon. At Paris the French Government asked for the frontier of 1814, which would have included in France the territory west of the Saar district and the city of Landau.

The treaty between France and Germany regarding the delimitation of the frontier made pursuant to this provision was signed at Paris on August 14, 1925. The exchange of ratifications was not effected until May 15, 1928 (75 League of Nations Treaty Series, p. 103). In its technical aspects, the treaty was an excellent example of modern frontier delimitation. Its main text ran to 53 articles, and 8 extensive annexes took into account the many special factors which insured the establishment of definitive boundary lines and smooth operation of a frontier-zone regime. For purposes of the treaty, the frontier between France and Germany was divided into three sections:

- (1) The Prussian sector from Luxembourg to the territory of the Saar Basin;
- (2) The Bavarian sector from the territory of the Saar Basin to the State of Baden;
- (3) The Baden sector extending along the Rhine as far as Switzerland.

Modifications in the frontier as compared with that before 1871 were minor, consisting of one cession by each party in the first section, and in the second section five cessions by France to Germany and four by Germany to France. All these, however, resulted in the transfer of only .76 hectare by France to Germany and of .77 hectare

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to II, 27 (3)—Continued

by Germany to France along a border 265 kilometers in length. The boundary marks were verified by a joint inspection every 5 years. The administration of the frontier zone, which extended 5 kilometers each side of the line, was remitted to the local authorities, whose regulations and usages were made applicable both to roads and waterways intersecting or running along the frontier. No occasion arose for either party to exercise its right of bringing any dispute regarding the interpretation or application of the treaty before the Permanent Court of International Justice.

An unusual feature of the treaty was an annex describing in full detail the course of the boundary line and indicating its local characteristics even to the extent of identifying buildings intersected by the line which should not be rebuilt if they were razed or fell into disuse. The principle of visibility between delimitation marks was aimed at. The Rhine was divided by the axis of the *thalweg*, defined as "the continuous line of deepest soundings".

4. *With Switzerland:*

The present frontier.

5. *With Austria:*

The frontier of August 3, 1914, from Switzerland to Czecho-Slovakia as hereinafter defined.

6. *With Czecho-Slovakia:*

The frontier of August 3, 1914, between Germany and Austria from its junction with the old administrative boundary separating Bohemia and the province of Upper Austria to the point north of the salient of the old province of Austrian Silesia situated at about 8 kilometres east of Neustadt.

Note to II, 27 (5, 6)

The German frontier to the south remained unchanged with the difference that, whereas Germany formerly abutted upon the dual monarchy of Austria-Hungary, later it was conterminous with Austria and Czechoslovakia.

The German frontier with Czechoslovakia followed the line of the old German-Austrian frontier, and Czechoslovakia received only 122 square miles of former German territory in Upper Silesia. In addition to direct contact with Germany, the Czechoslovak boundary eastward toward Poland involved small areas of former German territory.

See further part III, section VI and section VII, article 83.

PART II: ARTICLE 27

7. *With Poland:*

From the point defined above to a point to be fixed on the ground about 2 kilometres east of Lorzendorf:

the frontier as it will be fixed in accordance with Article 88 of the present Treaty;

thence in a northerly direction to the point where the administrative boundary of Posnania crosses the river Bartsch:

a line to be fixed on the ground leaving the following places in Poland: Skorischau, Reichthal, Trembatschau, Kunzendorf, Schleise, Gross Kosel, Schreibersdorf, Rippin, Fürstlich-Niefken, Pawelau, Tscheschen, Konradau, Johannisdorf, Modzenowe, Bogdaj, and in Germany: Lorzendorf, Kaulwitz, Glausche, Dalbersdorf, Reesewitz, Stradam, Gross Wartenberg, Kraschen, Neu Mittelwalde, Domaslawitz, Wedelsdorf, Tscheschen Hammer;

thence the administrative boundary of Posnania north-westwards to the point where it cuts the Rawitsch-Herrnstadt railway;

thence to the point where the administrative boundary of Posnania cuts the Reisen Tschirnau road:

a line to be fixed on the ground passing west of Triebusch and Gabel and east of Saborwitz;

thence the administrative boundary of Posnania to its junction with the eastern administrative boundary of the *Kreis* of Fraustadt;

thence in a north-westerly direction to a point to be chosen on the road between the villages of Unruhstadt and Kopnitz:

a line to be fixed on the ground passing west of Geyersdorf, Brenno, Fehlen, Altkloster, Klebel, and east of Ulbersdorf, Buchwald, Ilgen, Weine, Lupitze, Schwenten;

thence in a northerly direction to the northernmost point of Lake Chlop:

a line to be fixed on the ground following the median line of the lakes; the town and the station of Bentschen however (including the junction of the lines Schwiebus-Bentschen and Züllichau-Bentschen) remaining in Polish territory;

thence in a north-easterly direction to the point of junction of the boundaries of the *Kreise* of Schwerin, Birnbaum and Meseritz:

a line to be fixed on the ground passing east of Betsche;

thence in a northerly direction the boundary separating the *Kreise* of Schwerin and Birnbaum, then in an easterly direction the northern boundary of Posnania to the point where it cuts the river Netze;

thence upstream to its confluence with the Küddow:

the course of the Netze;

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

thence upstream to a point to be chosen about 6 kilometres south-east of Schneidemühl:

the course of the Küddow;

thence north-eastwards to the most southern point of the re-entrant of the northern boundary of Posnania about 5 kilometres west of Stahren:

a line to be fixed on the ground leaving the Schneidemühl-Konitz railway in this area entirely in German territory;

thence the boundary of Posnania north-eastwards to the point of the salient it makes about 15 kilometres east of Flatow;

thence north-eastwards to the point where the river Kamionka meets the southern boundary of the *Kreis* of Konitz about 3 kilometres north-east of Grunau:

a line to be fixed on the ground leaving the following places to Poland: Jasdrowo, Gr. Lutau, Kl. Lutau, Wittkau, and to Germany: Gr. Butzig, Cziskowo, Battraw, Böck, Grunau;

thence in a northerly direction the boundary between the *Kreise* of Konitz and Schlochau to the point where this boundary cuts the river Brahe;

thence to a point on the boundary of Pomerania 15 kilometres east of Rummelsburg:

a line to be fixed on the ground leaving the following places in Poland: Konarzin, Kelpin, Adl. Briesen, and in Germany: Sampohl, Neuguth, Steinfort, Gr. Peterkau;

then the boundary of Pomerania in an easterly direction to its junction with the boundary between the *Kreise* of Konitz and Schlochau;

thence northwards the boundary between Pomerania and West Prussia to the point on the river Rheda about 3 kilometres north-west of Gohra where that river is joined by a tributary from the north-west;

thence to a point to be selected in the bend of the Piasnitz river about 1½ kilometres north-west of Warschkau:

a line to be fixed on the ground;

thence this river downstream, then the median line of Lake Zarnowitz, then the old boundary of West Prussia to the Baltic Sea.

Text of May 7:

From the point defined above in a northerly direction to the point of the salient of the eastern boundary of the *Kreis* of Falkenberg, which is about 3 kilometres east of Puschine:

a line to be fixed on the ground passing east of Zülz;

Text of May 7—Continued

thence the eastern boundary of the *Kreis* of Falkenberg, then the boundary between Upper and Middle Silesia, then the western boundary of Posnania to the Bartsch, then the course of this river downstream, then the boundary between the *Kreise* of Guhrau and of Glogau in a northerly direction, then the boundary of Posnania in a north-easterly direction to its junction with the boundary between the *Kreise* of Lissa and Fraustadt;

thence in a north-westerly direction to a point to be chosen on the road between the villages of Unruhstadt and Kopnitz:

a line to be fixed on the ground passing west of Geyersdorf, Brenno, Fehlen, Altkloster, Klebel, and east of Ulbersdorf, Buchwald, Ilgen, Weine, Lupitze, Schwenten;

thence in a northerly direction to the northernmost point of Lake Chlop:

a line to be fixed on the ground following the median line of the lakes; the town and the station of Bentschen however (including the junction of the lines Schwiebus-Bentschen and Züllichau-Bentschen) remaining in Polish territory;

thence in a north-north-easterly direction to the point of junction of the boundaries of the *Kreise* of Schwerin, Birnbaum and Meseritz:

a line to be fixed on the ground passing east of Betsche;

thence in a northerly direction the boundary separating the *Kreise* of Schwerin and Birnbaum, then in an easterly direction the northern boundary of the *Regierungsbezirk* of Posen, then in a north-easterly direction the boundary between the *Kreise* of Filehne and Czarnikau, then the course of the Netze upstream, then in a northerly direction the eastern boundary of the *Kreis* of Czarnikau to its junction with the northern boundary of Posnania;

thence in a north-easterly direction to a point on the frontier of Posnania situated at the extremity of the salient at about 5 kilometres west-north-west of Schneidemühl:

a line to be fixed on the ground;

thence the frontier of Posnania to its junction with the boundary between the *Kreise* of Flatow and of Deutschkrone;

thence in a north-easterly direction to point 205 (about 5 kilometres west-north-west of Konitz):

a line to be fixed on the ground approximately parallel to the railway Schneidemühl-Konitz and about 8 kilometres west of it and passing to the west of Annafeld, Gresonse, Friedland, Steinborn, Jenznik, Niesewanz and east of Sakollno, Wengerz, Gursen, Radawnitz, Lancken, Damnitz, Schlochau (leaving in German territory the Hammerstein-Schlochau-Prechlau railway), Lichtenhagen, Richnau;

thence in a northerly direction to the boundary between the *Kreise* of Konitz and Schlochau, then the boundary of West Prussia to the northern extremity of the salient about 8 kilometres south-east of Lauenburg;

thence in a northerly direction to the Baltic Sea:

Text of May 7—Continued

a line to be fixed on the ground, passing east of the villages of Hohenfelde, Saulin, Chottschow, following the median line of the lakes situated east of those places, and through point 32 about 5 kilometres north-north-west of Ossecken.

Note to II, 27 (7)

The boundary here described defines the eastern frontier of Germany proper as left by the treaty of peace. It is also the western boundary of Poland and of the so-called "Corridor", consisting of parts of Posen, West Prussia, and East Prussia. The Corridor enclosed the Free City of Danzig (part III, sec. XI) on the land side and separated the part of East Prussia remaining to Germany from Germany proper. Article 28 describes the Polish boundary with East Prussia, to the east of the Corridor and to the north of Poland, territory which toward the east had formerly been under Russian jurisdiction. The plebiscite area of Upper Silesia, part of which was allocated to Poland, is described in article 88. Altogether, Poland received 17,816 square miles of German territory having a population of 3,854,961 in 1910. Plebiscites by communes (*Gemeinde*) in the *Kreise* of Stukm and Rosenberg comprised within the *Bezirk* of Allenstein and in a portion of the *Kreis* Marienburg did not result in their transfer to Poland; see part III, section IX. The German-Polish Delimitation Commission officially ended its work on October 18, 1924.

The transfer of territory to Poland called for a number of preparatory steps which were provided for in separate instruments, among which were:

- German - Polish treaty concerning the temporary regulation of questions relating to officials, Berlin, November 9, 1919; and additional protocol and convention. Paris, January 8 and 9, 1920.
- German - inter-Allied provisions concerning the functioning of inter-Allied commissions in Upper Silesia, Allenstein, and Marienwerder. Paris, January 9, 1920.
- German - inter-Allied provisions concerning the evacuation of Upper Silesia by German troops and its occupation by Allied troops. Paris, January 9, 1920.
- German - inter-Allied agreement concerning the transfer of the territories of Memel and Danzig. Paris, January 9, 1920.
- German - inter-Allied provisions concerning the evacuation of the territories of Allenstein and Marienwerder, Danzig, Memel, and Slesvig by German troops and their occupation by Allied troops. Paris, January 9, 1920.

PART II: ARTICLE 27

Note to II, 27 (7)—Continued

Czechoslovak-German procès-verbal relating to the transfer of Hultschin (art. 83, par. 1, of the treaty of peace). Paris, January 12, 1920.

German - inter-Allied arrangement for passage of German military trains through the territories of Marienwerder and Allenstein. Paris, January 9, 1920.

German - inter-Allied instruction to the railroad service concerning the passage of Allied troops through Germany. Paris, January 7, 1920.

Provisions setting forth the general conditions for transport of troops and supply with regard to Allied contingents occupying the territories of Danzig, Memel, Allenstein, Marienwerder, Teschen, Slesvig, and Upper Silesia. Paris, January 8, 1920.

German-Polish arrangement concerning the evacuation of ceded territory and the transfer of the civil authority, Berlin, November 25, 1919, and additional protocols. Paris, January 8 and 9, 1920.

German-Polish agreements relative to putting the Treaty of Versailles into force. Paris, January 9, 1920.

German-Polish arrangement concerning the organization of provisional military traffic by railroad between Eastern Prussia and Germany in either direction. Paris, January 9, 1920.

German-Polish additional protocol submitting all German-Polish agreements to the jurisdiction of the Reparation Commission. Paris, January 9, 1920.

German-Polish arrangement relative to the evacuation and provisional occupation of the frontier zone. Paris, January 11, 1920.

8. *With Denmark:*

The frontier as it will be fixed in accordance with Articles 109 to 111 of Part III, Section XII (Schleswig).

Text of May 7:

The frontier as it will be fixed in accordance with Articles 109 and 110 of Part III, Section XII (Schleswig).

Note to II, 27 (8)

The frontier with Denmark depended upon the result of the Slesvig plebiscite, for which see article 109.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ARTICLE 28.

The boundaries of East Prussia, with the reservations made in Section IX (East Prussia) of Part III, will be determined as follows:

Text of May 7:

The boundaries of East Prussia, with the reservations made in Articles 94 and 96 of Section IX (East Prussia) of Part III will be determined as follows:

from a point on the coast of the Baltic Sea about $1\frac{1}{2}$ kilometres north of Pröbbernew church in a direction of about 159° East from true North:

a line to be fixed on the ground for about 2 kilometres;

thence in a straight line to the light at the bend of the Elbing Channel in approximately latitude $54^\circ 19' \frac{1}{2}$ North, longitude $19^\circ 26'$ East of Greenwich;

thence to the easternmost mouth of the Nogat River at a bearing of approximately 209° East from true North;

thence up the course of the Nogat River to the point where the latter leaves the Vistula (Weichsel);

thence up the principal channel of navigation of the Vistula, then the southern boundary of the *Kreis* of Marienwerder, then that of the *Kreis* of Rosenberg eastwards to the point where it meets the old boundary of East Prussia;

thence the old boundary between East and West Prussia, then the boundary between the *Kreise* of Osterode and Neidenburg, then the course of the river Skottau downstream, then the course of the Neide upstream to a point situated about 5 kilometres west of Bialutten being the nearest point to the old frontier of Russia;

thence in an easterly direction to a point immediately south of the intersection of the road Neidenburg-Mlava with the old frontier of Russia:

a line to be fixed on the ground passing north of Bialutten;

thence the old frontier of Russia to a point east of Schmaleningken, then the principal channel of navigation of the Niemen (Mémel) downstream, then the Skierwieth arm of the delta to the Kurisches Haff;

thence a straight line to the point where the eastern shore of the Kurische Nehrung meets the administrative boundary about 4 kilometres south-west of Nidden;

thence this administrative boundary to the western shore of the Kurische Nehrung.

PART II: ARTICLES 28 TO 30

Note to II, 28

The so-called "Polish Corridor" was 42,928 square kilometers in area and came from former German provinces as follows:

	Sq. km.	1910 Census
East Prussia	501	24,700
West Prussia	15,864	964,700
Posen	26,042	1,946,400
Pomerania and Brandenburg	10	200
Lower Silesia	511	26,200
	<hr/>	<hr/>
	42,928	2,962,200

ARTICLE 29.

The boundaries as described above are drawn in red on a one-in-a-million map which is annexed to the present Treaty (Map N^o 1.) [Map not reproduced.]

In the case of any discrepancies between the text of the Treaty and this map or any other map which may be annexed, the text will be final.

ARTICLE 30.

In the case of boundaries which are defined by a waterway, the terms "course" and "channel" used in the present Treaty signify: in the case of non-navigable rivers, the median line of the waterway or of its principal arm, and, in the case of navigable rivers, the median line of the principal channel of navigation. It will rest with the Boundary Commissions provided by the present Treaty to specify in each case whether the frontier line shall follow any changes of the course or channel which may take place or whether it shall be definitely fixed by the position of the course or channel at the time when the present Treaty comes into force.

Note to II, 30

The instructions relative to boundary commissions, first issued on October 6, 1919, were approved in an amended form by the Conference of Ambassadors on July 22, 1920 (file 763.72119/10348). The commissions were empowered to modify the attribution of localities in unimportant respects by unanimous decisions. The text of the treaty overruled the maps of the treaty in case of any discrepancy, taking into account "administrative boundaries and local economic interests to the exclusion of any national, linguistic or religious reason". The protocols they drew up concerned the settlement

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to II, 30—Continued

of juridical questions and became definitive after approval by the interested states.

The Japanese Government withdrew its representatives on all commissions of delimitation as of the end of February 1923 (file 763.72119/11951).

PART III.

POLITICAL CLAUSES FOR EUROPE.

[The vertical rule indicates treaty text.]

Notes to Part III, Articles 31 to 117

The treaty restoring friendly relations between the United States and Germany, signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates in article II(3) "that the United States assumes no obligations under or with respect to the provisions" of this part. The Senate of the United States in its resolution of October 18, 1921 giving advice and consent to the ratification of the treaty restoring friendly relations stipulated "that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation".

Part III of the treaty was not printed as an annex—technically a schedule—of the treaty restoring friendly relations by the Department of State in Treaty Series 658, nor in 42 Stat. 1939. The entire treaty of peace with Germany, as well as those with Austria and Hungary, was printed as a separate appendix to the treaty restoring friendly relations in the volume compiled under resolution of the Senate of August 19, 1921 and published as Senate Document 348, 67th Congress, 4th session, serial 8167 (*Treaties, Conventions, etc.*, 1910-23, III).

SECTION I.—*Belgium.*

ARTICLE 31.

Germany, recognizing that the Treaties of April 19, 1839, which established the status of Belgium before the war; no longer conform to the requirements of the situation, consents to the abrogation of the said Treaties and undertakes immediately to recognize and to observe whatever conventions may be entered into by the Principal Allied and Associated Powers, or by any of them, in concert with the Governments of Belgium and of the Netherlands, to replace the said Treaties of 1839. If her formal adhesion should be required to such conventions or to any of their stipulations, Germany undertakes immediately to give it.

Note to III, 31

The treaties of April 19, 1839 consisted of (1) a treaty of separation negotiated between Belgium and the Netherlands (37 *British and Foreign State Papers*, p. 1320); (2) a treaty recognizing that separation signed with the Netherlands by Austria, France, Great Britain, Russia, and Prussia (27 *British and Foreign State Papers*, p. 990); and (3) a treaty signed by Austria, Belgium, France, Great Britain, Prussia, and Russia establishing the neutrality of Belgium under a joint guaranty of neutralization (27 *British and Foreign State Papers*, p. 1000).

Article 31 deals with one of the decisive phases of the outbreak of the war of 1914–18. On August 4, 1914 Chancellor von Bethmann-Hollweg told the German Reichstag: “We are now in a state of necessity and necessity knows no law. Our troops have occupied Luxembourg, and perhaps have already entered Belgian territory. Gentlemen, this is a breach of international law . . . The wrong—I speak openly—the wrong we thereby commit we will try to make good as soon as our military aims have been attained.” This German action brought into operation the joint guaranty of Belgian neutrality under the treaty signed between Austria, Belgium, France, Great Britain, Prussia, and Russia. The British Government—the only party to the treaty not already involved in the war—fulfilled its obligation and entered the war in support of Belgium, notwithstanding the German Chancellor’s plaint that Great Britain was going to war just for a “scrap of paper”. The Belgian Government under King Albert removed to French territory on October 13, 1914.

This article, incorporated in the treaty of peace at the instance of the Belgian Government, intended to abandon the policy of neu-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 31—Continued

tralization and to secure Germany's assent thereto in advance. It also committed Germany to accepting any future arrangements effected by Belgium with the Principal Allied and Associated Powers. The article did not concern the other Allied and Associated Powers.

As to the guarantors of the 1839 treaty, Austria and Hungary, as successors to the Empire of Austria of 1839, by articles 71 and 83 respectively of the treaties of peace with them, were bound by provisions identic, *mutatis mutandis*, with this article. Russia in 1919 was ignored. The British Under Secretary of State for Foreign Affairs on April 10, 1922 (House of Commons Debates, 5th series, 153, col. 31) made the following statement :

“Of the five guarantor Powers, after excluding Russia and those which have been at war with Belgium, there remain France and Great Britain. These two and Belgium are in mutual agreement that, in consequence of past events, the treaty establishing the guarantee can no longer be regarded as in force.”

On June 4, 1919 the Paris Peace Conference appointed a commission consisting of representatives of the United States, Great Britain, France, Italy, Japan, Belgium, and the Netherlands to study the measures which might result from revision, to submit proposals implying neither transfer of territorial sovereignty nor the creation of international servitudes, and to consider any suggestions agreed upon between Belgium and the Netherlands regarding navigable streams (*Foreign Relations, The Paris Peace Conference, 1919, iv, 792, 857*). The commission's work ended on March 23, 1920 with the drafting of projects for a Belgo-Netherlands treaty and of a collective treaty (file 763.72119P94/55). Disagreements between Belgium and the Netherlands with respect to the waterways prevented a settlement. The principal difference was over the Wielingen channel, which is the largest and most frequented of the three passages giving access to the Scheldt. The Netherlands claimed exclusive jurisdiction over this channel, which is parallel with the Belgian coast and is partially within the three-mile limit of Belgian territorial waters and entirely so at the mouth of the Scheldt.

Negotiations were not resumed until 1924, in part owing to a dispute arising out of a refusal by the Netherlands to permit some torpedo boats taken over by Belgium from Germany to pass from Antwerp to the sea. Nor was the Netherlands eager to forward the Rhine-Meuse canal contemplated by article 361 of the treaty of peace, which would pass through its territory. The treaty signed on April

Note to III, 31—Continued

3, 1925 (file 755.56/55 and /62) provided in article I for the abrogation of article VII of the treaty of 1839 between Belgium and the Netherlands, so far as it concerned neutrality, and canceled article XIV, which limited Antwerp to being solely a commercial port. The rest of the treaty related to the control and management of the Meuse and Scheldt Rivers and the waterways connected with them. Articles VIII, IX, and X of the treaty of 1839 and subsequent treaties in execution of them were abrogated and superseded by elaborate provisions regulatory of the Flanders waterways, the Scheldt and the Meuse, and the subsidiary canals and constructions. Article VII gave Netherlands consent to a Belgian Rhine-Meuse canal (see art. 361). The treaty as a whole was a slight revision of the 1920 draft. The Wielingen channel question was not dealt with. The defense of Limburg, which Belgium had sought in 1919-20 to induce the Netherlands to undertake in concert, was also omitted, though the Netherlands reiterated its statement made in 1920 in the interpretative memorandum that, within the obligations of the Covenant, "it considered a deliberate violation of Netherlands territory, in whatever spot it might occur, as a *casus belli*".

In July 1926 the Belgian Chamber and Senate approved the treaty, Belgium then feeling that the *rapprochement* resulting from the Locarno *détente* and the entrance of Germany into the League of Nations had satisfied some of its objections on the ground of security. The Netherlands, on the other hand, gave principal attention to the financial and economic terms, which were considered by the Parliament from July 1926 until March 24, 1927, when the First Chamber voted 33 to 17 against approving the treaty. No treaty between Belgium and the Netherlands supplanting the treaty of 1839 has been subsequently negotiated.

A collective treaty between Belgium, France, the United Kingdom, and the Netherlands for abrogating the treaties of guaranty of 1839, signed at Paris May 22, 1926, did not go into force (Belgium, Ministère des affaires étrangères, *Documents diplomatiques relatifs à la revision des traités de 1839*, p. 24), in view of the failure of the Belgian-Netherlands treaty of April 3, 1925. It provided for the abrogation of the treaties of April 19, 1839 between Austria, France, Great Britain, Prussia, and Russia and Belgium and the Netherlands, respectively (27 *British and Foreign State Papers*, pp. 990, 1000), and for the ending of Belgian neutrality and the special regime applicable to Antwerp. Germany, Austria, Hungary, and the Soviet Union were to be invited to adhere.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 31—Continued

The Belgian chief of staff concluded with the French chief of staff on September 7, 1920 a military understanding "to reinforce the guaranties of peace and security resulting from the Covenant of the League of Nations" and by an exchange of notes of September 10, 15, 1920 (2 League of Nations Treaty Series, p. 128) gave the understanding a political status. The terms of military cooperation were revised as the occasion arose, lastly on March 6, 1936.

Belgium's position was greatly altered by Germany's repudiation of the Locarno treaty of guaranty. Its policy was to keep outside of any disputes of its neighbors and to be able to dissuade any neighbor from using its territory to attack another state. The King of the Belgians enunciated the policy in a declaration of October 14, 1936. An agreement effected by exchange of notes on April 23, 1937 (178 League of Nations Treaty Series, p. 185) recorded the release of Belgium from all obligations toward France and the United Kingdom resulting from the Treaty of Locarno or the proposals of March 19, 1936, while maintaining their undertakings of assistance to Belgium under both instruments. France and the United Kingdom took note of the desire of the Belgian Government concerning its interests, in particular—

"(1) the determination expressed publicly and on more than one occasion by the Belgian Government; (a) to defend the frontiers of Belgium with all its forces against any aggression or invasion, and to prevent Belgian territory from being used, for purposes of aggression against another State, as a passage or as a base of operations by land, by sea or in the air; (b) to organize the defence of Belgium in an efficient manner for this purpose;

"(2) the renewed assurances of the fidelity of Belgium to the Covenant of the League of Nations and to the obligations which it involves for Members of the League."

It suited Germany to follow this lead six months later. On October 13, 1937, seeing that conclusion of a treaty to replace that of Locarno would take considerable time, Germany in its note to Belgium made the following declaration:

"1 The German Government has taken note of the views to which the Belgian Government has given expression by virtue of its own competence; to wit,

a) that it intends to pursue in full sovereignty a policy of independence,

PART III: ARTICLES 32 TO 33

Note to III, 31—Continued

b) that it is determined to defend the frontiers of Belgium with all its forces against any aggression or invasion, and to prevent Belgian territory from being used, for purposes of aggression against any other State, as a passage (*Durchmarschland*) or as a base of operations by land, by sea or in the air; and to organize the defence of Belgium in an efficient manner for the purpose.

“2 The German Government affirms that the inviolability and the integrity of Belgium are in the common interest of the Western Powers. It confirms its resolution under no circumstances to prejudice this inviolability and integrity and at all times to respect Belgian territory, except, of course, in the event that Belgium, in an armed conflict in which Germany is involved, should collaborate in any military action directed against Germany.

“3 The German Government is prepared, equally with the British and French Governments, to enter into undertakings of assistance in respect of Belgium, in case it should be the object of any aggression or invasion.”

On May 10, 1940 German troops invaded Belgium and the Netherlands without warning and without provocation. In a memorandum to each Government the German Government alleged that they had not preserved “the strictest neutrality in the event of war between Germany on the one hand and Britain and France on the other”. The phrasing of the 1937 declaration was used in supporting this argument.

ARTICLE 32.

Germany recognizes the full sovereignty of Belgium over the whole of the contested territory of Moresnet (called *Moresnet neutre*).

ARTICLE 33.

Germany renounces in favour of Belgium all rights and title over the territory of Prussian Moresnet situated on the west of the road from Liège to Aix-la-Chapelle; the road will belong to Belgium where it bounds this territory.

Note to III, 32, 33

Moresnet, formerly part of the duchy of Limburg, was divided into three sections in 1815, the eastern part going to Prussia, the western to the Netherlands (later to Belgium), and the central portion, then important for its zinc mines, becoming neutral territory

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 32, 33—Continued

under the joint administration of special commissioners acting for Prussia and the Netherlands (later Belgium). In 1919 Prussian Moresnet (1.31 square miles) was a part of the *Kreis* of Eupen. The cession of neutral Moresnet (1.21 square miles) brought all of historical Moresnet under Belgian jurisdiction.

Moresnet, Eupen, and Malmédy constituted the Belgian side of a frontier zone over against a strip of territory on the German side 15 kilometers in breadth by an agreement between the two countries concerning the granting of facilities in frontier traffic to the nationals of the two countries residing in the frontier zones, signed at Aix-la-Chapelle, July 1, 1926, and in force August 1, 1926 (62 League of Nations Treaty Series, p. 127).

ARTICLE 34.

Germany renounces in favour of Belgium all rights and title over the territory comprising the whole of the *Kreise* of Eupen and of Malmédy.

During the six months after the coming into force of this Treaty, registers will be opened by the Belgian authorities at Eupen and Malmédy in which the inhabitants of the above territory will be entitled to record in writing a desire to see the whole or part of it remain under German sovereignty.

The results of this public expression of opinion will be communicated by the Belgian Government to the League of Nations, and Belgium undertakes to accept the decision of the League.

Note to III, 34

The *Kreise* (circles) of Eupen and Malmédy, while never forming part of Belgium, had developed an anti-Prussian feeling following a decree suppressing the use of the French language in the municipal administration of Malmédy. The Belgian negotiators at Paris argued for the cession of the *Kreis* of Malmédy and presented a strategic map which showed Eupen on the Belgian side. The Commission on Belgian and Danish Affairs of the preliminary peace conference was unwilling to sanction a cession of the *Kreis* but was willing to go as far as this article provides. The German delegation in its comments of May 29, 1919 on the Conditions of Peace objected to the arrangement on the ground that the districts had never belonged to Belgium and that the registration would not constitute a plebiscite. The Germans claimed that Moresnet and Prussian Moresnet had German majorities, that Eupen was almost purely

PART III: ARTICLE 34

Note to III, 34—Continued

German, and that in Malmédy the Walloons were “considerably in the minority” (out of a total population of 60,000, five sixths were German) (*Foreign Relations, The Paris Peace Conference, 1919, vi, 824*). The German Government could not consent “as a matter of principle” to the surrender of this territory; furthermore, no real plebiscite was provided for. Germany was prepared to supply wood from the Eupen forests as compensation to Belgium but could not consent to “transferring human beings from one suzerainty to another, purely on account of timber and zinc ore”.

The Allied reply pointed out that when these territories were separated from the Belgian lands in 1814–15, “no account was taken of the desires of the people, nor of geographical or linguistic frontiers” and that the region had continued to maintain “close economic and social relations” with Belgium (*ibid.*, p. 941). In spite of a century of Prussification, the Walloon element had not entirely disappeared. Furthermore, the territory had been “a basis for German militarism”, notably the camp at Elsenborn. As regards neutral Moresnet, the old dispute was now settled in favor of Belgium; the transfer provided “partial compensation for the destruction of Belgian forests”.

These unusual provisions involved a renunciation of territory to be confirmed as a cession by measures entrusted to the cessionary.

The registers provided for were opened on January 23, 1920 by the Belgian Royal High Commissioner for the Districts of Eupen and Malmédy. The regulations confined the registration to men and women 21 years or more of age who had been domiciled there since August 1, 1914 and were still established on January 10, 1920. During the six months that the registers were open, the Belgian administration was developed, Belgian money was substituted for German, and a general strike occurred. The German Government protested both to the peace conference and to the League of Nations respecting the method of conducting the expression of opinion. The registers were closed on July 23 and transmitted to Geneva by the Belgian Government on August 17. The Belgian report stated that only 271 inhabitants out of a population of 63,940 (30,000 being qualified to register) wished to see the whole or part of the territory remain under Germany.

After examining the Belgian records and further German representations and protests, the Council of the League of Nations recognized the definitive transfer of the districts of Eupen and Malmédy to Belgium by a resolution of September 16, 1920. Ger-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 34—Continued

many in further protests sought to bring the matter before the first session of the Assembly in November 1920; the documents were laid before the delegates to that session without action on their part. Germany unsuccessfully sought for reconsideration by the second session of the Assembly in 1921.

The Committee of Experts which worked out the New (Young) Plan in 1929 for settlement of the reparation problem included in its consideration the liquidation of Belgian claims to reimbursement for the German marks issued in the country during the war of 1914-18. It was agreed by the committee that those negotiations should be concluded before the New (Young) Plan came into force, and the Belgian and German members in their tentative opening of the subject found themselves in complete disagreement concerning the German efforts to link the mark question with an adjustment of the Eupen-Malmédy cession. The American members of the committee obtained on June 4, 1929 in a formal letter from the German expert an assurance that "no territorial questions will be raised in these negotiations" for settling the mark claim. In consequence of this assurance the Belgian experts agreed to sign the report of the committee with their colleagues on June 7 before the mark negotiations, which were not completed until July 13, were terminated.

ARTICLE 35.

A Commission of seven persons, five of whom will be appointed by the Principal Allied and Associated Powers, one by Germany and one by Belgium, will be set up fifteen days after the coming into force of the present Treaty to settle on the spot the new frontier line between Belgium and Germany, taking into account the economic factors and the means of communication.

Decisions will be taken by a majority and will be binding on the parties concerned.

Note to III, 35

Eupen and Malmédy, with St. Vith, were placed under a Belgian Royal High Commissioner by a law of September 15, 1919. The Belgo-German Delimitation Commission fixed the boundary by a protocol signed at Aix-la-Chapelle on November 6, 1922 (*Moniteur Belge*, Mar. 7, 1925, p. 1050).

The cantons of Eupen, Malmédy, and St. Vith were united for political and juridical purposes with the *arrondissement* of Verviers by a Belgian law of March 7, 1925.

PART III: ARTICLES 35 TO 38

ARTICLE 36.

When the transfer of the sovereignty over the territories referred to above has become definitive, German nationals habitually resident in the territories will definitively acquire Belgian nationality *ipso facto*, and will lose their German nationality.

Nevertheless, German nationals who became resident in the territories after August 1, 1914, shall not obtain Belgian nationality without a permit from the Belgian Government.

Note to III, 36

Germany recognized the validity of declarations of option made by the persons referred to in article 36, paragraph 1, and belonging to the territories referred to in articles 33 and 34 by concluding an arrangement with Belgium at Aix-la-Chapelle on September 11, 1922, in force on September 15 (41 League of Nations Treaty Series, p. 141). The Belgian regulations thus validated were embodied in decrees and laws of 1919, 1920, and 1922.

ARTICLE 37.

Within the two years following the definitive transfer of the sovereignty over the territories assigned to Belgium under the present Treaty, German nationals over 18 years of age habitually resident in those territories will be entitled to opt for German nationality.

Option by a husband will cover his wife, and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt must within the ensuing twelve months transfer their place of residence to Germany.

They will be entitled to retain their immovable property in the territories acquired by Belgium. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

ARTICLE 38.

The German Government will hand over without delay to the Belgian Government the archives, registers, plans, title deeds and documents of every kind concerning the civil, military, financial, judicial or other administrations in the territory transferred to Belgian sovereignty.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

The German Government will likewise restore to the Belgian Government the archives and documents of every kind carried off during the war by the German authorities from the Belgian public administrations, in particular from the Ministry of Foreign Affairs at Brussels.

Note to III, 38

The land registers were transferred under the terms of an agreement signed at Aix-la-Chapelle, July 9, 1927, and in force August 1 (75 League of Nations Treaty Series, p. 367).

ARTICLE 39.

The proportion and nature of the financial liabilities of Germany and of Prussia which Belgium will have to bear on account of the territories ceded to her shall be fixed in conformity with Articles 254 and 256 of Part IX (Financial Clauses) of the present Treaty.

Note to III, 39

Belgium was charged with 604,609 gold marks by the Reparation Commission on account of German and Prussian public debts attributable to the ceded territories.

The Belgo-German agreement of July 13, 1929 for the settlement of the Belgian mark claims included the German marks acquired in the early part of 1920 as a consequence of substituting Belgian currency in the ceded territories.

SECTION II.—Luxemburg.

ARTICLE 40.

With regard to the Grand Duchy of Luxemburg, Germany renounces the benefit of all the provisions inserted in her favour in the Treaties of February 8, 1842, April 2, 1847, October 20–25, 1865, August 18, 1866, February 21 and May 11, 1867, May 10, 1871, June 11, 1872, and November 11, 1902, and in all Conventions consequent upon such Treaties.

Germany recognizes that the Grand Duchy of Luxemburg ceased to form part of the German Zollverein as from January 1, 1919, renounces all rights to the exploitation of the railways, adheres to the termination of the régime of neutrality of the Grand Duchy, and accepts in advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy.

Note to III, 40

The treaties under which Germany renounced benefits were:

- February 8, 1842, accession of Luxembourg to the Zollverein, signed at The Hague (Martens, *Nouveau recueil général de traités*, II, 60; 31 *British and Foreign State Papers*, p. 1352);
- April 2, 1847, convention prolonging accession to the German Customs Union, signed at The Hague (37 *British and Foreign State Papers*, p. 806; Martens, *op. cit.*, x, 491);
- October 20, 25, 1865, treaty renewing accession to the Zollverein, signed at Berlin October 20 and at Luxembourg, October 25 (Paul Ruppert, *Le Grand Duché de Luxembourg dans ses relations internationales: Recueil des Traités . . .* p. 367);
- August 18, 1866, offensive and defensive alliance creating the North German Confederation (Martens, *op. cit.*, XVIII, 476; 56 *British and Foreign State Papers*, p. 1038);
- February 21, 1867, declaration effected by exchange of notes with Belgium concerning civil rights, signed at Luxembourg (Ruppert, *op. cit.*, p. 547);
- May 11, 1867, treaty concerning the neutralization of Luxembourg, noted below;
- May 10, 1871, treaty of peace between France and Germany, signed at Frankfurt, bearing upon relations with the Zollverein; additional article 1, section 6, transferred to Germany the interests of the Compagnie des Chemins de Fer de l'Est in the Wilhelm-Luxembourg railways (62 *British and Foreign State Papers*, p. 77);
- June 11, 1872, convention on the exploitation of the Wilhelm-Luxembourg Railway, signed at Berlin (Ruppert, *op. cit.*, p. 105);
- November 11, 1902, treaty with Germany, concerning the Wilhelm-Luxembourg railway, signed at Berlin (95 *British and Foreign State Papers*, p. 780).

The Grand Duchy of Luxembourg, a unit of the Germanic Confederation in 1815, was a member of the German Zollverein from 1842 until December 31, 1918, and its economy was in consequence, to a great extent, a part of the German economy. Overrun by the German Army on August 4, 1914, at a period when the Government was pro-German, both the territory and Government during the course of the war of 1914-18 were within the German system of control. Luxembourg was not deemed to be at war by either the German Empire or the Allied and Associated Powers and did not take part in the Paris Peace Conference, which, however, heard its representatives before defining the German position toward the Grand Duchy.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 40—Continued

The provisions of the treaty took cognizance of Luxembourg's membership in the German Zollverein, the form of its neutralization in virtue of the treaty of 1867, and the recent accession of Grand Duchess Charlotte following the abdication of her pro-German sister on January 15, 1919.

Luxembourg was an independent duchy in the Middle Ages and was later a part of southern Netherlands, was constituted a separate political entity in 1815 as a grand duchy in personal union with the Netherlands, and finally became an independent state in 1839. It was a member of the Germanic Confederation at the dissolution in 1866.

The treaty signed by Austria, Belgium, France, Great Britain, Italy, the Netherlands, Prussia, and Russia at London, on May 11, 1867 (57 *British and Foreign State Papers*, p. 32) declared that the Grand Duchy of Luxembourg would form henceforth a perpetually neutral state, the principle of this neutrality being to "remain under the collective guaranty of the powers signatory to the treaty with the exception of Belgium, which was a neutral state". This provision was incorporated into the Luxembourg Constitution.

This treaty differed from the treaty of 1839 neutralizing Belgium in that Luxembourg itself was not one of the contracting parties, and the parties entered into a collective guaranty of Luxembourg's neutrality without a several responsibility for each. When, therefore, Germany as one of the contractants violated the collective pledge, the other contracting states were not obligated to, and did not, come to the direct defense of Luxembourg.

Article 40 would have been more precise if it had referred to the "termination of the regime of neutralization" instead of the "regime of neutrality", for it was the status of neutralization—that is, a contractual obligation of remaining neutral in case of conflict—which Luxembourg desired to end. It did not intend to forego a policy, appropriate for a small state, of remaining aloof from the conflicts of its neighbors. The application of the Grand Duchy for admission to the League of Nations, made by a letter of February 23, 1920, resulted in a clarification of the position. This letter referred to the provisions of the treaty of 1867 and article 40 of the treaty of peace, and stated that "the people of Luxembourg have the strongest desire to maintain their neutrality, to which they are deeply attached, and which has, up to the present, formed one of the bases of their national life".

PART III: ARTICLE 41

Note to III, 40—Continued

The request was referred by the First Assembly to the Fifth Committee, which heard the President of the Luxembourg Government. The delegates on November 28, 1920 forwarded a letter confirming verbal understandings that "Luxembourg will accept without any reservations obligations arising from the Covenant of the League of Nations, and in particular from Article 16 of the Covenant" (*Records of the First Assembly, Meetings of the Committees*, vi, 12). The committee recommended to the Assembly the admission of Luxembourg with the understanding that the Grand Duchy would place its "laws in harmony with the obligations which will be incumbent upon that state as a result of its entering into the League of Nations". The vote of the Assembly on December 16, 1920 in favor of the admission of Luxembourg was: 38 for; 0 against; 4 abstaining or absent (*ibid.*, p. 586). On April 25, May 20, and June 2, 3, and 13, 1921, Luxembourg addressed letters to the Secretary-General raising sundry questions of detail, to which the Council replied in a letter approved June 21, 1921 (*Minutes of the 13th Session of the Council*, pp. 21, 171; *Official Journal*, 1921, p. 707). The substance of the Council resolution quoted to the Luxembourg Government was that the admission of the Grand Duchy into the League of Nations was "final and absolute . . . Though it is incumbent upon the Grand-Ducal Government to take without delay all necessary steps to bring the Constitution and legislation of the Grand Duchy into conformity with its international obligations, yet there can be no question, from the point of view of the League of Nations, of a provisional status of the Grand Duchy so far as concerns its rights and obligations with regard to the League of Nations during the transitional period up to the completion of the revision of the Constitution. These rights and obligations have been established once and for all by Luxembourg's entry into the League of Nations."

ARTICLE 41.

Germany undertakes to grant to the Grand Duchy of Luxembourg, when a demand to that effect is made to her by the Principal Allied and Associated Powers, the rights and advantages stipulated in favour of such Powers or their nationals in the present Treaty with regard to economic questions, to questions relative to transport and to aerial navigation.

Note to III, 41

The German delegation complained that Luxembourg was to continue to "enjoy all the advantages" of the German *Zollverein* without being a member and demanded reciprocity (*Foreign Relations, The Paris Peace Conference, 1919*, VI, 825).

The Allies replied that Luxembourg had itself decided the issue (*ibid.*, p. 942).

An exchange of notes between Germany and Luxembourg concerning frontier traffic, transit, and trade was effected on December 5, 1922 and in force on February 1, 1923.

SECTION III.—Left Bank of the Rhine.**Notes to Part III, Section III, Articles 42 to 44**

Articles 42 to 44 are best understood when read with part XIV (*Guarantees*, section I, articles 428–432), which represented a compromise of the French desire to detach the left bank of the Rhine from Germany. They were incorporated here in the effort to satisfy the French desire for security and were intended to be supported by the parallel agreements signed on June 28, 1919 by Great Britain and the United States relative to assistance to France in the event of unprovoked aggression by Germany (*Treaties, Conventions, etc., 1910–23*, III, 3709). These severally stipulated that, because these three articles of the treaty of peace "may not provide adequate security and protection to France, the United States of America shall be bound [Great Britain agrees] to come immediately to her assistance in the event of any unprovoked movement of aggression against her being made by Germany". The President of the United States submitted the parallel agreements to the Senate, which did not consider them. In consequence, though Great Britain ratified the one agreement, the guaranty did not become effective.

At the Cannes conference in 1922 the United Kingdom offered France a unilateral guaranty on its part, but owing to opposition in the French Parliament the Briand government then in power was obliged to resign before accepting the offer, and Poincaré succeeded him with the definite assertion that France would not accept a unilateral guaranty. As the United Kingdom did not feel the same need of a guaranty, no mutual arrangement was made.

France meanwhile was building up a series of protective political agreements. On September 10–15, 1920 France made a military agreement with Belgium (2 League of Nations Treaty Series, p.

PART III

Notes to Part III, Articles 42 to 44—Continued

127); on February 19, 1921 a political agreement with Poland on the other side of Germany (18 *ibid.*, p. 11); and eventually similar agreements with Czechoslovakia, Rumania, and Yugoslavia (23 *ibid.*, p. 163; 58 *ibid.*, p. 233; 68 *ibid.*, p. 373). After the adoption of the plan of the Committee of Experts (Dawes Plan) in August 1924 began a smooth period in reparation. A Franco-German *rapprochement* began. This culminated in the treaties of Locarno, initialed on October 16, 1925, which consisted of a final act binding together a treaty of mutual guaranty between Germany, Belgium, France, Great Britain, and Italy and arbitration conventions or treaties between Germany on the one side and Belgium, France, Czechoslovakia, and Poland on the other. This series of treaties entered into force upon the admission of Germany into the League of Nations on September 8, 1926. They were to remain in force until one year after the Council of the League, after a three months' notice, decided by a two-thirds majority "that the League of Nations assures sufficient protection to the high contracting parties". Although Germany's withdrawal from the League of Nations became effective on October 21, 1935, the Treaty of Locarno continued in effect at least until the German occupation of the Rhineland on March 7, 1936.

The Locarno treaty of mutual guaranty is printed in the Appendix, p. 841.

The negotiations regarding security which occurred from 1932 onward with a view to keeping Germany in the Conference for Reduction and Limitation of Armaments and those which ensued after June 1934 with a view to a European settlement were interspersed with repeated assertions of German loyalty to the Locarno treaty of guaranty. Though Adolf Hitler sometimes spoke as Führer of the National Socialist Party and sometimes as Chancellor of the German Reich, he and the government adduced the terms of the Locarno treaty both as a reason for not concluding agreements inconsistent therewith and as an argument for not accepting repetitive or confirmatory proposals.

One effort to find a political basis on which to set a policy of limiting armament was thought of as an "eastern Locarno", which as originally proposed in a French memorandum of June 27, 1934 contemplated a treaty of regional assistance to be signed by Poland, the Soviet Union, Germany, Czechoslovakia, Finland, Estonia, Latvia, and Lithuania (United Kingdom, *Correspondence showing the Course of certain Diplomatic Discussions directed towards securing*

Notes to Part III, Articles 42 to 44—Continued

an European Settlement, June 1934 to March 1935, No. 1, Misc. No. 3 (1936), Cmd. 5143). To avoid the implication of "encirclement", France and the Soviet Union at Geneva on December 5, 1934 undertook by a protocol not to "engage in negotiations aiming at the conclusion by them of political agreements, bilateral or multilateral, which might compromise the preparation and conclusion of the regional pact of the east" (*ibid.*, No. 4).

To a meeting at Stresa which the Germans did not attend, the Berlin Government expressed itself antagonistically to the idea underlying the negotiations for this security system in eastern Europe, which had by then become voluminous and were apparently making headway. In a statement of April 12, 1935 it said "that the German Government was not in a position to agree to a proposal for a pact which contained more or less automatic obligations for military assistance, as between all or certain individual parties" (*ibid.*, No. 12). This communication also registered German objection to proceeding either bilaterally or multilaterally. From that the representative of France concluded that his Government "had latitude to make with [the Soviet Union] a bilateral arrangement of mutual assistance" which, he assured the United Kingdom representative, would not be "outside Geneva and the League of Nations, but within the framework of the Covenant" (*ibid.*, No. 13).

The French-Soviet treaty of mutual assistance was concluded on May 2, 1935 (167 League of Nations Treaty Series, p. 395). Article 1 of this treaty read:

"In the event of France or the Union of Soviet Socialist Republics being threatened with or in danger of aggression on the part of any European State, the Union of Soviet Socialist Republics and reciprocally France undertake mutually to proceed to an immediate consultation as regards the measures to be taken for the observance of the provisions of Article 10 of the Covenant of the League of Nations."

Articles 2 and 3 dealt with the obligation to render mutual aid in the case of an unprovoked aggression under the circumstances specified in article 15, paragraph 7, article 16 and article 17, paragraphs 1 and 3, of the Covenant of the League of Nations. Article 4 recorded that these undertakings were "consonant with the obligations of the High Contracting Parties as Members of the League of Nations" and were not to be interpreted as restricting obligations

PART III

Notes to Part III, Articles 42 to 44—Continued

resulting from the Covenant. Czechoslovakia and the Soviet Union signed a similar treaty on May 16, which entered into force on June 8, 1935 (159, *ibid.*, p. 347).

On May 21, the Chancellor of the German Reich announced a program of international policy to the Reichstag. He rejected the decision of the Council of the League of Nations of April 17 condemning unilateral German rearmament, but in the remainder of his 13 points appeared to describe the scope of agreements which Germany was willing to undertake. One of these—limitation of the German navy to 35 percent of British fleet strength—was realized by the agreement of June 18 (see p. 339). The address asserted that the German Government would “in particular, observe and fulfil all obligations arising out of the Locarno Pact so long as the other parties to the treaty are also willing to adhere to the said pact”, even though it was drawn up before that government took over the power. A German memorandum of May 25, 1935 (Cmd. 5143, *op. cit.*, No. 23) to the parties to the Locarno treaty of guaranty questioned the consistency of that Franco-Soviet treaty therewith on the ground that it created an obligation to lend mutual assistance which referred “only to the case when one of those parties finds itself in armed conflict with Germany”. The German Government asked Belgium, France, Italy, and the United Kingdom to recognize the self-evident proposition “that the provisions of the treaty of Locarno can not legally be modified or interpreted by the fact that a treaty has been concluded with a third party by one of the signatories”.

The French reply of June 25 was confirmed to Germany by the other Locarno signatories in separate communications (*ibid.*, Nos. 27, 28, 29, 30). All entirely agreed that the Locarno treaty was unaffected by a French treaty with an outside party, and that its terms were “consistent with the obligations undertaken in the Locarno pact”. The German argument that procedure in the Soviet treaty based on article 16 of the Covenant might constitute a violation of a Locarno provision was “not justified”. Each of the three informed Germany that its own rights and duties under the Locarno treaty were “subject to the findings and recommendations of the Council of the League of Nations”, and not subject to any French or Soviet unilateral conclusion, as Germany alleged. The German Government took note of this consensus on August 1. It did “not agree with the juridical point of view . . . endorsed by the other three Governments”; but there would “be sufficient opportunity for the necessary

Notes to Part III, Articles 42 to 44—Continued

further discussions in the framework of the other pending negotiations" (*ibid.*, No. 36) for the air and eastern pacts.

The Chancellor of the German Reich expressed an eagerness to conclude an air pact, but here again positive and concrete contributions by Germany were lacking, though it continued to put itself "on record in vague phrases" (*ibid.*, No. 19). By August 1935 the negotiations for an eastern pact, an air pact and air limitation agreement were at a halt, the German Government not vouchsafing any clarification between those projects and the Locarno principles. The withdrawal of Germany as a member of the League of Nations on October 21, 1935 did not affect the applicability of the treaty of Locarno, which depended upon the machinery of the League for its operation; but Germany thereby acquired freedom from the Covenant of the League. By November Germany said it found progress to be impossible during the continuance of the Ethiopian-Italian dispute and on December 13 the Chancellor of the Reich declared to the United Kingdom's Ambassador in Berlin that the Franco-Soviet treaty "had rendered any air pact out of the question".

Ratifications of the Czechoslovak-Soviet treaty of mutual assistance of May 16, 1935 had been exchanged on June 8, but it would operate between the parties "only in so far as . . . assistance may be rendered by France to the party victim of the aggression". When debate on the Franco-Soviet treaty began in the French Chamber of Deputies in February 1936, German communiqués on "encirclement" and "flagrant violation of the treaty of Locarno" were given publicity. The treaty was approved by the Chamber of Deputies on February 27 by a vote of 353 to 164.

The following day an authorized interview with the German Chancellor on "achieving a *détente* with France" was belatedly published in the *Paris-Midi*. On March 6 the German Ambassador in London gave the Secretary for Foreign Affairs of the United Kingdom to understand "that there was no opposition in principle on the Chancellor's part to an air pact".

On March 7, 1936 the first contingents of some 30,000 German garrison troops were sent into the demilitarized zone defined in article 42 of the treaty of peace and took stations in Düsseldorf, Cologne, Mainz, Coblenz, and Frankfurt amid popular demonstrations. While this was going on, German representatives delivered to the signatories of the Locarno treaty of guaranty—France, Belgium, Italy, and the United Kingdom—a memorandum in which the

PART III

Notes to Part III, Articles 42 to 44—Continued

German Government declared itself “no longer bound by this dissolved treaty” and that it “today restored the full and unrestricted sovereignty of Germany in the demilitarized zone of the Rhineland”.

This studied violation of treaty obligations on which the political relations of important states were based was a turning point in a system of policy which had evolved since 1919.

The German memorandum was at once a conscious fiat and a plausible proffer of “real pacification”. The memorandum asseverated—

that the Franco-Soviet treaty of May 2, 1935 was “not compatible” with French obligations arising out of the Locarno treaty;

the “undisputed fact that the Franco-Soviet pact is directed exclusively against Germany”;

France has undertaken “obligations which practically amount to undertaking in a given case to act as if neither the Covenant of the League of Nations, nor the Rhine pact, which refers to the Covenant, were valid”;

France “has destroyed the political system of the Rhine pact”;

France “has replied to the repeated friendly offers and peaceful assurances made by Germany by infringing the Rhine pact” which has “ceased in practice to exist” and so Germany regards itself for its part “as no longer bound by this dissolved treaty”.

“Now constrained to face the new situation” and to secure its frontiers and insure its defense, “the German Government have today restored the full and unrestricted sovereignty of Germany in the demilitarized zone of the Rhineland”.

“Unchangeable longing for a real pacification of Europe between states which are equal in rights and equally respected” prompted the German Government to make proposals “for the creation of a system of peaceful security for Europe”. These, the German Ambassador in London told the British Foreign Office, were “an offer of greater importance than had been made at any time in recent history”. Four out of seven attenuated proposals were calculated to replace the repudiated Locarno guaranty with another involving creation of a “zone demilitarized on both sides”, which the Netherlands might join. Germany in the other three proposals was now “prepared” to conclude an air pact and offered to conclude non-aggression pacts with states bordering it on the east. It was “willing to reenter the League of Nations”. The conditions attached to these proffers were so phrased as not to be too apparent. (See United Kingdom, *Memo-*

Notes to Part III, Articles 42 to 44—Continued

randum by the German Government respecting the Franco-Soviet Treaty, the Treaty of Locarno and the Demilitarised Zone in the Rhineland communicated to the Secretary of State for Foreign Affairs by the German Ambassador on March 7, 1936, Germany No. 1 (1936), Cmd. 5118).

Undeterred by the German action and these new offers, the French Senate approved the treaty of mutual assistance with the Soviet Union on March 12 by a vote of 231 to 52, and the exchange of ratifications brought it into force on March 27 in the midst of a fresh series of developments.

The Belgian and French Governments on March 8 requested the Secretary-General of the League of Nations to convene an extraordinary session of the Council under article 4, paragraph 1, of the Locarno treaty of guaranty to consider the German violation of article 43 of the treaty of peace, which forbids "the maintenance and the assembly of armed forces" in the demilitarized area. The paragraph of the Locarno treaty referred to provides:

"If one of the High Contracting Parties alleges that a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles has been or is being committed, it shall bring the question at once before the Council of the League of Nations."

The 91st session of the Council convened on Saturday, March 14, and authorized the Secretary-General to extend an invitation to the German Government, as a contracting party to the Locarno treaty. The German reply on the 15th was an acceptance in principle "on equal terms with the representatives of the powers represented on the Council in the discussions and decisions". Assurance was asked for on the point that Germany participated "on the same terms as the representatives of the other guaranteed powers whose situation under the treaty is the same as that of Germany—that is, with full right of discussion, the votes of the three powers not being counted in calculating unanimity". The German note further stated that "the German Government can participate in the Council's proceedings only if it is assured that the Powers concerned are prepared to enter into negotiations as soon as possible in regard to the German proposals". On this condition the German Government was informed that "it is not for the Council to give . . . the assurance which it desires", thus throwing that question back to the Locarno states.

PART III

Notes to Part III, Articles 42 to 44—Continued

The German representative did not take his seat at the Council table until Thursday, March 19, when he spent the morning in a very full statement of the German case. In the afternoon a vote was taken on a resolution introduced by Belgium and France on March 16, and which had been fully debated. The voting by roll call was in four groups, the members of the Council other than the Locarno parties, the president of the Council, representatives of the guarantors (the United Kingdom and Italy), and the representatives of the guaranteed states (Belgium, France, and Germany), these three not being counted in calculating unanimity. The resolution unanimously adopted notified the Locarno signatories that the Council:

“Finds that the German Government has committed a breach of Article 43 of the Treaty of Versailles by causing, on March 7th, 1936, military forces to enter and establish themselves in the demilitarised zone referred to in Article 42 and the following articles of that Treaty and in the Treaty of Locarno”.

Germany, which voted against the resolution, did not contest its unanimous passage but was “profoundly convinced that it must reject” it and enter a formal protest. “It is not Germany which has broken the treaty of Locarno; it was France . . . Germany’s act of March 7 . . . is solely the consequence of France’s act.” France suggested that the point be submitted to the Permanent Court of International Justice.

The other Locarno states—Belgium, France, Italy, and the United Kingdom—on March 19 reached their own conclusions on the effect of German action on the treaty of guaranty. Since March 7 German troops had been physically garrisoned in the demilitarized zone, but none of the four assumed that this flagrant breach of the treaty made immediate action necessary (Art. 4, par. 3). For none of them claimed that any of the *casus foederis* stipulated in that paragraph existed. The presence of German troops in the demilitarized zone was not treated by them as “an unprovoked act of aggression”; nor was “crossing of the frontier” or “outbreak of hostilities” involved. The fourth *casus foederis*, “assembly of armed forces in the demilitarized zone”, raised the question of whether the distribution of German troops throughout the zone constituted an assembling of them in the area; no practical decision was taken on the point by the four states, which did not address Germany

Notes to Part III, Articles 42 to 44—Continued

directly on the subject of its introduction of those troops or evacuation of them, before or in consequence of the Council's vote of March 19.

The Locarno states worked out a set of proposals on March 19 which they intended to explore, partly by themselves, partly with Germany, and partly with the Council of the League. A draft resolution to be submitted to the Council embraced three points which they thought appropriate for its action:

1. By its unilateral action, which necessarily appeared to be a threat to European security, "the German Government confers upon itself no legal rights"; practical remedial measures to be proposed by a committee to the members of the League of Nations;
2. The German claim that the Franco-Soviet treaty was incompatible with the Locarno treaty to be submitted to the Permanent Court of International Justice;
3. The members of the League of Nations to adopt "any action that may be deemed wise and effectual to safeguard the peace of nations", in consequence of Germany's unilateral action and without prejudice to the application by the parties of Articles 1 and 4 of the Locarno treaty.

The Council, March 24, deferred action on the draft resolution until the progress of conversations between the governments rendered its further consideration desirable. The question remained on the agenda and was postponed at the 92d successively to the 104th session of the Council, that is, during the years 1936-39, after which the Council did not meet.

The proposals drawn up by the four governments as a program of settlement (United Kingdom, *Text of Proposals* . . . London, March 19, 1936, Germany No. 2 (1936), Cmd. 5134) included letters formally pledging the United Kingdom and Italy to assist Belgium and France "in respect of any measures which shall be jointly decided upon", if conciliation should fail. The guarantors, as an insurance against unprovoked aggression, would "establish or continue contact between the general staffs", which was contemplated in the main proposals.

Proposals were in nine sections, the first four of which recited the substance of the draft resolution and the foregoing letters. The other proposals were calculated to induce Germany to suspend further activity in the demilitarized zone; to arrange for occupation of a neutral zone on either side of the Belgo-French-German

PART III

Notes to Part III, Articles 42 to 44—Continued

border by an international force pending revision of the status of the Rhineland, and the negotiation of mutual assistance pacts between the Locarno signatories; and to promote through the League of Nations agreements for a system of collective security, effective limitation of armament, the extension of economic relations, the organization of commerce and the conclusion of an eastern non-aggression pact, and Germany's reentry into the League of Nations.

These proposals were rejected on March 24 by Germany, which said they contained "not one of the necessary conditions for the successful organization of a really lasting peace". They were liable "once more to infringe the honor of the nation or to bring into question or do away with its equality of rights". Preparation for elections prevented the drawing of new proposals that week, but they would be ready the following week (United Kingdom, Foreign Office, *Correspondence with the German Government regarding the German Proposals for an European Settlement, March 24-May 26, 1936*, Misc. No. 6 (1936), Cmd. 5175).

The Reichstag had been dissolved March 7 and elections fixed for the 29th. That German election consisted of filing a ballot reading "Reichstag for Freedom and Peace", with ample space for an affirmative vote and no provision for a negative vote. The most active pressure resulted in 99 percent of the electorate casting ballots, and only 1.2 percent of that number found a way to be counted in the negative.

Two days after that electoral *tour de force*, the Germans laid their "peace plan" before the British instead of all the Locarno states. The introduction to this "effort to achieve a European understanding" of March 31 reviewed previous German arguments and included the assertion that the demilitarization provisions were "based on the breach of an assurance given to Germany" whose renunciation in the western provinces of the Reich was "a result of the 'dictate' of Versailles, and of a series of the harshest acts of oppression suffered by the German people as a result of that treaty". The plan itself embraced 19 points, the first 14 of which repeated with further details the first five points of March 7 and the next four elaborated with some eloquence the remaining two items of March 7. The nineteenth point proposed an international court of arbitration as a monitor of the various agreements. After the conclusion "of this great work", practical attention would be given to checking "unlimited competition in armaments" on a scale short

Notes to Part III, Articles 42 to 44—Continued

of "settlements of a universal kind" through a series of conferences each with one clearly defined objective, of which five were mentioned. Parallel with this would be "an exchange of views on economic problems", a field in which the German Government was prepared "to contribute as far as lies in their power". Though Germany addressed this memorandum only to the British Government, it was widely published as a "solemn general mandate" just received by the German Government from the German people.

The United Kingdom reiterated its intention of initiating conversations with the Belgian and French general staffs to arrange the technical conditions for carrying out the Locarno guaranty in case of unprovoked aggression. Against the published German memorandum the French Government on April 8 published observations which, after incisive criticism of the German effort, embodied a peace plan of its own. The five Locarno states in a communiqué from Geneva on April 10 found that the German proposals did not permit immediate general negotiations, invited the United Kingdom to reply to Germany, convened the general staffs (except the Italian) for April 15, and decided to lay the German and French papers before the Council of the League.

The British Government in its reply to Germany of May 6 regretted that "the German Government have not been able to make a more substantial contribution towards the reestablishment of the confidence which is such an essential preliminary to the wide negotiations" which they both were said to have in view.

The British Government was "in some doubt as to the conception held by the German Government of the basis upon which the future settlement should be founded." A clear declaration as to whether Germany regarded itself to be "in a condition to conclude a binding treaty" would be welcomed. The British Government "must, of course, make it clear that they are unable to accept the views put forward by the German Government" with respect to the Treaty of Versailles. Germany was asked whether it "recognizes and intends to respect the existing territorial and political status of Europe except in so far as this might be subsequently modified by free negotiation and agreement". The lines along which the British Government thought the German proposals concerning an air pact, non-aggression arrangements, the east European question and future relations to the League of Nations might be developed were discussed as a preliminary to the "opening of the general negotiations".

PART III: ARTICLES 42 TO 43

Notes to Part III, Articles 42 to 44—Continued

Germany offered no reply. In an address to the Reichstag on January 30, 1937 the Chancellor of the Reich said that "it was not possible for the German Government, for reasons which the Government of Great Britain will appreciate, to reply to those questions".

Progress with recasting the Locarno group of five states was no more successful. Germany and Italy accepted in July 1936 the idea of a conference but no date for its convening could be arranged with either. Thus Germany remained in the Rhineland area without effective opposition, without making any concessions, and without assuming any new obligations or contributing to European order. The conditions on which articles 42 to 44 of the treaty of peace were based had disappeared.

ARTICLE 42.

Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the East of the Rhine.

ARTICLE 43.

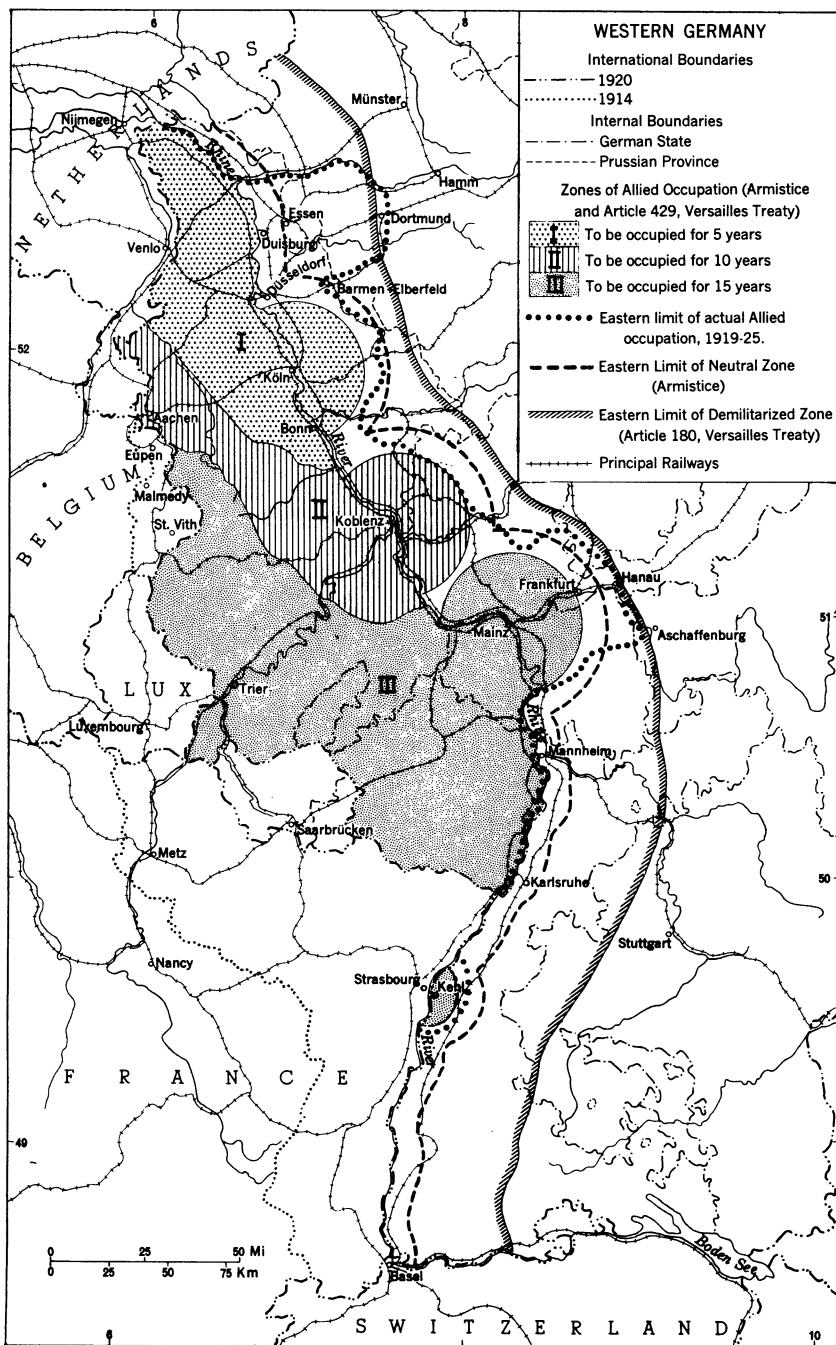
In the area defined above the maintenance and the assembly of armed forces, either permanently or temporarily, and military manœuvres of any kind, as well as the upkeep of all permanent works for mobilization, are in the same way forbidden.

Note to III, 43

Pursuant to article 43 of the treaty and article 5 of the agreement with regard to the military occupation of the territories of the Rhine signed at Versailles June 28, 1919, the Inter-Allied Rhineland High Commission issued Ordinance No. 20, Coblenz, April 23, 1920, which made the following reservations with reference to the application of the German decree of October 17, 1919 (*Reichsgesetzblatt*, 1919, No. 204, p. 1801) regarding the competence of the National Treasury Department (Inter-Allied Rhineland High Commission, *Official Gazette*, 1920, parts IV and V, 55) :

"1. The Department of the Administration of State Property for the Occupied Rhineland must in no way concern itself with questions regarding the maintenance of the German Army and Navy although these questions be within the competence of the National Treasury Department.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT



PART III: ARTICLE 44

Note to III, 43—Continued

“2. In all the duties which devolve upon it with regard to the Allied Armies, this Administration must conform not only with the Ordinances that may be promulgated by the High Commission but also with all instructions and requisitions that emanate from the Armies of Occupation within the limits of the Agreement annexed to the Treaty of Peace for the performance of its duties.”

These provisions were repeated in Ordinance No. 32, Coblenz, July 22, 1920, which canceled Ordinance No. 20 (*ibid.*, parts VIII and IX, 15).

The Conference of Ambassadors on October 6, 1924 decided to inform the German Government that the presence of *Reichswehr* musicians in the neutral zone constituted a violation of article 43.

In 1929, the arrangements concerning the left bank of the Rhine were still under the supervision of the Conference of Ambassadors, which had on May 25, 1922 made various representations to the German Government respecting the railroads in that area. Before the war of 1914–18, students of strategy had discussed with interest the German railroad network toward the west, which was generally regarded as uneconomic and intended more for military than transportation purposes. The Inter-Allied Commission on Local Railroads (*chemins de fer de campagne*) considered the matter for several years. At Paris on July 17, August 4, 10, and 13, 1929 (104 League of Nations Treaty Series, p. 95), the German Government and the Conference of Ambassadors executed an exchange of notes with a view to making the German railway system of the left bank of the Rhine conform with the provisions of article 43. The notes specified the reduction of certain lines to a single track, the laying of some lighter rails, and the shortening or removal of 13 ramps.

ARTICLE 44.

In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the Powers signatory of the present Treaty and as calculated to disturb the peace of the world.

Note to III, 44

No action was taken by any of the interested states to apply article 44 in spite of the resolution of the Council of the League of Nations of March 19, 1936 “that the German Government has committed a breach of Article 43”.

SECTION IV.—*Saar Basin.*

ARTICLE 45.

As compensation for the destruction of the coal-mines in the north of France and as part payment towards the total reparation due from Germany for the damage resulting from the war, Germany cedes to France in full and absolute possession, with exclusive rights of exploitation, unencumbered and free from all debts and charges of any kind, the coal-mines situated in the Saar Basin as defined in Article 48.

ARTICLE 46.

In order to assure the rights and welfare of the population and to guarantee to France complete freedom in working the mines, Germany agrees to the provisions of Chapters I and II of the Annex hereto.

Note to III, 45, 46

At the Paris conference, France wished to annex the Saar district; Great Britain and the United States declined to accept this but agreed to a compromise.

The German delegation declared that the frontiers of the Saar district had been so drawn as to include important industrial districts beyond the coal mines but that the surrender of even the mining districts would be out of proportion to the compensation required (*Foreign Relations, The Paris Peace Conference, 1919*, VI, 825). The German Government was prepared to guarantee a proper supply of coal—whereas the coal of the Saar mines represented a hundred times the maximum French demands. The population of the Saar was peculiarly uniform and the district had been German for more than 1000 years, except for 68 years when France had possessed it. Now, on account of the coal mines, the people were to be placed under an anomalous government by the League of Nations. “No body representative of the people, with legislative powers, will exist. The population loses all civic rights; it is politically outlawed.” All this was demanded to compensate France for coal destroyed in the north. Such a question could be settled only on an economic basis; solution on any other basis would provide “a fresh source of conflict between the German and French peoples”. The proposed solution would also lower the whole conception of the League of Nations. The German delegation therefore asked for a reconsideration.

Note to III, 45, 46—Continued

On May 16 the German delegation had proposed an inquiry by experts into the amount of coal required by France; Germany would give the mines in northern France a share in German mines sufficient to compensate them for the damage suffered and guarantee to deliver adequate supplies of coal to France and Belgium; in return Germany would retain possession of the Saar (*ibid.*, v, 820). The Allies declined this proposal on May 24 as being of "doubtful value to French holders" and likely to create "a confusion of French and German interests which, under present circumstances, could not be accepted" (*ibid.*, p. 915).

The Allies replied that the German protest showed a "complete misapprehension of the spirit and purpose of this section of the Treaty" (*ibid.*, vi, 942). They had already pointed out that the destruction of the French mines was "an act of such a nature that a definite and exemplary retribution should be exacted" and that "this object would not be obtained by the mere supply of a specified or unspecified amount of coal". If the German Government refused to carry out reparation which had the character of punishment, "the German idea of justice appears then to be one which excludes a conception which is essential to any just settlement and a necessary basis for subsequent reconciliation". The Allies insisted that they had exercised the greatest care in order to avoid inflicting on the inhabitants of the district any material or moral injury. In any case the arrangement was temporary, and "at the end of 15 years the inhabitants will have a full and free right to choose the sovereignty under which they are to live".

The significance of the provisions respecting the Saar Basin lies in the relation of the German destruction of French coal mines with the European iron-ore industry. An ore field lies on the plateau between Verdun, Metz, and Luxemburg, over half of it being in France and most of the remainder in Germany. This minette ore is of two main types—calcareous and argillaceous, the former being "self-fluxing" because of its lime content, and the latter requiring the addition of lime or calcareous ore to produce a "self-fluxing" mixture. The calcareous ore is mostly in the French ore fields. A further complication is the fact that the French and Luxembourg ores require German coking coal for the production of pig iron. The destruction of the French coal mines by the Germans was a wanton act in the last days of their occupation and was intended to cripple the French ore industry. Article 45 attempted to rectify that outrage on the basis of reparation rather than of penalty.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 45, 46—Continued

Details of the cession and exploitation of mining properties are set forth in the annex following article 50, paragraphs 1-15. By paragraph 36 of the annex, French rights of ownership were to be repurchased by Germany in their entirety at a price payable in gold in the event of a plebiscitary decision uniting the Saar with Germany. The value of the properties transferred to France had been credited by the Reparation Commission in its accounts at 400,000,000 gold marks.

Since the plebiscite of January 13, 1935 went in favor of union with Germany, the mines were to be repurchased by Germany in gold. Difficulty in carrying out this stipulation had long been a subject of speculation. An agreement signed at Rome on December 3, 1934 provided that the French currency, which had been legal tender in the Saar Basin since April 1921, would be replaced by the German reichsmark as a result of the plebiscite, the retirement of Bank of France notes through the Bank of International Settlements effecting a payment toward the 900,000,000 French francs due from Germany for the French rights and ownership on a gold basis without any transfer of the metal (*Reichsgesetzblatt*, 1935, II, 126).

Representatives of the French and German Governments and the Saar Governing Commission met at the offices of the Bank for International Settlements at Basel in January and on February 11, 1935 signed a series of detailed agreements (Bank for International Settlements, *Fifth Annual Report*, p. 62). In addition to the agreements between France and Germany, the two Governments signed one with the Reichsbank and the Bank for International Settlements and those two banks signed one with the Bank of France (*Reichsgesetzblatt*, 1935, II, 149, 151). The French notes and other foreign means of payment amounted to 288,800,000 French francs. French imports of Saar coal were to make up the difference; deliveries continued on a normal basis until the outbreak of war, and as of March 31, 1940 a total sum of 855,300,000 French francs had been paid.

ARTICLE 47.

In order to make in due time permanent provision for the government of the Saar Basin in accordance with the wishes of the population, France and Germany agree to the provisions of Chapter III of the Annex hereto.

PART III: ARTICLES 47 TO 48

ARTICLE 48.

The boundaries of the territory of the Saar Basin, as dealt with in the present stipulations, will be fixed as follows:

On the south and south-west: by the frontier of France as fixed by the present Treaty.

On the north-west and north: by a line following the northern administrative boundary of the *Kreis* of Merzig from the point where it leaves the French frontier to the point where it meets the administrative boundary separating the commune of Saarhölzbach from the commune of Britten; following this communal boundary southwards and reaching the administrative boundary of the canton of Merzig so as to include in the territory of the Saar Basin the canton of Mettlach, with the exception of the commune of Britten; following successively the northern administrative boundaries of the cantons of Merzig and Haustadt, which are incorporated in the aforesaid Saar Basin, then successively the administrative boundaries separating the *Kreise* of Sarrelouis, Ottweiler and Saint-Wendel from the *Kreise* of Merzig, Trèves (Trier) and the Principality of Birkenfeld as far as a point situated about 500 metres north of the village of Furschweiler (viz., the highest point of the Metzberg).

On the north-east and east: from the last point defined above to a point about $3\frac{1}{2}$ kilometres east-north-east of Saint-Wendel:

a line to be fixed on the ground passing east of Furschweiler, west of Roschberg, east of points 418, 329 (south of Roschberg), west of Leitersweiler, northeast of point 464, and following the line of the crest southwards to its junction with the administrative boundary of the *Kreis* of Kusel;

thence in a southerly direction the boundary of the *Kreis* of Kusel, then the boundary of the *Kreis* of Homburg towards the south-south-east to a point situated about 1000 metres west of Dunzweiler;

thence to a point about 1 kilometre south of Hornbach:

a line to be fixed on the ground passing through point 424 (about 1000 metres south-east of Dunzweiler), point 363 (Fuchs-Berg), point 322 (south-west of Waldmohr), then east of Jägersburg and Erbach, then encircling Homburg, passing through the points 361 (about $2\frac{1}{2}$ kilometres north-east by east of that town), 342 (about 2 kilometres south-east of that town), 347 (Schreiners-Berg), 356, 350 (about $1\frac{1}{2}$ kilometres south-east of Schwarzenbach), then passing east of Einöd, south-east of points 322 and 333, about 2 kilo-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

metres east of Webenheim, about 2 kilometres east of Mimbach, passing east of the plateau which is traversed by the road from Mimbach to Böckweiler (so as to include this road in the territory of the Saar Basin), passing immediately north of the junction of the roads from Böckweiler and Altheim situated about 2 kilometres north of Altheim, then passing south of Ringweilerhof and north of point 322, rejoining the frontier of France at the angle which it makes about 1 kilometre south of Hornbach (see Map No. 2 scale 1/100,000 annexed to the present Treaty). [Not reproduced.]

A Commission composed of five members, one appointed by France, one by Germany, and three by the Council of the League of Nations, which will select nationals of other Powers, will be constituted within fifteen days from the coming into force of the present Treaty, to trace on the spot the frontier line described above.

In those parts of the preceding line which do not coincide with administrative boundaries, the Commission will endeavour to keep to the line indicated, while taking into consideration, so far as is possible, local economic interests and existing communal boundaries.

The decisions of this Commission will be taken by a majority, and will be binding on the parties concerned.

Note to III, 48

Notes defining the frontiers of the Saar Basin were exchanged between the Conference of Ambassadors and Germany on December 16, 17, 1920 (12 League of Nations Treaty Series, p. 40). An agreement with respect to the Saar frontier was signed between France and Germany on December 22, 1920 (77 *ibid.*, p. 141).

ARTICLE 49.

Germany renounces in favour of the League of Nations, in the capacity of trustee, the government of the territory defined above.

At the end of fifteen years from the coming into force of the present Treaty the inhabitants of the said territory shall be called upon to indicate the sovereignty under which they desire to be placed.

Note to III, 49

The Council of the League of Nations on February 13, 1920 laid down the organization and duties of the Saar Basin Governing Commission, which for a period of 15 years conducted the governmental functions of a population of about 1,825,000 people occupying an area of 733.6 square miles. The commission acted as the cabinet of the

PART III: ARTICLES 49 TO 50

Note to III, 49—Continued

Saar, distributing the ministries among its five members. During its regime, officials made a declaration of loyalty to the commission, representing the League of Nations.

Members of the commission were appointed annually from April 1. The chairman was originally a French member, who resigned under criticism in 1926; subsequent chairmen were Canadians or British. The four other members were a native inhabitant of the Saar and three nationals other than French or German. The commission issued monthly, and then quarterly, reports which were regularly published in the *Official Journal* of the League of Nations and constitute a detailed record of this trustee government. An Advisory Council consisting of 30 elected members was established by a decree of March 24, 1922 and was renewed by elections held in 1922, 1924, 1928, and 1932, each consultation of the people showing marked shifts of political party strength. Decrees of the Governing Commission were always submitted to but seldom approved by the Advisory Council. In a few instances, opposition of the Advisory Council resulted in the withdrawal of a decree.

See annex, chapter II, page 173.

During the regime of the Governing Commission a miners' strike in 1925 and the organization of the Saar Railways Defense Force in 1927 were the principal controversial incidents. After its admission to the League of Nations in September 1926 Germany complained that the French Government was maintaining an excessive military force in the Saar Basin. The question was debated at length before the Council of the League, which on March 12, 1927 adopted a resolution establishing the Saar Railway Committee and the Railway Defense Force, which replaced several French military formations with a single body of 800 men under their Belgian, British, and French officers. The military force was replaced by a gendarmerie in 1930.

ARTICLE 50.

The stipulations under which the cession of the mines in the Saar Basin shall be carried out, together with the measures intended to guarantee the rights and the well-being of the inhabitants and the government of the territory, as well as the conditions in accordance with which the plebiscite hereinbefore provided for is to be made, are laid down in the Annex hereto. This Annex shall be considered as an integral part of the present Treaty, and Germany declares her adherence to it.

ANNEX.

In accordance with the provisions of Articles 45 to 50 of the present Treaty, the stipulations under which the cession by Germany to France of the mines of the Saar Basin will be effected, as well as the measures intended to ensure respect for the rights and well-being of the population and the government of the territory, and the conditions in which the inhabitants will be called upon to indicate the sovereignty under which they may wish to be placed have been laid down as follows:

CHAPTER I.—CESSION AND EXPLOITATION OF
MINING PROPERTIES.

1.

From the date of the coming into force of the present Treaty, all the deposits of coal situated within the Saar Basin as defined in Article 48 of the said Treaty, become the complete and absolute property of the French State.

The French State will have the right of working or not working the said mines, or of transferring to a third party the right of working them, without having to obtain any previous authorisation or to fulfil any formalities.

The French State may always require that the German mining laws and regulations referred to below shall be applied in order to ensure the determination of its rights.

2.

The right of ownership of the French State will apply not only to the deposits which are free and for which concessions have not yet been granted, but also to the deposits for which concessions have already been granted, whoever may be the present proprietors, irrespective of whether they belong to the Prussian State, to the Bavarian State, to other States or bodies, to companies or to individuals, whether they have been worked or not, or whether a right of exploitation distinct from the right of the owners of the surface of the soil has or has not been recognized.

3.

As far as concerns the mines which are being worked, the transfer of the ownership to the French State will apply to all the accessories and subsidiaries of the said mines, in particular to their

PART III: ARTICLE 50, ANNEX .

plant and equipment both on and below the surface, to their extracting machinery, their plants for transforming coal into electric power, coke and by-products, their workshops, means of communication, electric lines, plant for catching and distributing water, land, buildings such as offices, managers', employees' and workmen's dwellings, schools, hospitals and dispensaries, their stocks and supplies of every description, their archives and plans, and in general everything which those who own or exploit the mines possess or enjoy for the purpose of exploiting the mines and their accessories and subsidiaries.

The transfer will apply also to the debts owing for products delivered before the entry into possession by the French State, and after the signature of the present Treaty, and to deposits of money made by customers, whose rights will be guaranteed by the French State.

4.

The French State will acquire the property free and clear of all debts and charges. Nevertheless, the rights acquired, or in course of being acquired, by the employees of the mines and their accessories and subsidiaries at the date of the coming into force of the present Treaty, in connection with pensions for old age or disability, will not be affected. In return, Germany must pay over to the French State a sum representing the actuarial amounts to which the said employees are entitled.

5.

The value of the property thus ceded to the French State will be determined by the Reparation Commission referred to in Article 233 of Part VIII (Reparation) of the present Treaty.

This value shall be credited to Germany in part payment of the amount due for reparation.

It will be for Germany to indemnify the proprietors or parties concerned, whoever they may be.

Note to III, 50, Annex (3-5)

The agreement between the Governing Commission and Germany for the settlement of pre-war debts and claims by the clearing procedure of article 296 was signed at Frankfurt on June 14, 1924.

A protocol laying down the general principles regarding social insurance was signed at Berlin by the German Government and the Governing Commission on June 3, 1921 (5 League of Nations Treaty Series, p. 189), with a supplementary exchange of notes on

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 50, Annex (3-5)—Continued

June 7, 1922 (27 *ibid.*, p. 249). A protocol providing for the application of those general principles with regard to accident insurance, insurance against disability, grants to women in childbirth, and mixed jurisdiction was concluded at Frankfurt on July 21, 1923 (27 *ibid.*, p. 296).

The State Mines Administration operated the properties.

The coal mines were credited to Germany on the reparation account at 400,000,000 gold marks. Article 9 of the financial arrangement of March 11, 1922 between Belgium, France, Great Britain, Italy, and Japan credited 300,000,000 gold marks of that amount to Germany as delivery in kind and stipulated that the excess above that amount should be credited to series "C" bonds.

For purposes of taxation the Saar Governing Commission valued the mines at 346,000,000 gold marks and the total wealth of the Saar Basin in 1924 at 1,995,000,000 gold marks.

6.

No tariff shall be established on the German railways and canals which may directly or indirectly discriminate to the prejudice of the transport of the personnel or products of the mines and their accessories or subsidiaries, or of the material necessary to their exploitation. Such transport shall enjoy all the rights and privileges which any international railway conventions may guarantee to similar products of French origin.

7.

The equipment and personnel necessary to ensure the despatch and transport of the products of the mines and their accessories and subsidiaries, as well as the carriage of workmen and employees, will be provided by the local railway administration of the Basin.

8.

No obstacle shall be placed in the way of such improvements of railways or waterways as the French State may judge necessary to assure the despatch and the transport of the products of the mines and their accessories and subsidiaries, such as double trackage, enlargement of stations, and construction of yards and appurtenances. The distribution of expenses will, in the event of disagreement, be submitted to arbitration.

The French State may also establish any new means of communi-

PART III: ARTICLE 50, ANNEX

cation, such as roads, electric lines and telephone connections which it may consider necessary for the exploitation of the mines.

It may exploit freely and without any restrictions the means of communication of which it may become the owner, particularly those connecting the mines and their accessories and subsidiaries with the means of communication situated in French territory.

9.

The French State shall always be entitled to demand the application of the German mining laws and regulations in force on November 11, 1918, excepting provisions adopted exclusively in view of the state of war, with a view to the acquisition of such land as it may judge necessary for the exploitation of the mines and their accessories and subsidiaries.

The payment for damage caused to immovable property by the working of the said mines and their accessories and subsidiaries shall be made in accordance with the German mining laws and regulations above referred to.

10.

Every person whom the French State may substitute for itself as regards the whole or part of its rights to the exploitation of the mines and their accessories and subsidiaries shall enjoy the benefit of the privileges provided in this Annex.

11.

The mines and other immovable property which become the property of the French State may never be made the subject of measures of forfeiture, forced sale, expropriation or requisition, nor of any other measure affecting the right of property.

The personnel and the plant connected with the exploitation of these mines or their accessories and subsidiaries, as well as the product extracted from the mines or manufactured in their accessories and subsidiaries, may not at any time be made the subject of any measures of requisition.

12.

The exploitation of the mines and their accessories and subsidiaries, which become the property of the French State, will continue, subject to the provisions of paragraph 23 below, to be subject to the régime established by the German laws and regulations in force on November 11, 1918, excepting provisions adopted exclusively in view of the state of war.

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The rights of the workmen shall similarly be maintained, subject to the provisions of the said paragraph 23, as established on November 11, 1918, by the German laws and regulations above referred to.

No impediment shall be placed in the way of the introduction or employment in the mines and their accessories and subsidiaries of workmen from without the Basin.

The employees and workmen of French nationality shall have the right to belong to French labour unions.

13.

The amount contributed by the mines and their accessories and subsidiaries, either to the local budget of the territory of the Saar Basin or to the communal funds, shall be fixed with due regard to the ratio of the value of the mines to the total taxable wealth of the Basin.

Note to III, 50, Annex (13)

At the beginning of 1924 the state mines were exempted from the customs, business-turnover, transport, and other taxes which had been levied and were subjected to a single contribution to the budget based on the ratio of the value of the mines to the total wealth of the Saar Basin, which was determined as approximately 14.8 percent. The budget for 1924 was voted at 155,362,755 French francs and for 1927 at 403,232,037 French francs.

14.

The French State shall always have the right of establishing and maintaining, as incidental to the mines, primary or technical schools for its employees and their children, and of causing instruction therein to be given in the French language, in accordance with such curriculum and by such teachers as it may select.

It shall also have the right to establish and maintain hospitals, dispensaries, workmen's houses and gardens and other charitable and social institutions.

Note to III, 50, Annex (14)

In April 1924 the Governing Commission was subjected to criticism on its educational policy, the principal complaint referring to alleged "gallicizing" of the Saar schools. It appeared that the State Mining Administration maintained French elementary schools in which, at the time, there were 4,446 children of German nationality, 3,110 of whom were the children of miners, out of a total of about 112,000 children liable to compulsory attendance at elementary schools in

PART III: ARTICLE 50, ANNEX

Note to III, 50, Annex (14)—Continued

the Saar Basin. In May 1925 French was taught in 185 elementary schools in 362 special classes. On May 1, 1926 there were 131 commercial-school and 365 apprentice-school classes in French.

15.

The French State shall enjoy complete liberty with respect to the distribution, despatch and sale prices of the products of the mines and their accessories and subsidiaries.

Nevertheless, whatever may be the total product of the mines, the French Government undertakes that the requirements of local consumption for industrial and domestic purposes shall always be satisfied in the proportion existing in 1913 between the amount consumed locally and the total output of the Saar Basin.

CHAPTER II.—GOVERNMENT OF THE TERRITORY OF THE SAAR BASIN.

16.

The Government of the territory of the Saar Basin shall be entrusted to a Commission representing the League of Nations. This Commission shall sit in the territory of the Saar Basin.

Text of May 7:

The Government of the territory of the Saar Basin will be entrusted to a Commission representing the League of Nations.

17.

The Governing Commission provided for by paragraph 16 shall consist of five members chosen by the Council of the League of Nations, and will include one citizen of France, one native inhabitant of the Saar Basin, not a citizen of France, and three members belonging to three countries other than France or Germany.

The members of the Governing Commission shall be appointed for one year and may be re-appointed. They can be removed by the Council of the League of Nations, which will provide for their replacement.

The members of the Governing Commission will be entitled to a salary which will be fixed by the Council of the League of Nations, and charged on the local revenues.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 50, Annex (17)

The French member of the Governing Commission was chairman until his resignation under criticism in 1926. He was succeeded by a Canadian and two Englishmen.

The salary expense of the five members of the Governing Commission rose to 175,000 francs a year.

18.

The Chairman of the Governing Commission shall be appointed for one year from among the members of the Commission by the Council of the League of Nations and may be re-appointed.

The Chairman will act as the executive of the Commission.

19.

Within the territory of the Saar Basin the Governing Commission shall have all the powers of government hitherto belonging to the German Empire, Prussia, or Bavaria, including the appointment and dismissal of officials, and the creation of such administrative and representative bodies as it may deem necessary.

It shall have full powers to administer and operate the railways, canals and the different public services.

Its decisions shall be taken by a majority.

20.

Germany will place at the disposal of the Governing Commission all official documents and archives under the control of Germany, of any German State, or of any local authority, which relate to the territory of the Saar Basin or to the rights of the inhabitants thereof.

21.

It will be the duty of the Governing Commission to ensure, by such means and under such conditions as it may deem suitable, the protection abroad of the interests of the inhabitants of the territory of the Saar Basin.

22.

The Governing Commission shall have the full right of user of all property, other than mines, belonging, either in public or in private domain, to the Government of the German Empire, or the Government of any German State, in the territory of the Saar Basin.

PART III: ARTICLE 50, ANNEX

As regards the railways an equitable apportionment of rolling stock shall be made by a mixed Commission on which the Government of the territory of the Saar Basin and the German railways will be represented.

Persons, goods, vessels, carriages, wagons and mails coming from or going to the Saar Basin shall enjoy all the rights and privileges relating to transit and transport which are specified in the provisions of Part XII (Ports, Waterways and Railways) of the present Treaty.

Text of May 7 :

The Governing Commission shall have the full right of user of all property, other than mines, belonging, both in public and in private domain, to the Imperial German Government, or the Government of any German State, in the territory of the Saar Basin.

As regards the railways an equitable apportionment of rolling stock shall be made by a mixed Commission on which the Government of the territory of the Saar Basin and the German railways are represented.

23.

The laws and regulations in force on November 11, 1918, in the territory of the Saar Basin (except those enacted in consequence of the state of war) shall continue to apply.

If, for general reasons or to bring these laws and regulations into accord with the provisions of the present Treaty, it is necessary to introduce modifications, these shall be decided on, and put into effect by the Governing Commission, after consultation with the elected representatives of the inhabitants in such a manner as the Commission may determine.

No modification may be made in the legal régime for the exploitation of the mines, provided for in paragraph 12, without the French State being previously consulted, unless such modification results from a general regulation respecting labour adopted by the League of Nations.

In fixing the conditions and hours of labour for men, women and children, the Governing Commission is to take into consideration the wishes expressed by the local labour organisations, as well as the principles adopted by the League of Nations.

24.

Subject to the provisions of paragraph 4, no rights of the inhabitants of the Saar Basin acquired or in process of acquisition

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

at the date of the coming into force of this Treaty, in respect of any insurance system of Germany or in respect of any pension of any kind, are affected by any of the provisions of the present Treaty.

Germany and the Government of the territory of the Saar Basin will preserve and continue all of the aforesaid rights.

Note to III, 50, Annex (24)

A protocol between Germany and the Governing Commission for the application of the treaty of peace to the Saar Basin, especially dealing with the settlement and allocation of various financial accounts of the numerous social and other services was signed at Berlin June 3, 1921 (5 League of Nations Treaty Series, p. 189). These arrangements were supplemented by a second protocol signed June 21 and August 26, 1922 (27 *ibid.*, p. 250). In the closing of accounts after the plebiscite of January 13, 1935 agreements between France and Germany with respect to social insurance and French insurance companies operating in the Saar Basin were concluded at Basel on February 11, 1935 (*Reichsgesetzblatt*, 1935, II, 153, 155).

25.

The civil and criminal courts existing in the territory of the Saar Basin shall continue.

A civil and criminal court will be established by the Governing Commission to hear appeals from the decisions of the said courts and to decide matters for which these courts are not competent.

The Governing Commission will be responsible for settling the organisation and jurisdiction of the said court.

Justice will be rendered in the name of the Governing Commission.

26.

The Governing Commission will alone have the power of levying taxes and dues in the territory of the Saar Basin.

These taxes and dues will be exclusively applied to the needs of the territory.

The fiscal system existing on November 11, 1918, will be maintained as far as possible, and no new tax except customs duties may be imposed without previously consulting the elected representatives of the inhabitants.

27.

The present stipulations will not affect the existing nationality of the inhabitants of the territory of the Saar Basin.

PART III: ARTICLE 50, ANNEX

No hindrance shall be placed in the way of those who wish to acquire a different nationality, but in such case the acquisition of the new nationality will involve the loss of any other.

28.

Under the control of the Governing Commission the inhabitants will retain their local assemblies, their religious liberties, their schools and their language.

The right of voting will not be exercised for any assemblies other than the local assemblies, and will belong to every inhabitant over the age of twenty years, without distinction of sex.

29.

Any of the inhabitants of the Saar Basin who may desire to leave the territory will have full liberty to retain in it their immovable property or to sell it at fair prices, and to remove their movable property free of any charges.

30.

There will be no military service, whether compulsory or voluntary, in the territory of the Saar Basin, and the construction of fortifications therein is forbidden.

Only a local gendarmerie for the maintenance of order may be established.

It will be the duty of the Governing Commission to provide in all cases for the protection of persons and property in the Saar Basin.

31.

The territory of the Saar Basin as defined by Article 48 of the present Treaty shall be subjected to the French customs régime. The receipts from the customs duties on goods intended for local consumption shall be included in the budget of the said territory after deduction of all costs of collection.

No export tax shall be imposed upon metallurgical products or coal exported from the said territory to Germany, nor upon German exports for the use of the industries of the territory of the Saar Basin.

Natural or manufactured products originating in the Basin in transit over German territory and, similarly, German products in transit over the territory of the Basin shall be free of all customs duties.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Products which both originate in and pass from the Basin into Germany shall be free of import duties for a period of five years from the date of the coming into force of the present Treaty, and during the same period articles imported from Germany into the territory of the Basin for local consumption shall likewise be free of import duties.

During these five years the French Government reserves to itself the right of limiting to the annual average of the quantities imported into Alsace-Lorraine and France in the years 1911 to 1913 the quantities which may be sent into France of all articles coming from the Basin which include raw materials and semi-manufactured goods imported duty free from Germany. Such average shall be determined after reference to all available official information and statistics.

Note to III, 50, Annex (31)

The French customs régime was applied to the Saar-German frontier on January 10, 1925.

An agreement for the exchange of goods between Germany and the Saar territory was concluded between France and Germany at Paris August 5, 1926 (73 League of Nations Treaty Series, p. 105) and another concerning the exchange of products of certain German and Saar industries was concluded at Berlin November 6, 1926 (62 *ibid.*, p. 155). Both were extended until the Franco-German treaty of commerce signed at Paris August 17, 1927 entered into force.

32.

No prohibition or restriction shall be imposed upon the circulation of French money in the territory of the Saar Basin.

The French State shall have the right to use French money in all purchases, payments and contracts connected with the exploitation of the mines or their accessories and subsidiaries.

Note to III, 50, Annex (32)

Until June 1, 1923 German money was in circulation, but on account of its depreciation the French franc was made the sole legal currency on that date.

33.

The Governing Commission shall have power to decide all questions arising from the interpretation of the preceding provisions.

France and Germany agree that any dispute involving a difference

PART III: ARTICLE 50, ANNEX

of opinion as to the interpretation of the said provisions shall in the same way be submitted to the Governing Commission, and the decision of a majority of the Commission shall be binding on both countries.

CHAPTER III.—PLEBISCITE.

Note to III, 50, Annex (34-40)

The plebiscite held on January 13, 1935 was for voters with an unusual qualification. Only those were eligible who had been resident in the territory on June 28, 1919 and were more than 20 years old on January 13, 1935. The Governing Commission established voting lists as one of its first tasks. They were completed in September 1922 by a Provisional Records Commission appointed by the Council of the League and were retained in the League's custody until the Plebiscite Commission appointed by the Council took charge on July 1, 1934.

The task of the Plebiscite Commission was facilitated by comprehensive regulations adopted by the Council on June 2, 1934 for the conduct of the voting. These included pledges from both France and Germany to abstain from pressure of any kind during the campaign. Eight district plebiscite tribunals were set up and a supreme plebiscite court established. Organizations of foreign officials selected by the Plebiscite Commission were created for the 83 voting districts, and a special gendarmerie was established and was supplemented after December 22, 1934 by an international force of 3300 men commanded by a British major general under the authority of the Governing Commission. The troops in this force consisted of: Netherlands 250, United Kingdom 1500, Italy 1300, Sweden 250.

The National Socialist Party had come to power in Germany in January 1933, and there was considerable uncertainty as to what action it might take with respect to the orderly procedure of a plebiscite. Its nationalistic bias was expressed through the campaign activities of two groups known as the "Deutsche-Front" and "Einheitsfront". It was largely due to complaints from these groups that the Plebiscite Commission was called upon to rule on 107,145 claims for correction of the voting lists.

The voting took place on Sunday, January 13, 1935, the ballots being counted on Monday and the result broadcast Tuesday. The final register showed 539,541 eligibles, and 528,705 votes were cast, with 905 invalid and 1292 blank papers. The result was: for union with Germany, 477,119; for the present regime, 46,613; for union with France, 2,124.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 50, Annex (34-40)—Continued

The overwhelming majority for territorial union with Germany simplified the transfer of the Saar to German administration.

The agreement between France and Germany, made as a result of the plebiscite, relative to the retrocession of the property right of the French state in the mines, railroads, and other fixed assets in the Saar territory was signed at Naples February 18, 1935 and effected their transfer to Germany at midnight March 1, 1935 (*Reichsgesetzblatt*, 1935, II, 135).

34.

At the termination of a period of fifteen years from the coming into force of the present Treaty, the population of the territory of the Saar Basin will be called upon to indicate their desires in the following manner:

A vote will take place by communes or districts, on the three following alternatives: (a) maintenance of the régime established by the present Treaty and by this Annex; (b) union with France; (c) union with Germany.

All persons without distinction of sex, more than twenty years old at the date of the voting, resident in the territory at the date of the signature of the present Treaty, will have the right to vote.

The other conditions, methods and the date of the voting shall be fixed by the Council of the League of Nations in such a way as to secure the freedom, secrecy and trustworthiness of the voting.

Text of May 7:

The other conditions, methods and the date of the voting shall be fixed by the Council of the League of Nations in such a way as to secure the liberty, secrecy and trustworthiness of the voting.

35.

The League of Nations shall decide on the sovereignty under which the territory is to be placed, taking into account the wishes of the inhabitants as expressed by the voting:

(a) If, for the whole or part of the territory, the League of Nations decides in favour of the maintenance of the régime established by the present Treaty and this Annex, Germany hereby agrees to make such renunciation of her sovereignty in favour of the League of Nations as the latter shall deem necessary. It will be the duty of the League of Nations to take appropriate steps to

PART III: ARTICLE 50, ANNEX

adapt the régime definitively adopted to the permanent welfare of the territory and the general interest;

Text of May 7:

It will be the duty of the League of Nations to take appropriate steps to adapt the régime definitively adopted to the permanent welfare of the territory and the general interests.

(b) If, for the whole or part of the territory, the League of Nations decides in favour of union with France, Germany hereby agrees to cede to France in accordance with the decision of the League of Nations all rights and title over the territory specified by the League;

(c) If, for the whole or part of the territory, the League of Nations decides in favour of union with Germany, it will be the duty of the League of Nations to cause the German Government to be re-established in the government of the territory specified by the League.

36.

If the League of Nations decides in favour of the union of the whole or part of the territory of the Saar Basin with Germany, France's rights of ownership in the mines situated in such part of the territory will be repurchased by Germany in their entirety at a price payable in gold. The price to be paid will be fixed by three experts, one nominated by Germany, one by France, and one, who shall be neither a Frenchman nor a German, by the Council of the League of Nations; the decision of the experts will be given by a majority.

The obligation of Germany to make such payment shall be taken into account by the Reparation Commission, and for the purpose of this payment Germany may create a prior charge upon her assets or revenues upon such detailed terms as shall be agreed to by the Reparation Commission.

Text of May 7:

If, within the six months following the decision of the experts, the price above referred to has not been paid by Germany, the said territory will be finally acquired by France.

If, nevertheless, Germany after a period of one year from the date on which the payment becomes due shall not have effected the said payment, the Reparation Commission shall do so in accordance with such instructions as may be given by the League of Nations,

and, if necessary, by liquidating that part of the mines which is in question.

37.

If, in consequence of the repurchase provided for in paragraph 36, the ownership of the mines or any part of them is transferred to Germany, the French State and French nationals shall have the right to purchase such amount of coal of the Saar Basin as their industrial and domestic needs are found at that time to require. An equitable arrangement regarding amounts of coal, duration of contract, and prices will be fixed in due time by the Council of the League of Nations.

38.

It is understood that France and Germany may, by special agreements concluded before the time fixed for the payment of the price for the repurchase of the mines, modify the provisions of paragraphs 36 and 37.

39.

The Council of the League of Nations shall make such provisions as may be necessary for the establishment of the régime which is to take effect after the decisions of the League of Nations mentioned in paragraph 35 have become operative, including an equitable apportionment of any obligations of the Government of the territory of the Saar Basin arising from loans raised by the Commission or from other causes.

From the coming into force of the new régime, the powers of the Governing Commission will terminate, except in the case provided for in paragraph 35 (*a*).

40.

In all matters dealt with in the present Annex, the decisions of the Council of the League of Nations will be taken by a majority.

SECTION V.—*Alsace Lorraine.*

The HIGH CONTRACTING PARTIES, recognising the moral obligation to redress the wrong done by Germany in 1871 both to the rights of France and to the wishes of the population of Alsace and Lorraine, which were separated from their country in spite of the solemn protest of their representatives at the Assembly of Bordeaux,

PART III: ARTICLE 51

Agree upon the following Articles :

ARTICLE 51.

The territories which were ceded to Germany in accordance with the Preliminaries of Peace signed at Versailles on February 26, 1871, and the Treaty of Frankfort of May 10, 1871, are restored to French sovereignty as from the date of the Armistice of November 11, 1918.

The provisions of the Treaties establishing the delimitation of the frontiers before 1871 shall be restored.

Note to III, 51

Emphasis was given to the redressing of the stated wrong by dating the retrocession of Alsace-Lorraine to France from the armistice instead of from the entry of the treaty into force, which is stipulated by the final clauses to be the date from which times begin to run. By this language article 51 records, rather than effects, the reversion of Alsace-Lorraine to France.

The National Assembly of Bordeaux met as a newly elected body on February 13, 1871. On March 1 it accepted, 546 to 107, the terms of the Preliminaries of Peace of February 26, 1871 (62 *British and Foreign State Papers*, p. 59). The definitive treaty of peace signed at Frankfurt on May 10, 1871 and in effect on May 20 is printed at *ibid.*, p. 77, in French, and in English in Hertslet, *Map of Europe by Treaty*, III, 1954.

The provisions of this section in many respects are patterned on the conditions imposed by Germany in 1871, thus aiming precisely to abrogate the German regime.

Although admitting that in 1871 Germany had not consulted the wishes of the people in taking possession of Alsace-Lorraine, the German delegation demanded that this wrong should not be "replaced by a fresh and still greater wrong" and asked for a plebiscite, since 87 percent of the inhabitants belonged to Germany "by virtue of language and customs (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 829). They must be allowed to choose freely between union with France, union with Germany as an autonomous state, and complete independence. There was no justification for antedating the cession to the date of the armistice or for the provisions of the treaty dealing with nationality; Germany could not surrender the eastern half of the bridges over the Rhine or consent to the incorporation of Kehl in France. Furthermore, France should take

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 51—Continued

over a part of the German national debt and make a special settlement concerning employment insurance.

The Allied reply declared that having accepted the Eighth Point (of the Fourteen) and signed the armistice, Germany had no right to demand a plebiscite and that "the population of Alsace and Lorraine has never asked for it". The date of cession was also determined by the armistice (*ibid.*, p. 944). It was also pointed out that in 1871 Germany had not assumed any share of the French debt. On the other hand, it had always been understood that France would accept liability for the local debt of Alsace-Lorraine.

ARTICLE 52.

The German Government shall hand over without delay to the French Government all archives, registers, plans, titles and documents of every kind concerning the civil, military, financial, judicial or other administrations of the territories restored to French sovereignty. If any of these documents, archives, registers, titles or plans have been misplaced, they will be restored by the German Government on the demand of the French Government.

ARTICLE 53.

Separate agreements shall be made between France and Germany dealing with the interests of the inhabitants of the territories referred to in Article 51, particularly as regards their civil rights, their business and the exercise of their professions, it being understood that Germany undertakes as from the present to recognise and accept the regulations laid down in the Annex hereto regarding the nationality of the inhabitants or natives of the said territories, not to claim at any time or in any place whatsoever as German nationals those who shall have been declared on any ground to be French, to receive all others in her territory, and to conform, as regards the property of German nationals in the territories indicated in Article 51; with the provisions of Article 297 and the Annex to Section IV of Part X (Economic Clauses) of the present Treaty.

Those German nationals who without acquiring French nationality shall receive permission from the French Government to reside in the said territories shall not be subjected to the provisions of the said Article.

PART III: ARTICLES 52 TO 56

ARTICLE 54.

Those persons who have regained French nationality in virtue of paragraph 1 of the Annex hereto will be held to be Alsace-Lorrainers for the purposes of the present Section.

The persons referred to in paragraph 2 of the said Annex will from the day on which they have claimed French nationality be held to be Alsace-Lorrainers with retroactive effect as from November 11, 1918. For those whose application is rejected, the privilege will terminate at the date of the refusal.

Such juridical persons will also have the status of Alsace-Lorrainers as shall have been recognised as possessing this quality, whether by the French administrative authorities or by a judicial decision.

Text of May 7:

Such juridical persons will also have the status of Alsace-Lorrainers as have been recognised as possessing this quality, whether by the French administrative authorities or by a judicial decision.

Note to III, 54

French laws relating to public order were made applicable to Alsace-Lorraine as a whole and without distinction by the law of October 17, 1919.

A French decree of January 11, 1920 regulated the procedure for applying the rules with respect to nationality set forth in the treaty of peace.

ARTICLE 55.

The territories referred to in Article 51 shall return to France free and quit of all public debts under the conditions laid down in Article 255 of Part IX (Financial Clauses) of the present Treaty.

ARTICLE 56.

In conformity with the provisions of Article 256 of Part IX (Financial Clauses) of the present Treaty, France shall enter into possession of all property and estate, within the territories referred to in Article 51, which belong to the German Empire or German States, without any payment or credit on this account to any of the States ceding the territories.

This provision applies to all movable or immovable property of public or private domain together with all rights whatsoever be-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

longing to the German Empire or German States or to their administrative areas.

Crown property and the property of the former Emperor or other German sovereigns shall be assimilated to property of the public domain.

ARTICLE 57.

Germany shall not take any action, either by means of stamping or by any other legal or administrative measures not applying equally to the rest of her territory, which may be to the detriment of the legal value or redeemability of German monetary instruments or monies which, at the date of the signature of the present Treaty, are legally current, and at that date are in the possession of the French Government.

Note to III, 57

An order of the French Premier dated November 26, 1918 retired the German mark as legal tender from December 15 and established an exchange rate of 1.25 francs per mark. This was followed by a law for regularization of the currency on April 23, 1919.

ARTICLE 58.

A special Convention will determine the conditions for repayment in marks of the exceptional war expenditure advanced during the course of the war by Alsace-Lorraine or by public bodies in Alsace-Lorraine on account of the Empire in accordance with German law, such as payment to the families of persons mobilised, requisitions, billeting of troops, and assistance to persons who have been evacuated.

In fixing the amount of these sums Germany shall be credited with that portion which Alsace-Lorraine would have contributed to the Empire to meet the expenses resulting from these payments, this contribution being calculated according to the proportion of the Imperial revenues derived from Alsace-Lorraine in 1913.

Note to III, 58

The special convention concerning the treasury of Alsace-Lorraine was concluded at Baden-Baden June 30, 1920 (8 League of Nations Treaty Series, p. 79) and entered into force July 23, 1921. By application of this article and in virtue of articles 1-5 of that convention the Reparation Commission fixed the amount at 33,000,000 gold marks. Payment of the sum was treated as arrears by article 8, A, c, of the Finance Ministers' Agreement of January 14, 1925.

PART III: ARTICLES 57 TO 62

ARTICLE 59.

The French Government will collect for its own account the Imperial taxes, duties and dues of every kind leviabie in the territories referred to in Article 51 and not collected at the time of the Armistice of November 11, 1918.

Note to III, 59

German indirect taxes on numerous articles and of various types were abrogated as from August 1, 1919 by orders dated June 18, 1919.

ARTICLE 60.

The German Government shall without delay restore to Alsace-Lorrainers (individuals, juridical persons and public institutions) all property, rights and interests belonging to them on November 11, 1918, in so far as these are situated in German territory.

ARTICLE 61.

The German Government undertakes to continue and complete without delay the execution of the financial clauses regarding Alsace-Lorraine contained in the Armistice Conventions.

ARTICLE 62.

The German Government undertakes to bear the expense of all civil and military pensions which had been earned in Alsace-Lorraine on date of November 11, 1918, and the maintenance of which was a charge on the budget of the German Empire.

The German Government shall furnish each year the funds necessary for the payment in francs, at the average rate of exchange for that year, of the sums in marks to which persons resident in Alsace-Lorraine would have been entitled if Alsace-Lorraine had remained under German jurisdiction.

Note to III, 62

A special convention between France and Germany signed at Baden-Baden March 3, 1920 (8 League of Nations Treaty Series, p. 45) related to pensions in Alsace-Lorraine and entered into force on that date. The Arbitral Tribunal of Interpretation decided on March 24, 1926 that the payments in execution of article 62 were included in the annuities of the Experts' (Dawes) Plan, reversing article 8, B, a, of the Finance Ministers' Agreement of January 14, 1925.

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ARTICLE 63.

For the purposes of the obligation assumed by Germany in Part VIII (Reparation) of the present Treaty to give compensation for damages caused to the civil populations of the Allied and Associated countries in the form of fines, the inhabitants of the territories referred to in Article 51 shall be assimilated to the above-mentioned populations.

ARTICLE 64.

The regulations concerning the control of the Rhine and of the Moselle are laid down in Part XII (Ports, Waterways and Railways) of the present Treaty.

ARTICLE 65.

Within a period of three weeks after the coming into force of the present Treaty, the port of Strasburg and the port of Kehl shall be constituted, for a period of seven years, a single unit from the point of view of exploitation.

The administration of this single unit will be carried on by a manager named by the Central Rhine Commission, which shall also have power to remove him.

This manager shall be of French nationality.

He will reside in Strasburg and will be subject to the supervision of the Central Rhine Commission.

Text of May 7:

The administration of this single unit will be carried on by a manager named by the Central Rhine Commission, which shall also have power to remove him. He shall be of French nationality. He will reside in Strasburg and will be subject to the supervision of the Central Rhine Commission.

There will be established in the two ports free zones in conformity with Part XII (Ports, Waterways and Railways) of the present Treaty.

A special Convention between France and Germany, which shall be submitted to the approval of the Central Rhine Commission, will fix the details of this organisation, particularly as regards finance.

It is understood that for the purpose of the present Article the port of Kehl includes the whole of the area necessary for the movements of the port and the trains which serve it, including the

PART III: ARTICLES 63 TO 66

harbour, quays and railroads, platforms, cranes, sheds and warehouses, silos, elevators and hydro-electric plants, which make up the equipment of the port.

The German Government undertakes to carry out all measures which shall be required of it in order to assure that all the making-up and switching of trains arriving at or departing from Kehl, whether for the right bank or the left bank of the Rhine, shall be carried on in the best conditions possible.

All property rights shall be safeguarded. In particular the administration of the ports shall not prejudice any property rights of the French or Baden railroads.

Equality of treatment as respects traffic shall be assured in both ports to the nationals, vessels and goods of every country.

In case at the end of the sixth year France shall consider that the progress made in the improvement of the port of Strasburg still requires a prolongation of this temporary régime, she may ask for such prolongation from the Central Rhine Commission, which may grant an extension for a period not exceeding three years.

Throughout the whole period of any such extension the free zones above provided for shall be maintained.

Pending appointment of the first manager by the Central Rhine Commission a provisional manager who shall be of French nationality may be appointed by the Principal Allied and Associated Powers subject to the foregoing provisions.

For all purposes of the present Article the Central Rhine Commission will decide by a majority of votes.

Note to III, 65

France and Germany on March 1, 1920 at Baden-Baden concluded the special convention relative to the port of Kehl (1 League of Nations Treaty Series, p. 367). The convention, which entered into force April 8, fixed the boundaries of the port, provided for its direction, operation, and maintenance, for temporary expropriations, its budget and customs administration.

The Conference of Ambassadors informed the German Government that the Government of the Netherlands adhered to this article on September 7, 1923; see note to article 354.

ARTICLE 66.

The railway and other bridges across the Rhine now existing within the limits of Alsace-Lorraine shall, as to all their parts and

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

their whole length, be the property of the French State, which shall ensure their upkeep.

Note to III, 66

A provisional agreement between France and Germany relating to the Rhine bridges was signed at Strasbourg July 1, 1920 (8 League of Nations Treaty Series, p. 87) and entered into force December 4, 1920. Under this article and article 243 Germany was credited with payments of 7,432,327.50 gold marks.

ARTICLE 67.

The French Government is substituted in all the rights of the German Empire over all the railways which were administered by the Imperial railway administration and which are actually working or under construction.

The same shall apply to the rights of the Empire with regard to railway and tramway concessions within the territories referred to in Article 51.

This substitution shall not entail any payment on the part of the French State.

The frontier railway stations shall be established by a subsequent agreement, it being stipulated in advance that on the Rhine frontier they shall be situated on the right bank.

ARTICLE 68.

In accordance with the provisions of Article 268 of Chapter I of Section I of Part X (Economic Clauses) of the present Treaty, for a period of five years from the coming into force of the present Treaty, natural or manufactured products originating in and coming from the territories referred to in Article 51 shall, on importation into German customs territory, be exempt from all customs duty.

The French Government may fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911-1913.

Text of May 7:

The French Government shall fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

PART III: ARTICLES 67 TO 69

Further, during the period of five years above mentioned, the German Government shall allow the free export from Germany and the free re-importation into Germany, exempt from all customs duties and other charges (including internal charges), of yarns, tissues, and other textile materials or textile products of any kind and in any condition, sent from Germany into the territories referred to in Article 51, to be subjected there to any finishing process, such as bleaching, dyeing, printing, mercerisation, gassing, twisting or dressing.

Note to III, 68

The French customs regime was applied to Alsace-Lorraine by a decree of January 30, 1919. The free import of Alsace-Lorraine goods into Germany, in quantities fixed by a French decree of January 10, 1920, was provided for in a protocol concluded in Baden-Baden, May 19, 1920 (1 League of Nations Treaty Series, p. 383) and provisionally in force until November 15, 1920.

A Franco-German protocol signed at Baden-Baden November 17, 1920 and in force on January 11, 1921 (8 League of Nations Treaty Series, p. 99) fixed the method of applying this article under the conditions of articles 264 and 268 (*a*). This protocol superseded the agreement concluded at Baden-Baden on May 19, 1920. Goods the import of which was permitted entered exempt from all customs dues upon the mere production of a special French certificate of origin. Goods the import of which into Germany was prohibited entered exempt from all customs dues upon presentation of the special certificate of origin visaed on the back by the German bureau at Kehl; visas were granted free, as a matter of routine, on 48 hours' notice and were valid for three months. The protocol was extended on December 16, 1921, and the system ended on January 10, 1925.

ARTICLE 69.

During a period of ten years from the coming into force of the present Treaty, central electric supply works situated in German territory and formerly furnishing electric power to the territories referred to in Article 51 or to any establishment the working of which passes permanently or temporarily from Germany to France, shall be required to continue such supply up to the amount of consumption corresponding to the undertakings and contracts current on November 11, 1918.

Such supply shall be furnished according to the contracts in force and at a rate which shall not be higher than that paid to the said works by German nationals.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ARTICLE 70.

It is understood that the French Government preserves its right to prohibit in the future in the territories referred to in Article 51 all new German participation:

1. In the management or exploitation of the public domain and of public services, such as railways, navigable waterways, water works, gas works, electric power, etc.;

2. In the ownership of mines and quarries of every kind and in enterprises connected therewith;

3. In metallurgical establishments, even though their working may not be connected with that of any mine.

Note to III, 70

The mines, quarries, and metallurgical establishments were taken over at the outset by the *Direction général du Commerce, de l'Industrie et des Mines* and, after the elimination of German interests, were re-organized under French control for exploitation by private companies in which Alsace-Lorraine interests were important. On the operative side the transition was effected by the *Service industriel d'Alsace et de Lorraine*, which was organized late in November 1918.

ARTICLE 71.

As regards the territories referred to in Article 51, Germany renounces on behalf of herself and her nationals as from November 11, 1918, all rights under the law of May 25, 1910, regarding the trade in potash salts, and generally under any stipulations for the intervention of German organisations in the working of the potash mines. Similarly, she renounces on behalf of herself and her nationals all rights under any agreements, stipulations or laws which may exist to her benefit with regard to other products of the aforesaid territories.

ARTICLE 72.

The settlement of the questions relating to debts contracted before November 11, 1918, between the German Empire and the German States or their nationals residing in Germany on the one part and Alsace-Lorrainers residing in Alsace-Lorraine on the other part shall be effected in accordance with the provisions of Section III of Part X (Economic Clauses) of the present Treaty, the expression "before the war" therein being replaced by the expression "before November 11, 1918". The rate of exchange applicable in the case

PART III: ARTICLES 70 TO 74

of such settlement shall be the average rate quoted on the Geneva Exchange during the month preceding November 11, 1918.

There may be established in the territories referred to in Article 51, for the settlement of the aforesaid debts under the conditions laid down in Section III of Part X (Economic Clauses) of the present Treaty, a special Clearing Office, it being understood that this Office shall be regarded as a "Central Office" under the provisions of paragraph 1 of the Annex to the said Section.

Text of May 7:

There shall be established in the territories referred to in Article 51, for the settlement of the aforesaid debts under the conditions laid down in Section III of Part X (Economic Clauses) of the present Treaty, a special clearing office, it being understood that this office shall be regarded as a "central office" under the provisions of paragraph I of the Annex to the said Section.

ARTICLE 73.

The private property, rights and interests of Alsace-Lorrainers in Germany will be regulated by the stipulations of Section IV of Part X (Economic Clauses) of the present Treaty.

ARTICLE 74.

The French Government reserves the right to retain and liquidate all the property, rights and interests which German nationals or societies controlled by Germany possessed in the territories referred to in Article 51 on November 11, 1918, subject to the conditions laid down in the last paragraph of Article 53 above.

Germany will directly compensate her nationals who may have been dispossessed by the aforesaid liquidations.

The product of these liquidations shall be applied in accordance with the stipulations of Sections III and IV of Part X (Economic Clauses) of the present Treaty.

Note to III, 74

The Arbitral Tribunal of Interpretation on January 29, 1927 decided that the annuities under the Experts' (Dawes) Plan did not include indemnities payable after September 1, 1924 to German nationals, by reason of the retention, liquidation, or transfer of property, rights or interests under articles 74; 145; 156; paragraph 2 (combined with paragraph 2 of the protocol of June 28, 1919); 260; 297 (*i*). By article 8,B,d, of the Finance Ministers' Agreement of January 14, 1925 and an award of the Arbitral Tribunal of Inter-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 74—Continued

pretation dated March 24, 1926, transfers to be effected by Germany to France under this article in execution of a decision of the Council of the League of Nations of June 21, 1921 were included in the annuities prescribed by the Experts' (Dawes) Plan.

Gross liquidation up to July 1, 1920 amounted to an estimated 700,000,000 francs.

ARTICLE 75.

Notwithstanding the stipulations of Section V of Part X (Economic Clauses) of the present Treaty, all contracts made before the date of the promulgation in Alsace-Lorraine of the French decree of November 30, 1918, between Alsace-Lorrainers (whether individuals or juridical persons) or others resident in Alsace-Lorraine on the one part and the German Empire or German States and their nationals resident in Germany on the other part, the execution of which has been suspended by the Armistice or by subsequent French legislation, shall be maintained.

Nevertheless, any contract of which the French Government shall notify the cancellation to Germany in the general interest within a period of six months from the date of the coming into force of the present Treaty, shall be annulled except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder before November 11, 1918. If this dissolution would cause one of the parties substantial prejudice, equitable compensation, calculated solely on the capital employed without taking account of loss of profits, shall be accorded to the prejudiced party.

With regard to prescriptions, limitations and forfeitures in Alsace-Lorraine, the provisions of Articles 300 and 301 of Section V of Part X (Economic Clauses) shall be applied with the substitution for the expression "outbreak of war" of the expression "November 11, 1918", and for the expression "duration of the war" of the expression "period from November 11, 1918, to the date of the coming into force of the present Treaty".

ARTICLE 76.

Questions concerning rights in industrial, literary or artistic property of Alsace-Lorrainers shall be regulated in accordance with the general stipulations of Section VII of Part X (Economic Clauses) of the present Treaty, it being understood that Alsace-Lorrainers holding rights of this nature under German legislation

PART III: ARTICLES 75 TO 78

will preserve full and entire enjoyment of those rights on German territory.

Note to III, 76

- The French laws with respect to industrial, literary, and artistic property were introduced into Alsace-Lorraine by a decree of February 10, 1920.

ARTICLE 77.

The German Government undertakes to pay over to the French Government such proportion of all reserves accumulated by the Empire or by public or private bodies dependent upon it, for the purposes of disability and old age insurance, as would fall to the disability and old age insurance fund at Strasburg.

The same shall apply in respect of the capital and reserves accumulated in Germany falling legitimately to other social insurance funds, to miners' superannuation funds, to the fund of the railways of Alsace-Lorraine, to other superannuation organisations established for the benefit of the personnel of public administrations and institutions operating in Alsace-Lorraine, and also in respect of the capital and reserves due by the insurance fund of private employees at Berlin, by reason of engagements entered into for the benefit of insured persons of that category resident in Alsace-Lorraine.

A special Convention shall determine the conditions and procedure of these transfers.

ARTICLE 78.

With regard to the execution of judgments, appeals and prosecutions, the following rules shall be applied :

Text of May 7 :

With regard to the execution of judgments, orders and prosecutions, the following rules shall be applied :

(1) All civil and commercial judgments which shall have been given since August 3, 1914, by the Courts of Alsace-Lorraine between Alsace-Lorrainers, or between Alsace-Lorrainers and foreigners, or between foreigners, and which shall not have been appealed from before November 11, 1918, shall be regarded as final and susceptible of immediate execution without further formality.

When the judgment has been given between Alsace-Lorrainers and Germans or between Alsace-Lorrainers and subjects of the allies

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of Germany, it shall only be capable of execution after the issue of an *exequatur* by the corresponding new tribunal in the restored territory referred to in Article 51.

(2) All judgments given by German Courts since August 3, 1914, against Alsace-Lorrainers for political crimes or misdemeanours shall be regarded as null and void.

(3) All sentences passed since November 11, 1918, by the Court of the Empire at Leipzig on appeals against the decisions of the Courts of Alsace-Lorraine shall be regarded as null and void and shall be so pronounced. The papers in regard to the cases in which such sentences have been given shall be returned to the Courts of Alsace-Lorraine concerned.

All appeals to the Court of the Empire against decisions of the Courts of Alsace-Lorraine shall be suspended. The papers shall be returned under the aforesaid conditions for transfer without delay to the French Cour de Cassation, which shall be competent to decide them.

(4) All prosecutions in Alsace-Lorraine for offences committed during the period between November 11, 1918, and the coming into force of the present Treaty will be conducted under German law except in so far as this has been modified by decrees duly published on the spot by the French authorities.

(5) All other questions as to competence, procedure or administration of justice shall be determined by a special Convention between France and Germany.

Note to III, 78

The special convention between France and Germany concerning judicial questions, stipulated in paragraph 5, was concluded at Baden-Baden May 5, 1920 and entered into force November 28, 1920 (8 League of Nations Treaty Series, p. 55).

ARTICLE 79.

The stipulations as to nationality contained in the Annex hereto shall be considered as of equal force with the provisions of the present Section.

All other questions concerning Alsace-Lorraine which are not regulated by the present Section and the Annex thereto or by the general provisions of the present Treaty will form the subject of further conventions between France and Germany.

PART III: ARTICLE 79

A N N E X.

1.

As from November 11, 1918, the following persons are *ipso facto* reinstated in French nationality :

(1) Persons who lost French nationality by the application of the Franco-German Treaty of May 10, 1871, and who have not since that date acquired any nationality other than German ;

(2) The legitimate or natural descendants of the persons referred to in the immediately preceding paragraph, with the exception of those whose ascendants in the paternal line include a German who migrated into Alsace-Lorraine after July 15, 1870 ;

(3) All persons born in Alsace-Lorraine of unknown parents, or whose nationality is unknown.

2.

Within the period of one year from the coming into force of the present Treaty, persons included in any of the following categories may claim French nationality :

(1) All persons not restored to French nationality under paragraph 1 above, whose ascendants include a Frenchman or Frenchwoman who lost French nationality under the conditions referred to in the said paragraph ;

(2) All foreigners, not nationals of a German State, who acquired the status of a citizen of Alsace-Lorraine before August 3, 1914 ;

(3) All Germans domiciled in Alsace-Lorraine, if they have been so domiciled since a date previous to July 15, 1870, or if one of their ascendants was at that date domiciled in Alsace-Lorraine ;

(4) All Germans born or domiciled in Alsace-Lorraine who have served in the Allied or Associated armies during the present war, and their descendants ;

(5) All persons born in Alsace-Lorraine before May 10, 1871, of foreign parents, and the descendants of such persons ;

(6) The husband or wife of any person whose French nationality may have been restored under paragraph 1, or who may have claimed and obtained French nationality in accordance with the preceding provisions.

The legal representative of a minor may exercise, on behalf of that minor, the right to claim French nationality ; and if that right has not been exercised, the minor may claim French nationality within the year following his majority.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Except in the cases provided for in No. (6) of the present paragraph, the French authorities reserve to themselves the right, in individual cases, to reject the claim to French nationality.

Note to III, 79 (2)

July 15, 1870 is the date on which France decided on war against Prussia with respect to the question of the Spanish succession.

August 3, 1914 is the date of the German declaration of war against France.

3.

Subject to the provisions of paragraph 2, Germans born or domiciled in Alsace-Lorraine shall not acquire French nationality by reason of the restoration of Alsace-Lorraine to France, even though they may have the status of citizens of Alsace-Lorraine.

They may acquire French nationality only by naturalisation, on condition of having been domiciled in Alsace-Lorraine from a date previous to August 3, 1914, and of submitting proof of unbroken residence within the restored territory for a period of three years from November 11, 1918.

France will be solely responsible for their diplomatic and consular protection from the date of their application for French naturalisation.

4.

The French Government shall determine the procedure by which reinstatement in French nationality as of right shall be effected, and the conditions under which decisions shall be given upon claims to such nationality and applications for naturalisation, as provided by the present Annex.

SECTION VI.—Austria.

ARTICLE 80.

Germany acknowledges and will respect strictly the independence of Austria, within the frontiers which may be fixed in a Treaty between that State and the Principal Allied and Associated Powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations.

Note to III, 80

The German delegation declared that "Germany has never intended, and never will intend to use force to effect any alteration in

PART III: ARTICLE 80

Note to III, 80—Continued

the German-Austrian frontier”, but if the people of Austria should desire union with Germany, “Germany cannot pledge herself to oppose the wishes of her German brothers in Austria” (*Foreign Relations*, The Paris Peace Conference, 1919, vi, 832).

The Allies took note of the German declaration (*ibid.*, p. 945).

This article is a unilateral undertaking of Germany. Article 88 of the treaty of peace with Austria, which differs from it in important respects, reads:

“The independence of Austria is inalienable otherwise than with the consent of the Council of the League of Nations. Consequently Austria undertakes in the absence of the consent of the said Council to abstain from any act which might directly or indirectly or by any means whatever compromise her independence, particularly, and until her admission to membership of the League of Nations, by participation in the affairs of another Power.”

The difference between the two articles in the treaties is accounted for by a circumstance transpiring between their respective dates—June 28 and September 10, 1919. The Constitution of the German Reich was adopted at Weimar on July 31, 1919 and became effective on August 11. In article 61 occurred this paragraph:

“German-Austria after its union with the German Commonwealth will receive the right of participation in the National Council [Reichsrat] with the number of votes corresponding to its population. Until that time the representatives of German-Austria have a deliberative voice.”

The Supreme Council of the Principal Allied and Associated Powers on September 2 required the elimination of this paragraph on the ground that it constituted a formal violation of article 80 of the treaty of peace with Germany in two respects: (1) the assimilation of Austria to the German states was incompatible with the independence of Austria; and (2) such participation of Austria in the Reichsrat would create a “political tie and a common political action between Germany and Austria in absolute opposition to the independence of the latter”. In consequence of these representations a diplomatic act was signed in Paris on September 22, 1919, in the presence of representatives of the Principal Allied and Associated Powers, in which the German Government admitted and declared “that all the provisions of the German Constitution of August 11, 1919 which are in contradiction of the terms of the Treaty of Peace

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 80—Continued

signed at Versailles on June 28, 1919 are null and void". The German Government further "admits and declares that the second paragraph of Article 61 of the said Constitution is therefore null and void" (file 763.72119/7621).

At that time and for the next decade there was considerable sentiment in both Austria and Germany for the *Anschluss*, or union, of the two countries. On March 19, 1931 the Austrian and German Governments signed a protocol at Vienna by which they agreed "to enter into negotiations for a treaty to assimilate the tariff and economic policies of their respective countries" (Permanent Court of International Justice, Series A/B, No. 41, 93).

Protocol No. I of October 3, 1922 (12 League of Nations Treaty Series, p. 385), which was the basis for the financial reconstruction of Austria, guaranteed the political independence, territorial integrity, and sovereignty of Austria, and involved a pledge by Austria to "abstain from any economic or financial engagement calculated directly or indirectly to compromise this independence". The Austro-German customs-union plan of 1931 seemed to be legally at variance with this stipulation. The British Government submitted the question to the Council of the League of Nations, and the French Government handed in a lengthy memorandum discussing the legal, economic, and political implications of the customs-union protocol. The Council segregated the legal question of the compatibility of the contemplated customs union with the treaties and the 1922 protocol, and requested an advisory opinion upon that question from the Permanent Court of International Justice. The opinion of the Court (Series A/B, No. 41) handed down on September 5, 1931 by a majority of eight to seven, found the proposed customs regime to be incompatible with the Geneva protocol of 1922. Seven judges only found it incompatible with article 88 of the treaty of peace with Austria. However, on September 3, 1931, two days before the opinion was rendered, the Austrian and German representatives informed the Council of the League of Nations that they did not propose to proceed with the intended negotiation of a customs regime.

In a speech to the Reichstag on May 21, 1935 the German Führer asseverated: "Germany neither intends nor wishes to interfere in the internal affairs of Austria, to annex Austria or to conclude an *Anschluss*". On July 11, 1936 Germany entered into an agreement with Austria, which was assured in article 1 that "the German Government recognizes the full sovereignty of the federated state of Austria in the spirit of the pronouncements of the German Führer

PART III: ARTICLE 80

Note to III, 80—Continued

and Chancellor of May 21, 1936" (31 Martens, *Nouveau recueil général de traités* 3^e série, p. 643). The International Military Tribunal in its indictment of October 18, 1945 (*Trial of War Criminals*, Department of State publication 2420, p. 32) asserts that immediately afterward and particularly from November 5, 1937 "plans of aggression in violation of that treaty were being made".

In March 1938 National Socialist elements in Austria, supported by three ultimatums from the German Government, forced the resignation of the Austrian Chancellor and took over the Government without any affirmative or confirmatory action on the part of the President. The new authorities invited Adolf Hitler, the National Socialist Führer and German Chancellor, who was at the border with German troops, to enter Austria. He did so on March 12. The President "by request of the Federal Chancellor resigned his functions in a letter of March 13". Thereupon, the National Socialist regime, also on March 13, "resolved" a "federal constitutional law" proclaiming that "Austria is a state [*Land*] of the German Reich". The German Government on the same March 13 published a law to the same effect.

For a detailed account of the events and their significance, see *Attitude of the United States Toward Austria*, by Herbert Wright, (U. S. Congress, H. Doc. 477, 78th Cong., 2d sess.).

The United States did not recognize the German absorption of Austria but, like other governments, took cognizance of the *de facto* situation in current relations.

An exchange of notes effected at Berlin May 6 and September 10, 1938 (194 League of Nations Treaty Series, p. 313) applied Anglo-German treaties of commerce, navigation, extradition, and air navigation in lieu of Anglo-Austrian treaties "in consequence of the German law of March 13, 1938, relating to the union of Austria with the German Reich". The British proposing note stated:

"There are certain bilateral Treaties between the United Kingdom and Austria which correspond very closely to the similar Treaties between the United Kingdom and Germany and where the latter Treaties are of such a kind that their provisions can be applied to Austria as a part of the Reich without the necessity of any adaptation His Majesty's Government assume that, in accordance with the ordinary legal principles in the case of these Treaties, the treaty between the United Kingdom and Germany may be held now to cover Austria, and the corresponding Treaty between the United Kingdom and Austria may be held to have lapsed."

Note to III, 80—Continued

The Governments of the United Kingdom, the Soviet Union, and the United States in the declaration issued at the Moscow Conference on November 1, 1943 were agreed "that Austria, the first free country to fall a victim to Hitlerite aggression, shall be liberated from German domination." They regarded "the annexation imposed upon Austria by Germany on March 15, 1938 as null and void" and considered themselves "as in no way bound by any changes effected in Austria since that date". The directive to commanders in chief of the occupying forces recorded a decision of their governments "to reestablish an independent Austrian state" (*Department of State Bulletin*, Oct. 28, 1945, p. 661).

A provisional Austrian government was formed at Vienna by Karl Renner on April 29, 1945.

SECTION VII.—Czecho-Slovak State.**ARTICLE 81.**

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognizes the complete independence of the Czecho-Slovak State which will include the autonomous territory of the Ruthenians to the south of the Carpathians. Germany hereby recognizes the frontiers of this State as determined by the Principal Allied and Associated Powers and the other interested States.

Note to III, 81

The frontiers of Czechoslovakia were described in article II of a treaty between the Principal Allied and Associated Powers and Poland, Rumania, and the Serb-Croat-Slovene State and the Czecho-slovak State signed at Sèvres August 10, 1920, which, however, did not enter into force (113 *British and Foreign State Papers*, p. 866). It was ratified by Czechoslovakia.

The Conference of Ambassadors declared the work of the Austro-Czechoslovak Delimitation Commission ended on May 31, 1923; that of the Czechoslovak-German Commission, on April 15, 1924; that of the Czechoslovak-Hungarian Commission, on August 5, 1925; that of the Czechoslovak-Rumanian Commission, on November 10, 1926; that of the Czechoslovak-Polish Commission, on October 16, 1927.

As to the Czechoslovak-Rumanian frontier a protocol was signed at Praha on May 4, 1921, and the delimitation was effected by a treaty

Note to III, 81—Continued

signed on July 15, 1930 and in force December 20, 1935 (164 League of Nations Treaty Series, p. 157).

Provisions relating to the Ruthene territory and inhabitants comprise chapter II of the treaty between the Principal Allied and Associated Powers and Czechoslovakia signed at Saint-Germain-en-Laye, September 10, 1919; see p. 808.

ARTICLE 82.

The old frontier as it existed on August 3, 1914, between Austria-Hungary and the German Empire will constitute the frontier between Germany and the Czecho-Slovak State.

Note to III, 82

This article bears directly upon the subsequent dispute with Czechoslovakia which was initiated by Germany in 1937 concerning the Sudeten Germans, who had never owed allegiance either to Prussia or Germany. German championship of this German-speaking element in Czechoslovakia was pushed to such an extent that it became an international question, culminating in the Munich agreement of September 29, 1938 between Germany, the United Kingdom, France, and Italy, by which the three last-named states consented to the cession to Germany of the Czechoslovak territory occupied by the Sudeten Germans. From that step Germany proceeded to establishing protectorates over Czechoslovakia, in Bohemia-Moravia and in Slovakia, on March 15, 1939. Czechoslovakia as a belligerent dated the state of war with Germany from September 15, 1938.

ARTICLE 83.

Germany renounces in favour of the Czecho-Slovak State all rights and title over the portion of Silesian territory defined as follows:

starting from a point about 2 kilometres south-east of Katscher, on the boundary between the *Kreise* of Leobschütz and Ratibor:

the boundary between the two *Kreise*;

then, the former boundary between Germany and Austria-Hungary up to a point on the Oder immediately to the south of the Ratibor-Oderberg railway;

thence, towards the north-west and up to a point about 2 kilometres to the south-east of Katscher:

a line to be fixed on the spot passing to the west of Kranowitz.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

A Commission composed of seven members, five nominated by the Principal Allied and Associated Powers, one by Poland and one by the Czecho-Slovak State, will be appointed fifteen days after the coming into force of the present Treaty to trace on the spot the frontier line between Poland and the Czecho-Slovak State.

The decisions of this Commission will be taken by a majority and shall be binding on the parties concerned.

Germany hereby agrees to renounce in favour of the Czecho-Slovak State all rights and title over the part of the *Kreis* of Leobschütz comprised within the following boundaries in case after the determination of the frontier between Germany and Poland the said part of that *Kreis* should become isolated from Germany:

from the south-eastern extremity of the salient of the former Austrian frontier at about 5 kilometres to the west of Leobschütz southwards and up to the point of junction with the boundary between the *Kreise* of Leobschütz and Ratibor:

the former frontier between Germany and Austria-Hungary;

then, northwards, the administrative boundary between the *Kreise* of Leobschütz and Ratibor up to a point situated about 2 kilometres to the south-east of Katscher;

thence, north-westwards and up to the starting-point of this definition:

a line to be fixed on the spot passing to the east of Katscher.

Text of May 7:

Germany renounces in favour of the Czecho-Slovak State all rights and title over the portion of the territory of Silesia lying between the old Austro-German frontier and a line to be fixed on the ground, starting from a point in the course of the Oder, immediately south of the Ratibor-Oderberg railway, and running in a north-westerly direction, passing west of Kranowitz and east of Katscher so as to rejoin the old Austrian frontier at the south-eastern point of its salient about 5 kilometres west of Leobschütz.

A Commission composed of seven members, five nominated by the Principal Allied and Associated Powers, one by Poland and one by the Czecho-Slovak State, will be appointed fifteen days after the coming into force of the present Treaty to trace on the spot the frontier line between Poland and the Czecho-Slovak State.

The decisions of this Commission will be taken by a majority and shall be binding on the parties concerned.

Note to III, 83

This article had the effect of creating an undefined frontier between Czechoslovakia and Poland, which under the terms of a convention signed at Spa on July 10, 1920 agreed that their respective frontiers

Note to III, 83—Continued

should be determined by the Principal Allied and Associated Powers. This agreement continued the jurisdiction assigned by the treaty under which those states had been unsuccessful in obtaining satisfaction. The Principal Allied and Associated Powers had resolved in a decision of September 27, 1919 to fix the political status of the former Duchy of Teschen and the territories of Orava and Spisz through a popular expression of opinion. The plebiscite was, however, abandoned. Accordingly, in virtue of the convention of July 10, 1920, the Principal Allied and Associated Powers, acting as the Conference of Ambassadors, formulated a decision on July 28, issued as a decree on August 5, 1920, fixing the frontier lines in the districts of Teschen, Orava, and Spisz (2 League of Nations Treaty Series, p. 49). The parties were dissatisfied with part of the line selected by the Delimitation Commission, and their agreement of November 16, 1921 to seek a solution between themselves failed. The Conference of Ambassadors on December 2, 1921 decided to proceed to mark out a line, which was contested by the parties. The Conference of Ambassadors referred to the Council of the League of Nations the question whether it was entitled to modify its line of July 28, 1920. The Council requested an advisory opinion on the point from the Permanent Court of International Justice, which on December 6, 1923 ruled as to the Jaworzina boundary that the decision of July 28, 1920 was to be treated as definitive (Permanent Court of International Justice, Series A/B, No. 8). The Delimitation Commission having submitted fresh proposals in accordance with the Court's opinion at the request of the Conference of Ambassadors, the Council on March 12, 1924 recommended a definitive frontier. The consequent protocol, drawn at Cracow on May 6, 1924 and approved by the Conference of Ambassadors September 5, carried out the Council's recommendation. The disputed territory was made into the international game reserve of Tatra by Czechoslovakia and Poland.

A convention regarding the transfer by Germany of jurisdiction in the territory of Hultschin, signed at Berlin February 3, 1921, entered into force May 31, 1921 (5 League of Nations Treaty Series, p. 245).

An agreement relative to the transfer of obligations in respect of assistance to persons in the area, signed at Ratibor April 12, 1922, entered into force January 19, 1924 (22 *ibid.*, p. 329).

An agreement with a view to establishing frontier traffic facilities between the territory of the German Reich and the territory transferred to the Czechoslovak Republic was signed at Troppau March 4, 1924 and entered into force July 11, 1925 (41 League of Nations

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 83—Continued

Treaty Series, p. 243). A feature of the agreement was its listing of the roads with customs posts and other points at which the frontier might be crossed.

A treaty for the regulation of boundary relations at the frontiers fixed by article 83 between Czechoslovakia and Germany was signed on December 15, 1927 (*Reichsgesetzblatt*, 1927, II, 1149) and entered into force on November 6, 1930.

The assignment of the communes of Pist, Haatsch, and Owschutz was delayed until after the Upper Silesian plebiscite by a decision of the Conference of Ambassadors on July 7, 1920. Delimitation of the Czechoslovak-German boundary was further delayed by the questions arising in connection with the Czechoslovak-Polish boundary. On January 13, 1923 the Conference of Ambassadors instructed the Czechoslovak-German Delimitation Commission to proceed with fixing the line represented by the administrative limit between the *Kreise* of Ratibor and Loebischütz and on January 24 confirmed to it a decision to assign the commune of Haatsch to Czechoslovakia.

ARTICLE 84.

German nationals habitually resident in any of the territories recognized as forming part of the Czecho-Slovak State will obtain Czecho-Slovak nationality *ipso facto* and lose their German nationality.

ARTICLE 85.

Within a period of two years from the coming into force of the present Treaty, German nationals over eighteen years of age habitually resident in any of the territories recognized as forming part of the Czecho-Slovak State will be entitled to opt for German nationality. Czecho-Slovaks who are German nationals and are habitually resident in Germany will have a similar right to opt for Czecho-Slovak nationality.

Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their landed property in the territory of the other State where they had their place of residence before exercising the right to opt. They may carry with them their

PART III: ARTICLES 84 TO 86

moveable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

Within the same period Czecho-Slovaks who are German nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Czecho-Slovak nationality and lose their German nationality by complying with the requirements laid down by the Czecho-Slovak State.

ARTICLE 86.

The Czecho-Slovak State accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.

The Czecho-Slovak State further accepts and agrees to embody in a Treaty with the said Powers such provisions as they may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

The proportion and nature of the financial obligations of Germany and Prussia which the Czecho-Slovak State will have to assume on account of the Silesian territory placed under its sovereignty will be determined in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

Subsequent agreements will decide all questions not decided by the present Treaty which may arise in consequence of the cession of the said territory.

Note to III, 86

The treaty, here contemplated (see Appendix, p. 808), between the Principal Allied and Associated Powers and Czechoslovakia, was signed on the same day as the treaty of peace with Austria and by its preamble carried out a stipulation of article 57 of that treaty, which is identic with article 86 of this treaty.

The credit to Germany by the Reparation Commission under article 243 arising from transfer of state property and assumption by Czechoslovakia of German and Prussian public debt was 5,879,928 gold marks.

SECTION VIII.—Poland.

ARTICLE 87.

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognizes the complete independence of Poland, and renounces in her favour all rights and title over the territory bounded by the Baltic Sea, the eastern frontier of Germany as laid down in Article 27 of Part II (Boundaries of Germany) of the present Treaty up to a point situated about 2 kilometres to the east of Lorzendorf, then a line to the acute angle which the northern boundary of Upper Silesia makes about 3 kilometres north-west of Simmenau, then the boundary of Upper Silesia to its meeting point with the old frontier between Germany and Russia, then this frontier to the point where it crosses the course of the Niemen, and then the northern frontier of East Prussia as laid down in Article 28 of Part II aforesaid.

The provisions of this Article do not, however, apply to the territories of East Prussia and the Free City of Danzig, as defined in Article 28 of Part II (Boundaries of Germany) and in Article 100 of Section XI (Danzig) of this Part.

The boundaries of Poland not laid down in the present Treaty will be subsequently determined by the Principal Allied and Associated Powers.

A Commission consisting of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Germany and one by Poland, shall be constituted fifteen days after the coming into force of the present Treaty to delimit on the spot the frontier line between Poland and Germany.

The decisions of the Commission will be taken by a majority of votes and shall be binding upon the parties concerned.

Text of May 7:

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognizes the complete independence of Poland, and renounces in her favour all rights and title over the territory bounded by the Baltic Sea; the eastern frontier of Germany as laid down in Article 27 of Part II (Boundaries of Germany) of the present Treaty; the frontier of the Czecho-Slovak State from a point situated 8 kilometres to the East of Neustadt to its meeting point with the former frontier between Germany and Austria-Hungary; this last frontier to the meeting point of the former frontiers of Germany, Austria-Hungary and Russia; the former frontier between Germany and Russia to the point where it crosses

Text of May 7—Continued

the course of the Niemen, and then the northern frontier of East Prussia as laid down in Article 28 of Part II aforesaid.

The provisions of this article do not, however, apply to the territories of East Prussia and the Free City of Danzig, as defined in Article 28 of Part II (Boundaries of Germany) and in Article 100 of Section XI (Danzig) of this Part.

The boundaries of Poland not laid down in the present Treaty will be subsequently determined by the Principal Allied and Associated Powers.

Note to III, 87

Germany had declared its acquiescence in the formation of an independent Poland "which should include all districts occupied by an indisputably Polish population" (the Thirteenth Point), but the treaty awarded to Poland, "in defiance of ethnographic considerations", numerous strongly German towns and districts for military or economic reasons (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 832).

The Allies replied that they had a "special obligation" to re-establish the Polish nation, for its partition was "one of the greatest wrongs of which history has record" (*ibid.*, p. 945). The seizure of the western provinces of Poland had been "one of the essential steps" in building up the military power of Germany, and "to undo this wrong is the first duty of the Allies". In the Allied view the frontiers had been drawn so as to include "those districts which are now inhabited by an indisputably Polish population".

Posen, said the German delegation, could not be regarded as indisputably Polish (*ibid.*, p. 835). Germany was prepared to cede the truly Polish parts, but the frontiers proposed were based on strategic, not national, considerations. Not only almost all of West Prussia, which was "an old German territory", but also even part of Pomerania, "without the slightest ethnographical justification", was to be ceded. Yet there were 744,000 Germans as against 580,000 Poles and Cashubians (who were not identical with Poles), and the German population was "far superior" as regards commercial, social, and cultural importance. Germany could not consent to the severance of East Prussia and insisted on a connecting bridge with it, but was willing to cede West Prussian territories "in so far as they have unquestionably been colonized by Poles".

The Allied reply asserted that when Poland was partitioned Posen and West Prussia were "predominantly inhabited by Poles"; but instead of applying the principle of historic right, the Allies "to

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 87—Continued

avoid even the appearance of injustice" had left to Germany "those districts on the west in which there is an undisputed German predominance in immediate contiguity to German territory" (*ibid.*, p. 946). Since a frontier could not be drawn without creating minorities, "there must be some sacrifice on one side or the other" and "there can be no doubt as to who has the prior claim to consideration", for the Germans in these territories had not come there "in obedience to natural causes" but because of the policy pursued by the Prussian government. To recognize German title to the country "would be to give an encouragement and premium to the grossest acts of injustice and opposition". Nevertheless certain modifications in detail had been made in the frontier in order to diminish the number of Germans in Poland, and the historical frontier between Pomerania and West Prussia would be restored.

Poland did not ratify the treaty concerning frontiers concluded at Sèvres on August 10, 1920 between the Principal Allied and Associated Powers and Poland, Rumania, the Serb-Croat-Slovene State, and the Czechoslovak State (113 *British and Foreign State Papers*, p. 866).

Paragraph 3 refers particularly to the eastern boundary of Poland with Bolshevik Russia; see preamble of treaty with Poland, p. 791.

The Delimitation Commission proposed a definitive delimitation of the East Prussian frontier which the Conference of Ambassadors confirmed on December 19, 1922. A provisional regulation on conditions of access to the Vistula was published at the same time and was replaced by a decision of November 21, 1924, in force February 1, 1925 (*Reichsgesetzblatt*, 1925, II, No. 3, 17).

The German-Polish Delimitation Commission ended its work on October 18, 1924.

A convention with Germany relating to the transfer of the judicial administration to Poland, signed at Posen September 20, 1920, came into force January 1, 1921 (9 League of Nations Treaty Series, p. 103).

ARTICLE 88.

In the portion of Upper Silesia included within the boundaries described below, the inhabitants will be called upon to indicate by a vote whether they wish to be attached to Germany or to Poland:

starting from the northern point of the salient of the old province of Austrian Silesia situated about 8 kilometres east of Neustadt, the

PART III: ARTICLE 88

former frontier between Germany and Austria to its junction with the boundary between the *Kreise* of Leobschütz and Ratibor;

thence in a northerly direction to a point about 2 kilomètres south-east of Katscher :

the boundary between the *Kreise* of Leobschütz and Ratibor :

thence in a south-easterly direction to a point on the course of the Oder immediately south of the Ratibor-Oderberg railway :

a line to be fixed on the ground passing south of Kranowitz ;

thence the old boundary between Germany and Austria, then the old boundary between Germany and Russia to its junction with the administrative boundary between Posnania and Upper Silesia ;

thence this administrative boundary to its junction with the administrative boundary between Upper and Middle Silesia ;

thence westwards to the point where the administrative boundary turns in an acute angle to the south-east about 3 kilometres north-west of Simmenau :

the boundary between Upper and Middle Silesia ;

then in a westerly direction to a point to be fixed on the ground about 2 kilometres east of Lorzendorf :

a line to be fixed on the ground passing north of Klein Hennersdorf :

thence southwards to the point where the boundary between Upper and Middle Silesia cuts the Städtel-Karlsruhe road :

a line to be fixed on the ground passing west of Hennersdorf, Polkowitz, Noldau, Steinersdorf and Dammer, and east of Strehlitz, Nassadel, Eckersdorf, Schwirz and Städtel ;

thence the boundary between Upper and Middle Silesia to its junction with the eastern boundary of the *Kreis* of Falkenberg ;

then the eastern boundary of the *Kreis* of Falkenberg to the point of the salient which is 3 kilometres east of Puschine ;

thence to the northern point of the salient of the old province of Austrian Silesia situated about 8 kilometres east of Neustadt :

a line to be fixed on the ground passing east of Zülz.

The régime under which this plebiscite will be taken and given effect to is laid down in the Annex hereto.

The Polish and German Governments hereby respectively bind themselves to conduct no prosecutions on any part of their territory and to take no exceptional proceedings for any political action performed in Upper Silesia during the period of the régime laid down in the Annex hereto and up to the settlement of the final status of the country.

Germany hereby renounces in favour of Poland all rights and title over the portion of Upper Silesia lying beyond the frontier line fixed by the Principal Allied and Associated Powers as the result of the plebiscite.

Text of May 7:

A Commission consisting of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Germany and one by Poland, shall be constituted fifteen days after the coming into force of the present Treaty to delimit on the spot the frontier-line between Poland and Germany.

The decision of the Commission will be taken by a majority of votes and shall be binding upon the parties concerned.

Note to III, 88

The draft treaty presented to the German delegation on May 7 provided for the cession of Upper Silesia to Poland.

Upper Silesia, protested the German delegation, had not belonged to Poland since 1163 (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 833). In the elections of 1903, 1907, and 1912 large majorities had voted for German candidates; in the election of 1919 for the German National Assembly, when the Poles abstained, 60 percent of the possible voters had voted for German candidates. The parents of less than 22 percent of the schoolchildren had asked for instruction in a language other than German. Furthermore the Polish dialect of upper Silesia (*Wasserpölnisch*) was a mixed language and did not constitute a mark of nationality. Upper Silesia owed its entire material and intellectual development to Germany, which could not spare it. It supplied the entire industry of eastern Germany with coal, producing in 1918 43,500,000 metric tons. Poland did not need it, for Poland produced nearly 7,000,000 of the 10,500,000 tons of coal consumed and could easily import the deficit from Czechoslovakia. The conditions of life were "incomparably better" than in Poland, "where legislation for the benefit of the working classes has but scarcely begun". Without Upper Silesia Germany could not fulfil its obligations of reparation. The cession would "endanger seriously the peace of Europe and of the world".

The Allies admitted that Poland had "no legal claim" to the cession of Upper Silesia, but declared that in the district to be ceded "the majority of the population is indisputably Polish", according to "every German book of reference" (*ibid.*, p. 947). Since the German Government contested these conclusions, the question should be determined "by those particularly concerned" through a plebiscite. As further concessions, an article had been included providing that min-

Note to III, 88—Continued

eral products of any part of Upper Silesia which might be transferred should be available for purchase by Germany on the same terms as by the Poles, and provision had been made to give protection to Germans in any liquidation of their property. Finally, there was in the treaty a clause which would secure to the Germans left in Poland the enjoyment of religious liberty and the free use of their language. "They will not be subjected to persecution similar to that which Poles had to endure from the Prussian State."

The Inter-Allied Administrative and Plebiscite Commission of Upper Silesia took over the plebiscite area by a proclamation given out at Oppeln on February 11, 1920. The importance of the decision to be taken and the high feeling among the inhabitants led to some unusual precautions being taken. The commission created a special court of justice by a decree of March 11, and on the following day issued another regarding the possession of weapons and ammunition. Later, it was found advisable to establish technical advisers throughout the area for instruction in the Polish language and for the protection of the interests of Polish-speaking inhabitants. The customary decrees containing rules respecting entrance and exit, meetings and demonstrations, and publications were more pointed in this plebiscite than has usually been the case. The organization of a special plebiscite police on August 24 coincided with the disbanding of a German *Sicherheitspolizei*.

Germany and Poland reached an agreement regarding the preparations for the plebiscite on January 20, 1921 (6 League of Nations Treaty Series, p. 221).

The commission's regulations governing the plebiscite were issued December 30, 1920 and twice revised—on February 23 and 28, 1921. The 80 articles left little to chance and nothing that could be anticipated to the imagination, but even so additional decrees on maintenance of order and entrance to the area were issued before the plebiscite was finally held on March 20, 1921.

The commission was not able to make its report on the results of the consultation until April 24. The voting was held in 23 voting districts, consisting of 1522 communes and *Gutsbezirke*. Of these 844, or 54 percent, voted for Germany; 678, or 42.5 percent, for Poland; and 73 were doubtful. All together 1,220,514 voters registered, and of these 987,000 were domiciled natives; 191,154 were out-voters or non-domiciled natives; and 41,000, domiciled non-natives. The total vote cast was 1,190,846. Of this number 707,605, or 59.6 percent, voted for Germany, and 479,359, or 40.3 percent, for Poland;

Note to III, 88—Continued

there were 3,882 void ballots. However, the raw total did not settle the question, for when the results were put upon the map, the plebiscite area was a checkerboard.

The Inter-Allied Commission for the Government and for the Plebiscite in Upper Silesia consisted of representatives of France, the British Empire, and Italy, the United States not having designated a representative.

The commission in its report to the Conference of Ambassadors on April 30 was unable to make a recommendation as to the line which ought to be the frontier of Germany in Upper Silesia. The French commissioner suggested that the mining and industrial basin be placed under the control of an inter-Allied economic organization for a period of years, but the British and Italian representatives referred the matter to their Governments. All the commissioners seem to have felt that the treatment of Upper Silesia as an undivided whole was required, notwithstanding that the treaty of peace provided no basis for that thesis. While the commission was struggling with the problem, a Pole, Korfanty, threatened an insurrection which would create a *fait accompli*.

The Conference of Ambassadors considered the problem, but on August 12, 1921, under article 11, paragraph 2, of the Covenant, it submitted to the Council of the League the "difficulty attending the fixing of the frontier between Germany and Poland in Upper Silesia" and invited the "recommendation of the Council as to the line which the Principal Allied and Associated Powers should lay down". The Council recited its recommendations in three appendices to the report of October 12, 1921, which respectively dealt with—

1. A description of the frontier between Germany and Poland in Upper Silesia;
2. A statement of principles to serve as a basis for the general convention between the parties for the administration of Upper Silesia as an economic whole; and
3. A statement of the rights of nationality and domicil and protection of minorities in Upper Silesia.

On October 19 the Conference of Ambassadors made all these recommendations its own decisions (League of Nations, *Official Journal*, 1921, p. 1223) and invited the Council of the League of Nations to appoint a person to preside over the ensuing German-Polish negotiations. The *Convention germano-polonaise* was signed in Geneva on May 15, 1922 and entered into force on June 3, 1922 for a period of 15

Note to III, 88—Continued

years. It contained 606 articles,¹ the largest number of articles in any treaty ever made. It established an elaborate system of economic and social administration for the area.

It has been said that the boundary line as drawn by the League of Nations satisfied 64.5 percent of the voters and that no line could have satisfied more than 70 to 75 percent of those voting. The line twisted and turned, dividing a chateau from its stables, a village from its cemetery, factories from their electric power, miners from their mines.

The *Convention germano-polonaise*, as to the ethnographic problem, provided for minorities offices in each state to receive and consider petitions, with a mixed commission to hear cases, having an appeal to the Council of the League of Nations, to which individual or collective petitions might also be directed. Some 80 cases reached the Council. Neither Germany nor Poland was satisfied with the supervision of minorities, on the ground that the system applied only to them and certain other states. Poland proposed to the Assembly of the League of Nations in 1934 the elaboration of a general convention extending minorities provisions to all states. The two Governments joined in a declaration of principles for the treatment of minorities on November 5, 1937. Both Germany and Poland refrained from appealing minorities cases to Geneva after 1934, but in the previous decade five judgments, eight orders, and five advisory opinions had been rendered by the Permanent Court of International Justice on questions relating to Upper Silesian minorities problems.

The convention laid down in great detail the procedures for the complex industrial area where mines and factories on both sides of the border were inextricably interdependent. The economic provisions of the convention laid down the conditions under which the industries adjusted themselves to the unusual circumstances.

The arrangements worked reasonably well during the 15 years in which they were in force. The *Convention germano-polonaise* expired on July 15, 1937. On that date the frontier through Upper Silesia as determined by the decision of the Conference of Ambassadors on October 19, 1921 ceased to be an administrative division in a German-Polish area and became a boundary between Germany and Poland. The succession of the new regimes in their respective areas was favorably affected by the good understanding then existing

¹ Amendments to articles 338-342 were made by a convention signed at Katowitz Jan. 11, 1924 (41 League of Nations Treaty Series, p. 187).

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 88—Continued

between Germany and Poland in view of their joint declaration of January 26, 1934.

A chronological list of 67 German-Polish conventions supplementing or amending the Geneva convention of April 15, 1922 is printed in Georges S. F. C. Kaeckenbeeck, *The International Experiment of Upper Silesia*, xxxiii-xxxix.

A N N E X .

1.

Within fifteen days from the coming into force of the present Treaty the German troops and such officials as may be designated by the Commission set up under the provisions of paragraph 2 shall evacuate the plebiscite area. Up to the moment of the completion of the evacuation they shall refrain from any form of requisitioning in money or in kind and from all acts likely to prejudice the material interests of the country.

Within the same period the Workmens' and Soldiers' Councils which have been constituted in this area shall be dissolved. Members of such Councils who are natives of another region and are exercising their functions at the date of the coming into force of the present Treaty, or who have gone out of office since March 1, 1919, shall be evacuated.

All military and semi-military unions formed in the said area by inhabitants of the district shall be immediately disbanded. All members of such military organizations who are not domiciled in the said area shall be required to leave it.

2.

The plebiscite area shall be immediately placed under the authority of an International Commission of four members to be designated by the following Powers; the United States of America, France, the British Empire and Italy. It shall be occupied by troops belonging to the Allied and Associated Powers, and the German Government undertakes to give facilities for the transference of these troops to Upper Silesia.

Note to III, 88, Annex (2)

The United States did not provide a member of the commission.

PART III: ARTICLE 88, ANNEX

3.

The Commission shall enjoy all the powers exercised by the German or the Prussian Government, except those of legislation or taxation. It shall also be substituted for the Government of the province and the *Regierungsbezirk*.

It shall be within the competence of the Commission to interpret the powers hereby conferred upon it and to determine to what extent it shall exercise them, and to what extent they shall be left in the hands of the existing authorities.

Changes in the existing laws and the existing taxation shall only be brought into force with the consent of the Commission.

The Commission will maintain order with the help of the troops which will be at its disposal, and, to the extent which it may deem necessary, by means of gendarmerie recruited among the inhabitants of the country.

The Commission shall provide immediately for the replacement of the evacuated German officials and, if occasion arises, shall itself order the evacuation of such authorities and proceed to the replacement of such local authorities as may be required.

It shall take all steps which it thinks proper to ensure the freedom, fairness and secrecy of the vote. In particular, it shall have the right to order the expulsion of any person who may in any way have attempted to distort the result of the plebiscite by methods of corruption or intimidation.

The Commission shall have full power to settle all questions arising from the execution of the present clauses. It shall be assisted by technical advisers chosen by it from among the local population.

The decisions of the Commission shall be taken by a majority vote.

4.

The vote shall take place at such date as may be determined by the Principal Allied and Associated Powers, but not sooner than six months or later than eighteen months after the establishment of the Commission in the area.

The right to vote shall be given to all persons without distinction of sex who:

(a) Have completed their twentieth year on the 1st January of the year in which the plebiscite takes place;

(b) Were born in the plebiscite area or have been domiciled there since a date to be determined by the Commission, which shall

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

not be subsequent to January 1, 1919, or who have been expelled by the German authorities and have not retained their domicile there.

Persons convicted of political offences shall be enabled to exercise their right of voting.

Every person will vote in the commune where he is domiciled or in which he was born, if he has not retained his domicile in the area.

The result of the vote will be determined by communes according to the majority of votes in each commune.

Note to III, 88, Annex (4)

A convention concerning the release of persons in custody and the granting of amnesty signed between Germany and Poland on October 1, 1919 did not finally eliminate differences of that character. A supplementary convention signed at Berlin February 12, 1921 and in force December 5 remitted all disciplinary penalties on persons released and further provided for the immediate release of all persons interned on the occasion of the Polish disturbances in the frontier territory of Upper Silesia, or in connection with the advance of Russian troops in Polish territory, or who had been arrested as hostages (9 League of Nations Treaty Series, p. 149). Full amnesty was granted for offenses, including those described as high treason and those of lesser seriousness, committed before December 1, 1920.

5.

On the conclusion of the voting, the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the frontier of Germany in Upper Silesia. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote, and to the geographical and economic conditions of the locality.

6.

As soon as the frontier has been fixed by the Principal Allied and Associated Powers, the German authorities will be notified by the International Commission that they are free to take over the administration of the territory which it is recognised should be German; the said authorities must proceed to do so within one month of such notification and in the manner prescribed by the Commission.

PART III: ARTICLE 89

Within the same period and in the manner prescribed by the Commission, the Polish Government must proceed to take over the administration of the territory which it is recognised should be Polish.

When the administration of the territory has been provided for by the German and Polish authorities respectively, the powers of the Commission will terminate.

The cost of the army of occupation and expenditure by the Commission, whether in discharge of its own functions or in the administration of the territory, will be a charge on the area.

Note to III, 88, Annex (6)

The notice stipulated in the first paragraph was approved by the Conference of Ambassadors on June 2, 1922.

On June 1, 1929 unpaid balances of the costs of the occupation of the Upper Silesian plebiscite zone were fixed at 79,412,735.89 gold marks, of which 50,214,144.39 was due from Poland and 29,198,591.50 from Germany.

ARTICLE 89.

Poland undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit between East Prussia and the rest of Germany over Polish territory, including territorial waters, and to treat them at least as favourably as the persons, goods, vessels, carriages, wagons and mails respectively of Polish or of any other more favoured nationality, origin, importation, starting point, or ownership as regards facilities, restrictions and all other matters.

Text of May 7:

Poland undertakes to grant to persons and to means of transport of whatever nationality, coming from or destined for East Prussia, the same rights of transit over Polish territory situated between East Prussia and Germany as she gives to her own nationals.

Goods in transit shall be exempt from all customs or other similar duties.

Freedom of transit will extend to telegraphic and telephonic services under the conditions laid down by the conventions referred to in Article 98.

Note to III, 89

The important question of frontier traffic facilities between Germany and Poland was regulated by a detailed agreement signed at

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 89—Continued

Posen April 29, 1922 and in force on September 15, 1922 (21 League of Nations Treaty Series, p. 391), which was first extended by an agreement of December 23, 1924 and then until November 1, 1925 by four protocols and exchanges of notes at short intervals in 1925 (41 *ibid.*, p. 226). Frontier traffic became a controversial question after the National Socialists came into power in Germany.

Germany and Poland concluded an agreement on December 30, 1924 regarding facilities for minor frontier traffic (52 League of Nations Treaty Series, p. 51) and on December 2, 1925 at Posen a protocol concerning the opening of customs roads and other crossings at points on the German-Polish frontier, neither of which entered into force by approval of the two Governments until January 1, 1928 (70 *ibid.*, p. 427).

The agreement relating to the frontier zone of Upper Silesia provided for in article 233 of the German-Polish convention of May 15, 1922 was concluded by Germany and Poland at Warsaw on February 23, 1924 and was in force July 16, 1924 (41 *ibid.*, p. 197); it was continued in force by protocols and exchanges of notes until superseded by the agreement of December 30, 1924.

ARTICLE 90.

Poland undertakes to permit for a period of fifteen years the exportation to Germany of the products of the mines in any part of Upper Silesia transferred to Poland in accordance with the present Treaty.

Such products shall be free from all export duties or other charges or restrictions on exportation.

Poland agrees to take such steps as may be necessary to secure that any such products shall be available for sale to purchasers in Germany on terms as favourable as are applicable to like products sold under similar conditions to purchasers in Poland or in any other country.

Text of May 7:

German nationals habitually resident in territories recognised as forming part of Poland will acquire Polish nationality *ipso facto* and will lose their German nationality.

German nationals, however, or their descendants who became resident in these territories after January 1, 1908, will not acquire Polish nationality without a special authorisation from the Polish State.

Note to III, 90

See notes under article 268 (b).

PART III: ARTICLES 90 TO 91

ARTICLE 91.

German nationals habitually resident in territories recognised as forming part of Poland will acquire Polish nationality *ipso facto* and will lose their German nationality.

German nationals, however, or their descendants who became resident in these territories after January 1, 1908, will not acquire Polish nationality without a special authorisation from the Polish State.

Within a period of two years after the coming into force of the present Treaty, German nationals over 18 years of age habitually resident in any of the territories recognised as forming part of Poland will be entitled to opt for German nationality.

Poles who are German nationals over 18 years of age and habitually resident in Germany will have a similar right to opt for Polish nationality.

Option by a husband will cover his wife and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt may within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising the right to opt.

They may carry with them their movable property of every description. No export or import duties or charges may be imposed upon them in connection with the removal of such property.

Within the same period Poles who are German nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Polish nationality and to lose their German nationality by complying with the requirements laid down by the Polish State.

In the portion of Upper Silesia submitted to a plebiscite the provisions of this Article shall only come into force as from the definitive attribution of the territory.

Text of May 7:

Within a period of two years after the coming into force of the present Treaty, German nationals over 18 years of age habitually resident in any of the territories recognised as forming part of Poland will be entitled to opt for German nationality.

Poles who are German nationals over 18 years of age and habitually resident in Germany will have a similar right to opt for Polish nationality.

Text of May 7—Continued

Option by a husband will cover his wife and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising the right to opt.

They may carry with them their movable property of every description. No export or import duties or charges may be imposed upon them in connection with the removal of such property.

Within the same period Poles who are German nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired foreign nationality, to obtain Polish nationality and to lose their German nationality by complying with the requirements laid down by the Polish State.

Note to III, 91

The German delegation declared that Germany would have to protect its former nationals in Poland using the German language, all the more so because the Poles had not yet proved themselves "reliable protectors of the rights of national and religious minorities" (*Foreign Relations, The Paris Peace Conference, 1919*, vi, 839). Recent massacres of Jews in Poland were cited to illustrate the point.

The German delegation protested "as a matter of principle" against paragraph 2 of article 91, because there was no apparent reason why Germans who transferred their residence after January 1, 1908 should be treated differently from those who emigrated at an earlier date. German officials in the ceded territories would have to be protected, and the damages caused by the Poles in the recent uprising should be determined by commissions.

The decision of the Conference of Ambassadors of October 20, 1921 provided that questions relating to the nationality of persons domiciled in the Polish portion of Upper Silesia on the date of definitive allocation should be decided in accordance with this article and articles 3-6 of the treaty between the Principal Allied and Associated Powers and Poland signed June 28, 1919.

Two systems of nationality and minorities regulation therefore came into being for Polish territory:

1. A consolidated plan with a special jurisdictional structure set forth in articles 25-170 of the German-Polish convention of May 15, 1922 relative to Upper Silesia; and

PART III: ARTICLE 91

Note to III, 91—Continued

2. An unconsolidated form consisting of the stipulations of article 91 of the treaty of peace and articles 3–6 of the treaty with Poland of June 28, 1919, which created obligations for Poland only and did so under an instrument which bound Poland *vis-à-vis* the Principal Allied and Associated Powers to submit cases to the Council of the League of Nations.

The organ of the German minority in Poland, the *Deutschtumbund*, filed a petition in November 1921 with the Council of the League of Nations, which thereafter repeatedly dealt with the matter. The opinion of a committee of jurists did not interpret satisfactorily to the parties article 4 of the treaty of June 28, 1919, which reads as follows:

“Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

“Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Polish authorities in the country in which they are resident, stating that they abandon Polish nationality, and they will then cease to be considered as Polish nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.”

Negotiations between Germany and Poland failed, and the Council of the League requested the Permanent Court of International Justice to give an advisory opinion on the question of acquisition of Polish nationality by German settlers, which was rendered on September 10, 1923 (Series B, No. 7). The Court concluded that Poland was required by its obligations to minorities to respect contracts and leases made by the German Government with German colonists sent into German Poland before the war of 1914–18. The Council accepted the opinion, on which the Polish representative reserved his Government's position.

Meanwhile there had arisen questions involving article 3 of the treaty of June 28, 1919, the first paragraph of which reads:

“Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality German, Austrian, Hun-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 91—Continued

garian or Russian nationals habitually resident at the date of the coming into force of the present Treaty in territory which is or may be recognized as forming part of Poland, but subject to any provisions in the Treaties of Peace with Germany or Austria respectively relating to persons who became resident in such territory after a specified date."

For the widening controversy the Council invited its rapporteur to tender his good offices to the Polish Government for further examination of the question of the application of the nationality clauses and any negotiations desired with the German Government. These exchanges of views and negotiations came to an unsuccessful end on March 2, 1924. The Council asked its rapporteur to invite both Governments to continue their negotiations as to interpretation and application of the disputed provisions under the presidency of the president of the arbitral tribunal of Upper Silesia, who presided over the conciliatory machinery for nationality disputes provided by articles 55-63 of the German-Polish convention of May 15, 1922.

In carrying out this plan Germany and Poland agreed upon a protocol of April 15, 1924, which resulted in adopting an arbitral procedure at the German-Polish conference held at Vienna (*Actes et documents de la conférence polono-allemande tenue à Vienne du 30 avril au 30 août 1924*). The award rendered by President Georges Kaeckenbeeck on July 10, 1924 (*ibid.*, p. 365) was adopted as the basis of the German-Polish negotiations under his presidency.

Germany and Poland, in consequence of these negotiations, signed a convention concerning questions of option and nationality on August 30, 1924 at Vienna (32 League of Nations Treaty Series, p. 331). The convention, which entered into force on January 31, 1925, was calculated to settle questions concerning the change of nationality for former German nationals arising out of the provisions of article 91 of the treaty of peace, and articles 3, 4, and 5 of the treaty between the Principal Allied and Associated Powers and Poland, signed at Versailles June 28, 1919 (see p. 791). The convention settled in detail numerous situations arising under the option system and applied to the nationals of the German and Polish Governments the principles of the decision of July 10, 1924.

The Council of the League of Nations in June 1925, in view of article 12 of the treaty of June 28, 1919, which placed Polish minorities under the guaranty of the League, approved the convention so far as it concerned the League of Nations (*Official Journal*, 1925,

PART III: ARTICLE 91

Note to III, 91—Continued

p. 855). The convention was thus incorporated into the system of minorities treaties.

A great many minorities cases affecting Poland came before the League of Nations. Poland eventually felt that continuous defense of its administrative action in this regard was inequitable. The first delegate of Poland in the 15th session of the Assembly of the League on September 13, 1934 asked for a pronouncement upon two questions: "first, the immediate recognition of the necessity for a general convention on the protection of minorities, and, secondly, the convening of an international conference for that purpose". He asked for a clear and unequivocal reply and promised full collaboration if it were affirmative. However, he was not optimistic. He asserted:

"Pending the introduction of a general and uniform system for the protection of minorities, my Government is compelled to refuse, as from to-day, all co-operation with the international organizations in the matter of the supervision of the application by Poland of the system of minority protection.

"I need hardly say that the decision of the Polish Government is in no sense directed against the interests of the minorities. Those interests are and will remain protected by the fundamental laws of Poland, which secure to minorities of language, race and religion free development and equality of treatment."

The next day the first delegate of the United Kingdom, with whom the French delegate entirely associated himself, spoke for the parties to the Polish minorities treaty. Poland had accepted certain treaty obligations with regard to minorities which included the guaranty of the League of Nations. The terms of article 93 of the treaty of peace, coming in that part of the treaty dealing with the establishment of the boundaries of Poland, could not be overlooked. Procedures laid down in certain Council resolutions as to the manner in which the guaranty should be exercised clearly implied the co-operation of Poland. "These resolutions become binding on Poland by reason of [its] acceptance of them", he concluded, "and it is clear that it would not be possible for any State to release itself from obligations of this kind, thus entered into, by unilateral action." The Assembly adopted the report of its Sixth Committee which reviewed the history of the proposal, summarized the elaborate discussion of it and noted that the Polish delegate did not insist on a formal vote (League of Nations, Records of the 15th Ordinary Ses-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 91—Continued

sion of the Assembly, . . . Minutes of the Sixth Committee, 109; *Official Journal*, Spec. Suppl., No. 130).

Three years later came another move. Following the expiration of the 1922 German-Polish convention concerning Upper Silesia on July 15, 1937, the German and Polish Governments concluded a declaration on the treatment of the German minority in Poland and of the Polish minority in Germany. The intention was to segregate the matter, each for its own reasons. As published on November 5, 1937 (Germany, Auswärtiges Amt, 1939, No. 2, *Documents on the Origin of the War*, No. 101; Poland, Ministry for Foreign Affairs, *Official Documents concerning Polish-German and Polish-Soviet Relations, 1933-1939*, No. 32) the two governments declared that the following principles should be observed in the treatment of the minorities:

“1. The mutual respect for German and Polish national feeling in itself precludes any attempt to assimilate the minority by compulsion, to call in question membership of the minority concerned, or to prevent persons from confessing that they belong to the minority. No pressure will be exercised in particular on young persons belonging to the minority with the aim of alienating them from the minority to which they belong.

“2. Members of the minority have the right to the free use of their spoken and written language in their personal and economic relations, as well as in the press and at public meetings.

“No disadvantages shall accrue to members of the minority from the use of their mother tongue and from the observation of their national customs either in public or private life.

“3. Members of the minority are guaranteed the right to unite in associations, including those of a cultural and economic nature.

“4. The minority may found and maintain schools in their mother tongue.

“In ecclesiastical matters, members of the minority will be permitted to practise their religious life in their mother tongue and to carry out their own church organization. Confessions of faith and charitable activities as they exist at present will not be interfered with in any way.

PART III: ARTICLE 91

Note to III, 91—Continued

“5. Members of the minority shall not be handicapped or placed at a disadvantage on account of their membership of the minority in the choice or exercise of a profession or of any economic activity. In economic matters they shall enjoy the same rights as members of the ruling majority, especially in respect of the possession or acquisition of land.”

These principles were in no way to affect the duty of members of the minority to observe unrestricted loyalty toward the state to which they belong. Two years later they were utilized by Germany as unilateral bases of complaints which preceded the attack on Poland of September 1, 1939.

In the months of 1939 preceding the invasion of Poland by Germany, the terms of the declaration of 1937 were utilized by Germany as a basis of complaints to Poland with respect to an increasing number of incidents, many of which were claimed by Poland to have been instigated by National Socialist partisans.

On August 28, 1939 Poland issued a communiqué which dealt with the German press “campaign of calumnies, accusing Poland of maltreating German minorities and adducing evidence not only erroneous but entirely invented”. For some days, the communiqué said, “these pure inventions and false reports have found their way into the statements of high governing circles in Germany”, and it appears “that the German Government desire to use them as a weapon in the diplomatic game”.

Germany under the Führer of the National Socialist Party thus made use of the broad statements of this declaration as one basis of the series of complaints which led to the German invasion of Poland on September 1, 1939 (Auswärtiges Amt, 1939, No. 2, *Documents on the Origins of the War*, Nos. 48–178, 349–417). The German proposal for a settlement, made to the British Ambassador at Berlin at midnight August 30 and not officially communicated to the Polish Ambassador on the score that he was not a “plenipotentiary”, offered to leave the treatment of minorities to an international commission of investigation. Poland learned of this offer from a broadcast at 9 p.m., August 31. The German invasion began at dawn September 1, before the Polish Government had had an opportunity to consider the German proposals.

Of the 16 points of this offer, 12 related to the Free City of Danzig and 4 to the question of treatment of minorities, which is the subject of this article. A running account of the deterioration of

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 91—Continued

German-Polish relations is given with section XI, *Free City of Danzig*, below.

ARTICLE 92.

The proportion and the nature of the financial liabilities of Germany and Prussia which are to be borne by Poland will be determined in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

There shall be excluded from the share of such financial liabilities assumed by Poland that portion of the debt which, according to the finding of the Reparation Commission referred to in the above-mentioned Article, arises from measures adopted by the German and Prussian Governments with a view to German colonisation in Poland.

In fixing under Article 256 of the present Treaty the value of the property and possessions belonging to the German Empire and to the German States which pass to Poland with the territory transferred above, the Reparation Commission shall exclude from the valuation buildings, forests and other State property which belonged to the former Kingdom of Poland; Poland shall acquire these properties free of all costs and charges.

In all the German territory transferred in accordance with the present Treaty and recognised as forming definitively part of Poland, the property, rights and interests of German nationals shall not be liquidated under Article 297 by the Polish Government except in accordance with the following provisions:

(1) The proceeds of the liquidations shall be paid direct to the owner;

(2) If on his application the Mixed Arbitral Tribunal provided for by Section VI of Part X (Economic Clauses) of the present Treaty, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Polish Government outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by the Polish Government.

Further agreements will regulate all questions arising out of the cession of the above territory which are not regulated by the present Treaty.

PART III: ARTICLE 92

Text of May 7:

The proportion and the nature of the financial liabilities of Germany and Prussia to be borne by Poland will be determined in accordance with Article 254 of Part IX (Financial Clauses) of the Present Treaty.

There shall be excluded from the share of such financial liabilities assumed by Poland that portion of the debt which, according to the finding of the Reparation Commission referred to in the above-mentioned Article, arises from measures adopted by the German and Prussian Governments with a view to German colonisation in Poland.

In fixing under Article 256 of the present Treaty the value of the property and possessions belonging to the German Empire and to the German States which pass to Poland with the territory transferred above, the Reparation Commission shall exclude from the valuation buildings, forests and other State property which belonged to the former kingdom of Poland; Poland shall acquire these properties free of all costs and charges.

Further agreements will regulate all questions arising out of the cession of the above territory which are not regulated by the present Treaty.

Note to III, 92

A transitional convention continuing German officials as attachés to the heads of 28 local administrative, municipal, and judicial offices was concluded at Berlin November 9, 1919 (9 League of Nations Treaty Series, p. 77). German officials temporarily retained by Poland were exempted from the liquidation of their property, rights and interests under article 92, paragraph 4; article 297; and the annex to article 298 of the treaty of peace.

An agreement between Germany and Poland regarding the settlement of claims was signed at Warsaw on October 31, 1929 and had the force of law as from the entry into force of the New (Young) Plan, that is, May 17, 1930, though the ratifications were not exchanged until April 21, 1931 (124 League of Nations Treaty Series, p. 345). The agreement, which was made a part of the arrangements for liquidating outstanding obligations in connection with the New (Young) Plan, remitted for settlement some 15,000 individual claims to the respective Governments of the national claimants. The German Government assumed the obligation to settle some 540,000,000 Reichsmarks of private German claims against Poland, and Poland undertook to settle a somewhat smaller amount of private Polish claims against Germany. The mutual waiver carried out the provision of paragraph 143 of the New (Young) Plan, which was recognized by Poland. The German waiver comprised all claims in

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 92—Continued

virtue of articles 92, paragraph 4; 297(h), paragraph 2; 304; and 305 of the treaty of peace; and the Polish waiver covered liquidation of property, rights and interests in virtue of articles 92 and 297(b) and all claims in virtue of articles 297, 298, 300, 302, 304, and 305 of that treaty.

ARTICLE 93.

Poland accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of inhabitants of Poland who differ from the majority of the population in race, language or religion.

Poland further accepts and agrees to embody in a Treaty with the said Powers such provisions as they may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

Note to III, 93

For the stipulated treaty with Poland, signed at Versailles, June 28, 1919, see p. 791.

SECTION IX.—East Prussia.

ARTICLE 94.

In the area between the southern frontier of East Prussia, as described in Article 28 of Part II (Boundaries of Germany) of the present Treaty, and the line described below, the inhabitants will be called upon to indicate by a vote the State to which they wish to belong:

The western and northern boundary of *Regierungsbezirk* Allenstein to its junction with the boundary between the *Kreise* of Oletsko and Angerburg; thence, the northern boundary of the *Kreis* of Oletsko to its junction with the old frontier of East Prussia.

Note to III, 94

If East Prussia were separated from Germany, protested the German delegation, it would be, "economically speaking", delivered to Poland and must "accrue eventually" to it (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 837). "Germany can never allow this." The plebiscite was objected to on the grounds that the boundaries of the province had been established "for about 500 years", that

Note to III, 94—Continued

the use of a non-German language was of no consequence, and that the population, "aside from a group of foreign agitators", had never expressed a demand for separation from Germany. A similar situation existed in the districts of West Prussia where a plebiscite was planned. President Wilson was quoted to the effect that the presence of such small minorities was "no reason for doubting the national character of a territory".

According to the Allied reply, East Prussia had not been included in the political frontiers until 1866, and "the convenience of Germany is no reason why the dismemberment and partition of another nation should be continued" (*ibid.*, p. 948). Most of East Prussia's trade with Germany was sea-borne; nevertheless, the importance of the railway connection was recognized, and articles of the treaty, as carefully revised, ensured that "there shall be no impediment placed in the way of communication across the intervening Polish territory". The Allies professed not to understand the German objections to plebiscites, for "the Germans at the very moment when they profess assent to the principle of self-determination, refuse to accept the most obvious means of applying it".

Arrangements for the inter-Allied commission in Allenstein and Marienwerder and Upper Silesia are contained in the agreement signed at Paris, January 8, 1920, by Messrs. Le Rond and Von Simson.

The Inter-Allied Administrative and Plebiscite Commission for Allenstein issued its initial proclamation on February 14, 1920, and thereafter the customary regulations and orders with respect to registration and voting, entrance and exit, and order followed in succession.

The plebiscite took place on July 11, 1920. In the 11 *Kreise* involved, 425,305 voters were inscribed, though only 371,715 votes were cast. Of these, 363,209 were for East Prussia and 7,980 for Poland. In the 11 *Kreise* there were 1,704 communes; the distribution of the balloting showed that 1,695 of these voted for East Prussia and 9 for Poland.

Owing to the absence of a commissioner appointed by the United States, the Italian chairman was entitled to a casting vote.

The commission recommended the assignment of the three villages of Klein Lobenstein, Klein Nappern, and Groschken, all having 4,786 inhabitants, to Poland; the Conference of Ambassadors approved, and the villages were handed over to Poland on August 31, 1920, Germany being confirmed as possessor of the rest of the area.

ARTICLE 95.

The German troops and authorities will be withdrawn from the area defined above within a period not exceeding fifteen days after the coming into force of the present Treaty. Until the evacuation is completed they will abstain from all requisitions in money or in kind and from all measures injurious to the economic interests of the country.

On the expiration of the above-mentioned period the said area will be placed under the authority of an International Commission of five members appointed by the Principal Allied and Associated Powers. This Commission will have general powers of administration and, in particular, will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness and secrecy. The Commission will have all necessary authority to decide any questions to which the execution of these provisions may give rise. The Commission will make such arrangements as may be necessary for assistance in the exercise of its functions by officials chosen by itself from the local population. Its decisions will be taken by a majority.

Every person, irrespective of sex, will be entitled to vote who :

(a) Is 20 years of age at the date of the coming into force of the present Treaty, and

(b) Was born within the area where the vote will take place or has been habitually resident there from a date to be fixed by the Commission.

Every person will vote in the commune where he is habitually resident or, if not habitually resident in the area, in the commune where he was born.

The result of the vote will be determined by communes (*Gemeinde*) according to the majority of the votes in each commune.

On the conclusion of the voting the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the boundary of East Prussia in this region. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote and to the geographical and economic conditions of the locality. The Principal Allied and Associated Powers will then fix the frontier between East Prussia and Poland in this region.

If the line fixed by the Principal Allied and Associated Powers is such as to exclude from East Prussia any part of the territory defined in Article 94, the renunciation of its rights by Germany in favour of Poland, as provided in Article 87 above, will extend to the territories so excluded.

As soon as the line has been fixed by the Principal Allied and Associated Powers, the authorities administering East Prussia will be notified by the International Commission that they are free to take over the administration of the territory to the north of the line so fixed, which they shall proceed to do within one month of such notification and in the manner prescribed by the Commission. Within the same period and as prescribed by the Commission, the Polish Government must proceed to take over the administration of the territory to the south of the line. When the administration of the territory by the East Prussian and Polish authorities respectively has been provided for, the powers of the Commission will terminate.

Expenditure by the Commission, whether in the discharge of its own functions or in the administration of the territory, will be borne by the local revenues. East Prussia will be required to bear such proportion of any deficit as may be fixed by the Principal Allied and Associated Powers.

ARTICLE 96.

In the area comprising the *Kreise* of Stuhm and Rosenberg and the portion of the *Kreis* of Marienburg which is situated east of the Nogat and that of Marienwerder east of the Vistula, the inhabitants will be called upon to indicate by a vote, to be taken in each commune (*Gemeinde*); whether they desire the various communes situated in this territory to belong to Poland or to East Prussia.

Note to III, 96

The order of the Inter-Allied Commission for the Administration and Plebiscite in Marienwerder concerning courts of justice was issued on February 23, 1920, and other preparations for the plebiscite followed, though the regulations for registration and voting were put out only on April 12. The balloting on July 11 in the 396 voting districts gave a majority of 368 for East Prussia and 28 for Poland. Of 125,900 persons registered, 105,071 voted: 96,923 for East Prussia, and 8,018 for Poland. Germany on August 16, 1920 was awarded the area except for a group of five villages near the Vistula which together had given Poland a majority of 67 votes out of 437. The Conference of Ambassadors approved the frontier as described in the reports of the Technical Geographic Committee.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 96—Continued

The Conference of Ambassadors on August 12, 1920 decided to assign five villages which together gave a majority for Poland in the Marienwerder plebiscite to Poland in fulfilment of the provision respecting the east bank of the Vistula. In addition, that body decided that the boundary commission provided for under article 87 could modify the frontier line to the north and south of those villages so far as it might be necessary to secure to Poland "full and complete control of the river".

ARTICLE 97.

The German troops and authorities will be withdrawn from the area defined in Article 96 within a period not exceeding fifteen days after the coming into force of the present Treaty. Until the evacuation is completed they will abstain from all requisitions in money or in kind and from all measures injurious to the economic interests of the country.

On the expiration of the above-mentioned period, the said area will be placed under the authority of an International Commission of five members appointed by the Principal Allied and Associated Powers. This Commission, supported if occasion arises by the necessary forces, will have general powers of administration and in particular will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness and secrecy. The Commission will conform as far as possible to the provisions of the present Treaty relating to the plebiscite in the Allenstein area; its decisions will be taken by a majority.

Expenditure by the Commission, whether in the discharge of its own functions or in the administration of the territory, will be borne by the local revenues.

On the conclusion of the voting the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the boundary of East Prussia in this region. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote and to the geographical and economic conditions of the locality. The Principal Allied and Associated Powers will then fix the frontier between East Prussia and Poland in this region, leaving in any case to Poland for the whole of the section bordering on the Vistula full and complete control of the river in-

PART III: ARTICLES 97 TO 98

cluding the east bank as far east of the river as may be necessary for its regulation and improvement. Germany agrees that in any portion of the said territory which remains German, no fortifications shall at any time be erected.

The Principal Allied and Associated Powers will at the same time draw up regulations for assuring to the population of East Prussia to the fullest extent and under equitable conditions access to the Vistula and the use of it for themselves, their commerce and their boats.

The determination of the frontier and the foregoing regulations shall be binding upon all the parties concerned.

When the administration of the territory has been taken over by the East Prussian and Polish authorities respectively, the powers of the Commission will terminate.

Note to III, 97

The Delimitation Commission proposed a definite delimitation of the East Prussian frontier which the Conference of Ambassadors confirmed on December 19, 1922. A provisional regulation on conditions of access to the Vistula was published at the same time and was replaced by a decision of November 21, 1924, in force February 1, 1925 (*Reichsgesetzblatt*, 1925, II, 17).

The German-Polish Delimitation Commission ended its work on October 18, 1924.

Germany and Poland concluded an agreement on December 30, 1924 regarding facilities for minor frontier traffic (52 League of Nations Treaty Series, p. 51) and on December 2, 1925 at Posen a protocol concerning the opening of customs roads and other crossings at points on the German-Polish frontier, neither of which entered into force by approval of the two Governments until January 1, 1928 (70 *ibid.*, p. 427).

The agreement relating to the frontier zone of Upper Silesia, provided for in article 233 of the German-Polish convention of May 15, 1922, was concluded by Germany and Poland at Warsaw on February 23, 1924 and was in force July 16, 1924 (41 *ibid.*, p. 197); it was continued in force by protocols and exchanges of notes until superseded by the agreement of December 30, 1924.

ARTICLE 98.

Germany and Poland undertake, within one year of the coming into force of this Treaty, to enter into conventions of which the terms, in case of difference, shall be settled by the Council of the

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

League of Nations, with the object of securing, on the one hand to Germany full and adequate railroad, telegraphic and telephonic facilities for communication between the rest of Germany and East Prussia over the intervening Polish territory, and on the other hand to Poland full and adequate railroad, telegraphic and telephonic facilities for communication between Poland and the Free City of Danzig over any German territory that may, on the right bank of the Vistula, intervene between Poland and the Free City of Danzig.

Text of May 7:

Germany and Poland undertake, within one year of the conclusion of this Treaty, to enter into a Convention of which the terms, in case of difference, shall be settled by the Council of the League of Nations, with the object of securing, on the one hand to Germany full and adequate railroad facilities for communication between the rest of Germany and East Prussia over the intervening Polish territory, and on the other hand to Poland full and adequate railroad facilities for communication between Poland and the Free City of Danzig over any German territory that may, on the right bank of the Vistula, intervene between Poland and the Free City of Danzig.

Note to III, 98

A convention between Germany, Poland, and the Free City of Danzig concerning the freedom of transit between East Prussia and the rest of Germany was concluded at Paris on April 21, 1921 and entered into force on April 27, 1922 (12 League of Nations Treaty Series, p. 61). A supplementary convention, concluded at Berlin on July 15, 1922, entered into force on November 3, 1923 (26 *ibid.*, p. 354). An agreement modifying the rules for the application of the 1921 convention, signed at Berlin on February 14, 1933, entered into force on July 27, 1934 (*Reichsgesetzblatt*, 1934, II, 385).

Chapter III of the 1921 convention, articles 44-49, 109, dealt with the transit of military personnel and goods and allowed one military train a week, with full arrangements for the purpose. A supplementary convention signed at Berlin February 13, 1933 and in force July 12, 1934 (*ibid.*, p. 411) added 35 trains a year in either direction and set a limit of 15 a week and 3 a day in either direction.

An agreement concerning the transportation through Poland and the territory of the Free City of Danzig of prisoners in transit between East Prussia and the rest of Germany, signed at Berlin February 13, 1933 and in force on July 27, 1934, was an early manifestation of National Socialist policy (*ibid.*, p. 377).

SECTION X.—*Memel.*

ARTICLE 99.

Germany renounces in favour of the Principal Allied and Associated Powers all rights and title over the territories included between the Baltic, the north eastern frontier of East Prussia as defined in Article 28 of Part II (Boundaries of Germany) of the present Treaty and the former frontier between Germany and Russia.

Germany undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants.

Note to III, 99

According to the German delegation, even the Lithuanian-speaking inhabitants, who numbered only 54,000 as against 68,000 Germans and who usually spoke German as well, had never desired separation from Germany. Memel was "a purely German city", which had never belonged to Poland or Lithuania (*Foreign Relations, The Paris Peace Conference, 1919*, vi, 838). The cession of the district had therefore to be rejected.

The Allied reply declined to admit that the cession conflicted with the principle of nationality (*ibid.*, p. 949). The district had always been Lithuanian; the port of Memel was the only sea outlet for Lithuania. In as much, however, as the status of Lithuania had not been established, the district would be transferred to the Allied and Associated Powers.

The Conference of Ambassadors on February 16, 1923 assigned the territory of Memel to Lithuania, to which its population belonged. The conditions attached to the assignment were accepted by Lithuania, which, however, declined to assent to the convention intended to effect the transfer of the territory. The Principal Allied Powers accordingly referred the situation to the Council of the League of Nations under article 11 of the Covenant. The Council established a Commission for the Question of Memel to examine the matter, the Council naming its president and the Committee for Communications and Transit the other two members. Lithuanian and Polish delegations were heard, and a new draft convention negotiated under the auspices of the commission was accepted by the Council and Lithuania on March 14, 1924 (*League of Nations, Official Journal, 1924*, pp. 121, 361, 409, 539, 598).

The convention concerning the territory of Memel was concluded between "the British Empire, France, Italy and Japan, signatories

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 99—Continued

with the United States of America, as the Principal Allied and Associated Powers, to the Treaty of Peace of Versailles” and Lithuania on May 8, 1924 and entered into force for all parties on August 25, 1925 (29 League of Nations Treaty Series, p. 83). The convention transferred to Lithuania all rights and titles, ceded by Germany in virtue of article 99 of the treaty of peace, to the territory described in article 28 of that treaty and further defined by a letter of the president of the Conference of Ambassadors to the German Government on July 18, 1921. This “Memel territory” was constituted under the sovereignty of Lithuania with legislative, judicial, administrative, and financial autonomy as defined in an attached statute.

The territory was administered by a governor appointed by the President of the Lithuanian Republic and by elected deputies to the Lithuanian Diet, whose legislation was applicable to the territory so far as consistent with the Memel statute. The expenses of occupation and administration up to the date of the transfer and half of the expenses of delimitation of the territory were repayable by Lithuania to the states represented in the Conference of Ambassadors. German property transferred to Lithuania by the convention on behalf of the Memel territory, in virtue of articles 254 and 256 of the treaty of peace, was appraised by the Reparation Commission, which debited Lithuania with a total of 60,092,678 gold marks: German-ceded property, 57,968,535; German imperial and Prussian debt, 109,401; rolling stock, 2,014,742.

The convention contained the standard provisions respecting the determination of German or Lithuanian nationality of persons domiciled in the territory on the date of ratification by Lithuania, that is, September 27, 1924. The declaration relating to the protection of minorities made by the Lithuanian Government before the Council of the League of Nations on May 12, 1922 (22 League of Nations Treaty Series, p. 393) was applicable within the territory, except that the Lithuanian and German languages were both recognized as official within the territory.

The Memel administration was invested with extensive and specific local authority subject to conformity with the principles of the Lithuanian Constitution. By the statute, Memel citizenship was distinguished from Lithuanian citizenship, the Directorate issuing separate passports for Memel citizens. A Chamber of Representatives (*Landtag*) elected by universal, equal, direct, and secret suffrage legislated for the territory. The executive power rested in the governor and a Directorate of five persons, who were empowered to

Note to III, 99—Continued

initiate legislation equally with the Chamber of Representatives. The territory administered its own police, courts, and schools.

The port of Memel was made "a port of international concern" within the meaning of the Barcelona recommendations. The Lithuanian Government was obligated with respect to Memel and all its territory to conform to the provisions of articles 331 to 345 of the treaty of peace. The administration, operation, upkeep, and development of the port were entrusted to a harbor board consisting of representatives of Lithuanian and Memel economic interests and an appointee of the Committee for Communications and Transit of the League of Nations who was not a citizen of the Niemen riparian states.

Special provision was made for transit traffic, especially with respect to timber and products made therefrom, which constitute an important factor in the trade of the Niemen basin. The Lithuanian Government undertook to apply the statute and convention on freedom of transit adopted at Barcelona, April 14 and 20, 1921 (17 League of Nations Treaty Series, p. 11) to sea, water, and rail traffic at Memel or in transit through the territory. Lithuania undertook not to apply articles 7 and 8 of the Barcelona statute in respect of traffic of the Niemen basin "on the ground of the present political relations between Lithuania and Poland".

The Memel convention provided that any member of the Council of the League of Nations was entitled to draw its attention to any infraction of the convention. On September 28, 1925, the Council decided that any communication under this stipulation should be forwarded to the members of the Council.

The Memel Landtag on March 2 and August 6, 1926 asked the Council to consider matters relating to finances and budgetary autonomy. On September 15 Lithuania announced that an agreement on the financial questions had been approved by the Memel authorities. In the meantime the Council had submitted the question of procedure to a committee of jurists, which on September 20 reported that the original request had not asserted that the convention had been infringed; the Council thereupon decided that communications from Memel should be addressed individually to the Governments represented on the Council, any of which would then have the right to raise the question within that body.

In 1927 Germany complained of Lithuania's interference with electoral autonomy in Memel; however, a statement from the Lithu-

Note to III, 99—Continued

anian Prime Minister on June 15 was reassuring enough for the Council to strike the item from its agenda.

Germany transmitted petitions from the Memel Diet alleging infraction of the convention in communications dated August 28, 1930 and May 5, 1931. One of these, relating to financial questions, was settled by reference to the League experts. The other questions, which related to jurisdiction of the courts and the application of the statute, were settled by direct negotiations between the parties to the Memel convention.

The Governments of the United Kingdom, France, Italy, and Japan brought a case concerning the interpretation of the statute of the Memel territory to the Permanent Court of International Justice in 1932. The question related to the powers of the Lithuanian governor of the territory to dismiss the President and members of the Directorate and to dissolve the Chamber of Representatives. The Court by 10 votes to 5 on August 11, 1932 found that the governor was entitled, "for the protection of the interests of the State, to dismiss the President of the Directorate in case of serious acts which violate" the 1924 convention, that the dismissal involved was in order, but that the dissolution of the Chamber of Representatives on March 22, 1932, "when the Directorate . . . had not received the confidence of the Chamber, was not in order" (Series A/B, Nos. 47 and 49).

On March 22, 1939, a week after its occupation and disruption of Czechoslovakia, the German Government, in "clarifying the questions pending between Germany and Lithuania and thus opening the way for the formation of friendly relations between the two countries", obtained from Lithuania the cession of Memel in a treaty which, in the English version published by the German Government (Auswärtiges Amt, 1939, No. 2, *Documents on the Origin of the War*, No 342; cf. file 860M.01Memel/584), provided:

"*Article 1.* The Memel Territory, separated by the Treaty of Versailles from Germany, is reunited from to-day with the German Reich.

"*Article 2.* The Memel Territory will be immediately evacuated by the Lithuanian military and police forces. The Lithuanian Government will see to it that the territory remains in an orderly condition in the course of evacuation.

"Both parties will appoint commissioners, in so far as this is necessary to carry out the handing over of the administrations which are not in the hands of the autonomous authorities of the Memel Territory.

Note to III, 99—Continued

“The settlement of the remaining questions arising from the change in sovereignty, especially of the economic and financial questions, questions dealing with officials, as well as questions of citizenship, will be reserved for a special agreement.

“*Article 3.* To give consideration to the economic needs of Lithuania, a Free Port Zone will be provided for Lithuania in Memel. Details will be settled according to the principles laid down in the annex to this treaty [*Reichsgesetzblatt*, 1939, II, 610].

“*Article 4.* To strengthen their decision to secure the friendly development of relations between Germany and Lithuania, both parties undertake neither to resort to force against one another nor to support the use of force against one of the Parties by a third party.”

The treaty concerning nationality (*Staatsangehörigkeit*) was signed at Kaunas and in force on July 8, 1939 (*ibid.*, p. 999). Lithuanian nationals who had lost German nationality on July 30, 1924 or by opting for Lithuanian nationality or who as Germans by race (*Volkszugehöriger*) had obtained Lithuanian nationality by option, as well as those whose Lithuanian nationality was so acquired by birth, legitimation, or marriage, “obtained German nationality, effective March 22, 1939”.

SECTION XI.—Free City of Danzig

Notes to Part III, Section XI, Articles 100 to 108

Danzig

The surrender of this “purely German Hanseatic city” and “its equally purely German environs” was declared by the German delegation to be “in the sharpest opposition to all the assurances” given by President Wilson, and would “lead to violent resistance and to an enduring state of war in the East”. Germany therefore rejected “the proposed rape of Danzig” (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 836). But it was prepared to make Memel, Königsberg, and Danzig free ports in order to assure Poland “a direct outlet to the great highways of the sea”, as promised by President Wilson, and to grant the Poles “far-reaching rights”, subject to an agreement concerning the reciprocal use of German and Polish railways and rivers.

The Allied reply stated that the German language showed “some want of appreciation of the true situation” (*ibid.*, p. 950). The

Notes to Part III, Articles 100 to 108—Continued

arrangements for Danzig, which had been framed “with the most scrupulous care”, were intended to restore the city to the position which it had occupied for so many centuries as the port of Poland. Poland justly claimed that “the control and development of the port which is her sole opening to the sea shall be in her hands and that the communications between it and Poland shall not be subjected to any foreign control”.

The Free City of Danzig and its relations to Poland became, with the question of German minorities in Poland (see article 91), the *casus belli* of Germany in September 1939. The “explosion on the part of the military forces which have taken up their position” was set off because of tension, according to the German message of August 31, 1939 to the British Government, owing to “(1) the impossible delineation of frontiers, as fixed by Versailles dictate; (2) the impossible treatment of the minority in the ceded territories”. It is therefore pertinent to scrutinize the record of National Socialist Germany at Danzig with some care.

On October 24, 1930 an emissary of the National Socialist party of Germany arrived in Danzig to establish “Gau Danzig”, as a region under its control was called. The party acquired the reins of power on June 20, 1933. In September 1933 the election gave the National Socialists 38 out of 72 seats in the Senate. Active negotiations with Poland on outstanding questions were initiated with a view to molding relations to the forms of Nazi ideology, and local action was taken by decrees, which progressively deviated from the intentions of the Constitution.

The National Socialist *Gauleiter* forced the National Socialist President of the Senate, Hermann Rauschning, to vacate his office and expelled him from the party (League of Nations, *Official Journal*, 1936, pp. 193, 197) in November 1934 after having prevented him from exercising his functions for some time. His successor carried on an active program of asserting loyalty to the Constitution and simultaneously passing decrees which in several instances were found by the Council of the League of Nations to be contrary to the guaranties of the Constitution.

The year 1935, reported the High Commissioner, “has seen an intense development of the policy to create a National Socialist community *de facto*”.

A special election was held on April 7, 1935 by the National Socialists with the object of gaining the two-thirds majority required for

PART III

Notes to Part III, Articles 100 to 108—Continued

revising the Constitution. That party obtained only 43 out of 72 Senate seats; however, the methods employed in the election campaign were found to be unconstitutional by the High Court, with the consequent reduction of votes credited to the party and of its seats in the Volkstag.

On May 1, 1935, the gulden was devalued by 42.3 percent of its gold-franc parity. There followed a control over foreign exchange and measures affecting both import and export trade. Poland demanded the repeal of these measures and conversations led to no positive result. On July 18 the Polish Minister of Finance issued an order to the Administration of Customs in Danzig to cease all operations. Danzig took countermeasures, but these and the Polish order were repealed by a protocol on August 8. A second protocol then signed led to the conclusion on October 11 of a protocol providing for restoration of full freedom of payments, free dealings in foreign exchange, and certain arrangements concerning the gulden (League of Nations, *Official Journal*, 1936, pp. 202, 211).

Repeated breaches of the Constitution had rendered it awkward for the League's High Commissioner, whose relations with Danzig authorities were necessarily intimate, to ask the Council time after time to put such questions on its agenda. On July 4, 1936 the Council appointed a Committee of Three, composed of representatives of Great Britain, France, and Sweden, to initiate consideration of questions on the reports of the High Commissioner. By the time the last High Commissioner arrived at Danzig on March 1, 1937, "the Constitution had been stripped of all liberally-conceived principles".

On August 12, 1936 the German Chancellor assured the Polish Under Secretary of State for Foreign Affairs that "Polish rights in the Free City, which he knew and understood, could not suffer the least detriment" from the National Socialists.

After 1936 the High Commissioner played a minor and decreasing part with respect to Danzig and in Danzig-Polish relations. There was, on the other hand, an increase of German-Polish relations, in which Germany voiced claims on behalf of the Free City but entirely within the bounds of the established regime.

On November 5, 1937, when the German-Polish minorities declaration (see art. 91) was announced, the German Chancellor formulated his attitude to the Polish Ambassador in three points: There would be no changes in the legal and political position in Danzig; the rights of the Polish population in Danzig would be respected; the rights of Poland in Danzig would be respected. The Chancellor added, according to the Ambassador's report, that "a surprise step was out

Notes to Part III, Articles 100 to 108—Continued

of the question", but he also remarked that "Poland is bound up with Danzig". He reiterated that declaration to the Polish Minister for Foreign Affairs on January 14, 1938.

During 1938 the official note in Danzig-Polish relations was optimistic. The *Gauleiter* of Danzig visited Poland and was cordially received at Warsaw in May. The High Commissioner of the League succeeded in obtaining the postponement of anti-Jewish laws at Danzig from January to May, to June, to September, and finally to November 1938, well after the Czechoslovak crisis.

The German Minister for Foreign Affairs proposed to the Polish Ambassador on October 24, 1938 a general settlement which included the reunion of Danzig with the Reich, Poland being assured of an extraterritorial road, a railroad and a free port, and economic facilities there. Poland would agree to the building of an extraterritorial motor road and railroad line across Pomorze. In his instructions to the Ambassador the Polish Minister for Foreign Affairs on October 31 stated that he was "ready to have final conversations personally with the governing circles of the Reich". To stabilize relations, "the Polish Government proposes the replacement of the League of Nations guarantee and its prerogatives by a bilateral Polish-German agreement". The content of these instructions was "exactly and emphatically communicated" on November 19 to the Reich Minister for Foreign Affairs, to whom the proposal for a bilateral treaty "did not seem easy of accomplishment". A meeting of the Polish Minister for Foreign Affairs with the German Chancellor on January 5, 1939, and with the German Minister for Foreign Affairs on January 9, and a visit of the German Minister for Foreign Affairs to Warsaw on January 25-28 achieved only a "gentlemen's agreement" that the *status quo* would be maintained at Danzig if the League of Nations withdrew from the Free City. (Germany, Auswärtiges Amt, 1939, No. 2, *Documents on the Origin of the War*, Nos. 197, 198-202; Poland, Ministry for Foreign Affairs, *Official Documents Concerning Polish-German and Polish-Soviet Relations*, 1933-39, Nos. 24, 34, 36, 44-52.) At this time it was the Polish opinion that the establishment of Germany in Danzig at the mouth of the Vistula would be equivalent to economic and therefore political control over Polish national life.

The High Commissioner of the League did not return to Danzig immediately after the Council meeting at Geneva in January 1939. He advised the Committee of Three during the critical days of

PART III

Notes to Part III, Articles 100 to 108—Continued

March and returned to Danzig at the instance of both parties only on May 26. From that time until the German invasion of Poland, he played a mediatory part between the Danzig authorities and the Polish representative, at times being their only channel of communication. On August 11 he was summoned to a two-and-one-half hour interview with the German Chancellor, who then said that "if the slightest things were attempted by the Poles, he would fall upon them like lightning".

The German Führer on March 15, 1939 exacted from the President of Czechoslovakia the remission into his hands of "the destiny of the Czech people and country". On March 21 the British Minister at Warsaw handed the Polish Ministry for Foreign Affairs a memorandum in which it was stated that the German absorption of Czechoslovakia showed "clearly that the German Government resolved to go beyond their hitherto avowed aim to consolidate the German race". If this extension of conquest "should prove subsequently part of a definite policy of domination, there is no state in Europe which is not directly or ultimately threatened". With a view to organizing mutual support for "protecting international society from further violation of the fundamental laws on which it rests", Great Britain proposed that the French, Soviet, and Polish Governments join it in signing and publishing a formal declaration that they would consult together as to what steps for joint resistance should be taken to "any action which constitutes a threat to the political independence of any European state" (Poland, *Official Documents* . . ., No. 65). Poland raised objections to a four-state declaration as inadequate but was willing to entertain bilateral discussions running parallel with the Franco-Polish alliance.

On March 16 Hungary, with the consent of Germany, occupied the Subcarpathian Ruthenia district of Czechoslovakia; on March 22 Germany acquired Memel from Lithuania as a "reunion" with the Reich; on March 23 Slovakia became a German protectorate. On March 31 Great Britain announced a unilateral assurance to Poland of assistance in case it was called upon to resist "action which clearly threatened Polish independence", and on April 6 a British-Polish communiqué proclaimed the reciprocal intention of both Governments to enter into an agreement for mutual assistance in the event of any threat, direct or indirect, to the independence of either.

This development followed diplomatic meetings at Berlin on March 26 and at Warsaw on March 28 in which the German Minister

Notes to Part III, Articles 100 to 108—Continued

for Foreign Affairs informally found Polish proposals of March 26 with respect to Danzig and the Corridor unsatisfactory. At the meetings there was mutual recrimination on the movement of troops (Poland, *Official Documents* . . . Nos. 62-64; Germany, *Official Documents* . . . Nos. 208, 211). Each told the other that aggression against the Free City of Danzig would be a *casus belli*.

The German Chancellor made a speech to the Reichstag on April 28, 1939, in which he argued that the Treaty of Versailles intentionally "inflicted a most severe wound on Germany" by establishing the Corridor and Danzig in such a way as to prevent understanding between Poland and Germany. The speech was the public frame for a memorandum handed to the Polish Government in which it was asserted that Poland had rejected the German proposals on Danzig and the Corridor and, by assuming the obligations of April 6 with the United Kingdom, which were incompatible with the German-Polish declaration of January 26, 1934, had "arbitrarily and unilaterally rendered this declaration inoperative" (Germany, *op. cit.*, No. 213) or "null and void" (Poland, *op. cit.*, No. 76; United Kingdom, Misc. No. 9 (1939), Cmd. 6106, No. 14). The Polish Government in its memorandum of May 5 concluded that the "Reich had no justification for their unilateral decision" but held itself open to fresh negotiations. It further noted Germany's failure to reply to the Polish suggestions of March 26. The German attitude was that "the formulation of counter-proposals instead of the acceptance of the verbal German suggestions without alteration or reservation had been regarded by the Reich as a refusal of discussions"; that, Poland held, was incompatible with Polish vital interests and dignity.

In March Germany began complaining of Polish treatment of German nationals and members of the German minority, of whom 741,000 were scattered through the country, particularly in the Corridor. Danzig was completely in the hands of the National Socialist Party, whose uniformed members circulated freely and were arming steadily. A succession of incidents occurred, including frequent encounters with Polish customs inspectors and other officials. Persons purporting to be Danzig customs officials on the East Prussian frontier informed the Polish customs officials that as from August 6 they would not be allowed to exercise their functions of control. The Polish diplomatic representative demanded a countermanding of such orders on August 4, stating that they infringed the existing agreements and would result in retaliatory measures, if applied.

PART III

Notes to Part III, Articles 100 to 108—Continued

The President of the Senate of the Free City on August 7 protested against a Polish order putting Polish customs officials in uniform with arms and assured the Polish representative that no order such as the one complained of "has been issued from an office, certainly not from any administrative quarter of the Customs Office, of the Free City of Danzig" (Poland, *op. cit.*, Nos. 81-85; Germany, *op. cit.*, Nos. 423, 432-434).

As early as March 1939 Germany was representing the efforts of France and Great Britain to offset or to circumscribe the effect of German expansive action as a policy of "encirclement". The refusal of the German Foreign Office on March 18 to receive their protest against the German dismemberment of Czechoslovakia indicated the intention of Germany to go its own way and to disregard any attempts to bring influence to bear upon what Germany insisted were bilateral relations with Poland. Disturbances were invented and magnified, Germans in Poland being constantly represented as innocent victims.

After the Kalthof shooting incident of May 20, 1939 (Germany, *op. cit.*, Nos. 429, 430) personal contacts and verbal discussions between the Danzig-German and Polish officials had ceased, and correspondence had been carried on only by notes. The High Commissioner of the League of Nations for many weeks acted as an intermediary on the spot. As it became clear that the German Führer (Hitler was so designated in the German documentation) was shaping events for a Danzig Corridor *coup*, Great Britain sought to protect "international society from further violation of the fundamental laws on which it rests". That was the stated purpose of the *pourparlers* which had been begun in March, which resulted in the guaranty of April 6 to Poland, and which had actuated negotiations in August at Moscow by the British and French Governments for mutual assistance in case of aggression. The failure of those negotiations occurred at the time when the Germans succeeded in signing a non-aggression pact with the Soviet Union. On August 22 the British Parliament was summoned for the 24th to pass an Emergency Powers (Defense) Bill, and precautionary measures under it were put in train. These steps were, said the Prime Minister in a note of August 22 to the German Chancellor (Führer), "rendered necessary by the military movements which have been reported from Germany, and by the fact that apparently the announcement of a German-Soviet Agreement is taken in some quarters in Berlin to

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Notes to Part III, Articles 100 to 108—Continued

indicate that intervention by Great Britain on behalf of Poland is no longer a contingency to be reckoned with. No greater mistake could be made." He proposed direct negotiations between Germany and Poland with the possible aid of an intermediary, the conclusions to be guaranteed by other states.

As to negotiations, the German Führer, in a letter of August 23 to the British Prime Minister, said "Germany was prepared to settle the problem of Danzig and of the Polish Corridor by a very generous proposal, made once only, and by means of negotiations". This quotation is from the German-English version of the German Foreign Office (*Official Documents*, No. 456). The original German reads: "*Deutschland war bereit, die Frage Danzig und die des Korridors durch einen wahrhaft einmalig grosszügigen Vorschlag auf dem Wege von Verhandlungen zu lösen*". The British translation reads: "negotiation on the basis of a proposal of truly unparalleled magnanimity". Any inclination of Poland to negotiate was "effectually destroyed" by the United Kingdom's guaranty to Poland. Referring to proposed British military mobilization, the Führer wrote: "I must, therefore, inform Your Excellency that in the event of such military measures being taken, I shall order the immediate mobilization of the German armed forces (*Wehrmacht*)".

On August 23 the neutrality of the Soviet Union was obtained for Germany by the signing of the non-aggression pact. On the same day Albert Forster, the Gauleiter of the National Socialist Party at Danzig, became "Head of State of the Free City of Danzig" under a decree adopted by the Senate. This new official stated that the decree sanctioned a state of affairs "which, since the accession to power by the National Socialists in 1933, has in practice been in force". The United Kingdom and Poland concluded on August 25 at London an agreement of mutual assistance, which was duplicated between France and Poland on September 4.

In the critical days which followed the British Government was apprehensive that the German Führer would use alleged Polish ill-treatment of the German minority "at any moment as an excuse for taking some irrevocable action", but shared the Polish view that a *fait accompli* at Danzig was not imminent. It was able to propose to Germany on August 28 "the initiation of direct discussions between the German and Polish Governments on a basis which would include . . . the safeguarding of Poland's essential interests and the securing of the settlement by an international guarantee. They

PART III

Notes to Part III, Articles 100 to 108—Continued

[British Government] have already received a definite assurance from the Polish Government that they are prepared to enter into discussions on this basis" (United Kingdom, *Official Documents*, No. 74; Germany, *Official Documents*, No. 463).

The German reply, handed to the British Ambassador August 29, 7:15 p.m., was equivocal. The first part, in the British view, consisted of "an indefensible and misleading presentation of the German case". The reply accepted the proposal for direct discussion in the following language of the German translation into English (United Kingdom, *op. cit.*, No. 464) :

"The Reich Government in their proposals moreover never had the intention of attacking vital Polish interests or of questioning the existence of an independent Polish State. Under these conditions, the Reich Government therefore agree to accept the proposed intermediation of the British Government to send to Berlin a Polish representative invested with plenipotentiary powers. They expect his arrival on Wednesday, 30 August 1939.

"The Reich Government will immediately draft the proposals for a solution acceptable to them, and, if possible, will make such proposals also available for the British Government before the Polish negotiator arrives."

At 4 a.m., August 30, the British Ambassador at Berlin under instructions informed the German Minister for Foreign Affairs that "it is, of course, unreasonable to expect that we can produce a Polish representative in Berlin today, and German Government must not expect this". At 6:50 p.m. the British Foreign Office asked the Ambassador at Berlin to "suggest to German Government that they adopt the normal procedure" of handing its proposals to the Polish Ambassador for transmission to Warsaw. The British reply itself was delivered to the German Minister for Foreign Affairs at midnight, August 30. That official's reply was to "read out in German aloud at top speed" a lengthy document containing the German proposals, a copy of which he refused to give to the British Ambassador, asserting "that it was now too late as Polish representative had not arrived in Berlin by midnight". He denied that this foreclosure of negotiations was an ultimatum and violently affirmed that he would never ask the Polish Ambassador to visit him. The Polish Ambassador was, nevertheless, authorized to see the German Minister for Foreign Affairs, and was received by him at 6:15 p.m.,

Notes to Part III, Articles 100 to 108—Continued

August 31. He announced that Poland was considering favorably the British suggestion of direct negotiations and would make its formal reply in a few hours. The Polish Chargé d'Affaires had made a hurried trip to Warsaw that day for instructions, delay being inevitable since Germany had severed rail and telephone communications with Warsaw on August 26. The German official learned on inquiry that the Polish Ambassador did not come "as a fully empowered Delegate".

At 9 p.m., August 31, the German radio and newspapers broadcast a communiqué containing the German proposals in the 16 points which had been hurriedly read to the British Ambassador the night before and which were published by the German Foreign Office as if they were part of the August 30 proceedings (cf. United Kingdom, *Official Documents*, Nos. 89, 92, and 98 with Germany, *Official Documents*, Nos. 466 and 468). The German broadcast and communiqué asserted that the German Government had "waited two days in vain for the arrival of an authorized Polish delegate" and could "not but regard their proposals as having once more been rejected in effect". It accordingly published the proposals "as communicated to the British Ambassador". The Ambassador himself, and his French and American colleagues, was given the text of those proposals at the Foreign Office at 9:15 p.m., August 31; they were embodied in a message replying to the British note of August 28.

Of the 16 points, 12 related to Danzig and the Corridor and 4 to minority questions. The first was that "the Free City of Danzig shall return to the Reich".

Germany began its attack on Poland at dawn of September 1, some eight or nine hours after these proposals were made public and those concerned had received them.

On September 1, Gauleiter Albert Forster, who on August 23 had assumed at Danzig the position of "head of state", put in force a "constitutional law" which read in part:

"*Article 1.* The Constitution of the Free City of Danzig is cancelled with immediate effect.

"*Article 2.* All legislative and executive power is in the hands of the head of the State.

"*Article 3.* The Free City of Danzig with its territory and population shall immediately form part of the territory of the German Reich."

PART III: ARTICLE 100

ARTICLE 100.

Germany renounces in favour of the Principal Allied and Associated Powers all rights and title over the territory comprised within the following limits:

from the Baltic Sea southwards to the point where the principal channels of navigation of the Nogat and the Vistula (Weichsel) meet:

the boundary of East Prussia as described in Article 28 of Part II (Boundaries of Germany) of the present Treaty;

thence the principal channel of navigation of the Vistula downstream to a point about 6½ kilometres north of the bridge of Dirschau;

thence north-west to point 5, 1½ kilometres south-east of the church of Güttdland:

a line to be fixed on the ground;

thence in a general westerly direction to the salient made by the boundary of the *Kreis* of Berent 8½ kilometres north-east of Schöneck:

a line to be fixed on the ground passing between Mühlbanz on the south and Rambeltsch on the north;

thence the boundary of the *Kreis* of Berent westwards to the re-entrant which it forms 6 kilometres north-north-west of Schöneck;

thence to a point on the median line of Lonkener See:

a line to be fixed on the ground passing north of Neu Fietz and Schatarpi and south of Barenhütte and Lonken;

thence the median line of Lonkener See to its northernmost point;

thence to the southern end of Pollenziner See:

a line to be fixed on the ground;

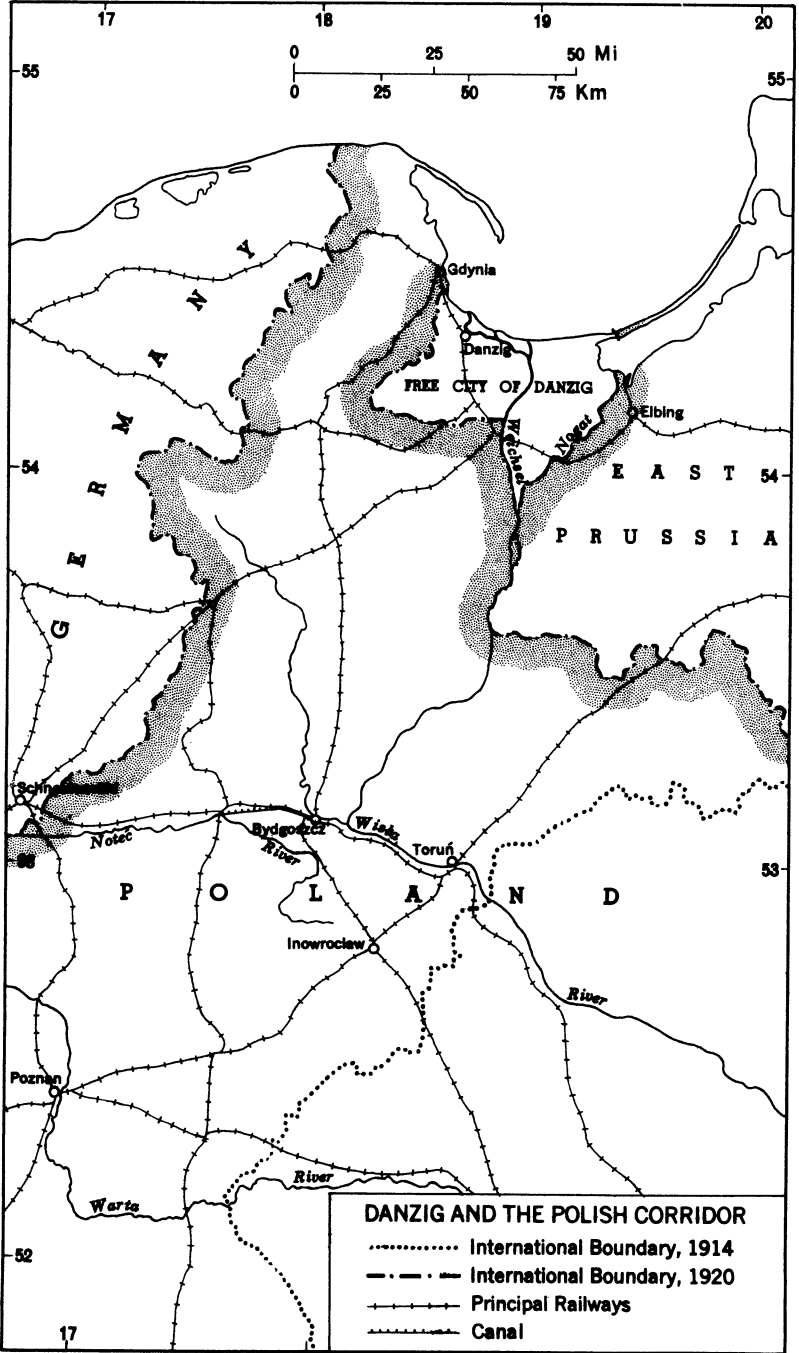
thence the median line of Pollenziner See to its northernmost point;

thence in a north-easterly direction to a point about 1 kilometre south of Koliebken church, where the Danzig-Neustadt railway crosses a stream:

a line to be fixed on the ground passing south-east of Kamehlen, Krissau, Fidlin, Sulmin (Richthof), Mattern, Schäferlei, and to the north-west of Neuendorf, Marschau, Czapielken, Hoch- and Klein-Kelpin, Pulvermühl, Renneberg and the towns of Oliva and Zoppot;

thence the course of the stream mentioned above to the Baltic Sea.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT



Compiled and drawn in the Department of State, Division of Geography and Cartography, March, 1945 1684 D

PART III: ARTICLES 101 TO 102

The boundaries described above are drawn on a German map, scale 1/100,000, attached to the present Treaty (Map No. 3). [Not reproduced.]

Note to III, 100

The frontier was laid down to follow the ethnographic line as closely as possible.

The evacuation of the territory by Germany was effected to a representative of the Allied and Associated Powers by an agreement signed at Paris on January 9, 1920. On entry of the treaty into force on January 10, the limits defined in this article became applicable as to the boundary of the Free City of Danzig with relation to Germany.

On October 27, 1920, the states represented in the Conference of Ambassadors signed the decision establishing the Free City of Danzig, in accordance with article 102, within the boundaries described in this article, interpolating in that description the conterminous boundary of East Prussia as described in article 28 of the treaty from the Baltic Sea to the point where it leaves the Vistula. This instrument was accepted by Danzig on November 9, 1920, and it entered into force on November 15.

ARTICLE 101.

A Commission composed of three members appointed by the Principal Allied and Associated Powers, including a High Commissioner as President, one member appointed by Germany and one member appointed by Poland, shall be constituted within fifteen days of the coming into force of the present Treaty for the purpose of delimiting on the spot the frontier of the territory as described above, taking into account as far as possible the existing communal boundaries.

ARTICLE 102.

The Principal Allied and Associated Powers undertake to establish the town of Danzig, together with the rest of the territory described in Article 100, as a Free City. It will be placed under the protection of the League of Nations.

Text of May 7:

The city of Danzig together with the rest of the territory described in Article 100 is established as a Free City, and placed under the protection of the League of Nations.

Note to III, 102

The Council of the League of Nations, in virtue of the Free City's being placed under its protection, on several occasions took action

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 102—Continued

with reference to military matters. In assuming the guaranty of the constitution on November 17, 1920, the Council provided for insertion of the following provision in that instrument:

“*Article 5.* The Free City of Danzig cannot, without the previous consent of the League of Nations, in each case:

“(1) Serve as a military or naval base;

“(2) Erect fortifications;

“(3) Authorize the manufacture of munitions or war material in its territory.”

Permission to manufacture 50,000 rifles for Peru at the former German Government rifle factory, owned in December 1920 by the Principal Allied and Associate Powers and managed by Danzig, was refused by the Council, which ordered the factory closed down on July 30, 1921. The storage and transport of war material in Danzig was permitted only with the consent of the Council, exercised through the High Commissioner, following the advisory opinion rendered by the Permanent Court of International Justice in 1932 (Series A/B, No. 43).

The Westerplatte peninsula in the territory of the Free City was placed at the disposal of the Polish Government for the purpose of unloading, storing, and forwarding to Poland war material and explosives in transit in March 1924. An agreement signed on August 4, 1928 dealt with the necessary details (League of Nations, *Official Journal*, 1928, p. 1618).

A protocol signed at Danzig on August 13, 1932 (*ibid.*, 1933, p. 142) settled for three years the question of access to and anchorage in the port of Danzig of Polish war vessels. No limitation of number or of length of stay was placed upon Polish ships arriving for the economic reasons of revictualing or repairs. In the annexed “recognized international rules”, salutes in honor of the Danzig flag were dispensed with, “since there is no battery to return the salute”.

ARTICLE 103.

A constitution for the Free City of Danzig shall be drawn up by the duly appointed representatives of the Free City in agreement with a High Commissioner to be appointed by the League of Nations. This constitution shall be placed under the guarantee of the League of Nations.

The High Commissioner will also be entrusted with the duty of dealing in the first instance with all differences arising between

PART III: ARTICLE 103

Poland and the Free City of Danzig in regard to this Treaty or any arrangements or agreements made thereunder.

The High Commissioner shall reside at Danzig.

Note to III, 103

The Council of the League of Nations accepted the guaranty of the constitution on November 17, 1920 when the Free City was placed under the protection of the League. In January 1922 the Council required an amendment in the draft constitution, and on April 4 the Volkstag voted the change, 60 to 13. However, 47 of the 120 members had withdrawn before the vote, and the contention was made that the vote was invalid since it was not in conformity with the rule of the constitution which called for a quorum of two thirds and a majority of two thirds. The High Commissioner informed the president of the Senate on May 11, 1922 that he accepted the vote and declared that the amended constitution "is now agreed to by me in accordance with the terms of Article 103 of the Treaty of Versailles". The Council approved his report on May 13 (League of Nations, *Official Journal*, 1922, pp. 532, 668).

The constitution (*ibid.*, Spec. Supp. 7) was amended in 1930 and 1931 with the approval of the Council (*ibid.*, 1930, p. 1794; *ibid.*, 1931, pp. 2253, 2427).

The duties of the High Commissioner were defined by the Council of the League of Nations in a resolution of February 13, 1920. The last High Commissioner completed his tasks on December 27, 1939. He was responsible to the League and reported to the Council. His decisions during the early years dealt with many practical questions and were annually published as Danzig documents. His decisions were either accepted and applied by the parties or were made the subject of direct negotiations between them under his auspices. If no agreement ensued from such negotiations, either party could appeal to the Council.

Though the High Commissioner noted on December 12, 1924 that no appeal had been taken to the Council for nine months, he called attention to the desirability of reducing the number of merely tactical appeals. In consequence, with the support of Poland and Danzig, a detailed procedure was adopted by the Council on June 1, 1925 (League of Nations, *Official Journal*, 1925, pp. 562, 880) under which the system of direct negotiations under the auspices of the High Commissioner was maintained, but he was empowered to take the advice of the League's technical organizations or experts before giving his decisions and before an appeal to the Council.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 103—Continued

The affairs of the Free City were referred by the Council to the Permanent Court of International Justice on six occasions, resulting in advisory opinions rendered on May 16, 1925, concerning the Polish postal service in Danzig (Permanent Court of International Justice, Series B, No. 11); March 3, 1928, jurisdiction of Danzig courts (*ibid.*, Series B, No. 15); August 26, 1930, Danzig and the International Labour Organisation (*ibid.*, Series B, No. 18); December 11, 1931, access to and anchorage in the port of Danzig for Polish war vessels (*ibid.*, Series A/B, No. 43); February 4, 1932, treatment of Polish nationals in Danzig (*ibid.*, Series A/B, No. 44); December 4, 1935, Constitution of the Free City (*ibid.*, Series A/B, No. 65).

In the last opinion the Court found that two decrees of the Senate of the Free City of August 29, 1935, which had been issued by the then National Socialist authorities, violated the guaranties of fundamental rights of individuals granted by the constitution. The decrees made "the fundamental conceptions of a penal law and sound popular feeling" criteria of punishment.

ARTICLE 104.

The Principal Allied and Associated Powers undertake to negotiate a Treaty between the Polish Government and the Free City of Danzig, which shall come into force at the same time as the establishment of the said Free City, with the following objects:

Text of May 7:

A Convention, the terms of which shall be fixed by the Principal Allied and Associated Powers, shall be concluded between the Polish Government and the Free City of Danzig with the following objects:

Note to III, 104

The treaty called for by this article is the convention concluded between Poland and the Free City of Danzig at Paris on November 9, 1920 (6 League of Nations Treaty Series, p. 189), which came into force on November 15, 1920.¹ It provided for a diplomatic representative of the Polish Government to be in residence at Danzig as an intermediary between that Government and the Free City. "Poland was to undertake the conduct of the foreign relations of

¹ Danzig published the record of the negotiation of this convention under the title *Amtliche Urkunden zur Konvention zwischen Danzig und Polen vom 15. November 1920; zusammengestellt und mit Begleitbericht versehen von der nach Paris entsandten Delegation der freien Stadt Danzig.*

PART III: ARTICLE 104

Note to III, 104—Continued

the Free City of Danzig as well as the protection of its nationals abroad." Nationals of the Free City were included on the staff of Polish consulates in foreign places where the Free City had important economic interests and were charged with matters affecting those interests "under the direction and superintendency of the Polish consuls". Exequaturs for foreign consular officers residing at Danzig were issued by the Polish Government in agreement with the authorities of the Free City. Poland bore the costs of the diplomatic and consular representation of the Free City and of the protection of its nationals abroad.

No treaty or international agreement affecting the Free City was to be concluded by Poland without previous consultation with its authorities. The High Commissioner of the League of Nations had the right to veto any such instrument so far as it applied to the Free City if it, in the opinion of the Council of the League of Nations, was inconsistent with the provisions of the present treaty or with the statutes of the Free City. The Danzig merchant flag was restricted to ships owned exclusively by nationals of the Free City, which was obliged to accord in the port of Danzig the same treatment to ships flying the Polish flag as to those flying its own. Poland and the Free City formed one customs area under the Polish customs legislation and tariff. The territory of the Free City formed one administrative unit under the general direction of the Polish central customs administration. The free zone in the port of Danzig was maintained. The convention provided for the Danzig Port and Waterways Board, consisting of five members representing Poland and the Free City, the president being chosen by agreement or by the Council of the League of Nations on request of the High Commissioner. Poland acquired the right of establishing in the port postal, telegraph, and telephone services. The Free City was obliged to apply the provisions relating to minorities included in the treaty between Poland and the Principal Allied and Associated Powers, signed on June 28, 1919 (see p. 791). According to article 39 all differences arising between Poland and the Free City in regard to the convention or any subsequent agreements, arrangements, or conventions "or to any matter affecting the relations between Poland and the Free City" were to be submitted to the High Commissioner, who was entitled to refer them to the Council of the League of Nations, to which either party also had the right to appeal.

An agreement for executing and completing the 1920 convention was concluded at Warsaw on October 24, 1921 between Poland and

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 104—Continued

the Free City of Danzig and entered into force on January 10, 1922 (116 League of Nations Treaty Series). This agreement, in 9 parts and 244 articles, dealt with Polish and Danzig nationals, legal questions, posts, navigation, financial matters, customs, import and export of goods, and supply of food, fuel, and raw materials for the Free City, and also contained a series of special provisions. By article 215 "all restrictions on trade between the Polish Republic and the Free City of Danzig shall be abrogated as from April 1, 1922".

Because Poland granted the Free City rights over and above the provisions of the convention, it stipulated in article 236 of the agreement that "differences of opinion" should not be submitted to the High Commissioner (article 39 of the convention) with regard to permission to engage in trade or manufacture within the territory of the other party, acquisition or alienation of movable and immovable property in the territory of the other party, maritime and inland navigation and fisheries. Poland was entitled to denounce those provisions if this understanding were "declared not to hold good".

The convention of 1920 and the complementary agreement of 1921 by no means comprised all the formal structure of Danzig-Polish relations. The Senate of the Free City in December 1923 issued a *Zusammenstellung der zwischen der Freien Stadt Danzig und der Republik Polen abgeschlossenen Verträge, Abkommen und Vereinbarungen, 1920-23*, which included 45 instruments as follows: 3 economic agreements concluded before the establishment of the Free City; 11 economic agreements; 4 railroad agreements; 3 agreements concerning the harbor board; 24 agreements on various matters. Editions of the *Zusammenstellung* for 1924-27, 1928-32, 1933-34, 1935, 1936, and 1937-38 included over 100 additional agreements between the Free City and Poland.

(1) To effect the inclusion of the Free City of Danzig within the Polish Customs frontiers, and to establish a free area in the port;

Note to III, 104 (1)

Identical statements in the form of separate protocols were jointly signed on August 13, 1932 (League of Nations, *Official Journal*, 1933, p. 143) in which the Polish Government and the Danzig Senate individually declared "that it is determined to take vigorous action

PART III: ARTICLE 104

Note to III, 104 (1)—Continued

in its territory against any economic propaganda directed against Danzig [Polish] establishments or products coming from Danzig [Poland], and to use its authority to prevent hostile acts and demonstrations against persons of Danzig [Polish] origin or nationality”.

Six agreements “on questions of considerable importance to the two countries” were concluded between the Free City and Poland on August 6, 1934 after several months of direct negotiation. The High Commissioner (*ibid.*, 1934, p. 1922) reported them as concerned with the settlement of certain customs questions, the participation of the Free City in Polish import quotas, regulations with regard to foodstuffs and articles of current use, the disposal of agricultural products, a veterinary convention, and an agreement regarding protection of plants. These agreements were in force on September 1, 1934 for an initial period of two years and were considered by the German Consul General at Danzig to have “attained in essence” the aim of Danzig, “provided the agreements concluded are loyally observed by the other party” (Auswärtiges Amt, 1939, No. 2, *Documents on the Origin of the War*, No. 181).

(2) To ensure to Poland without any restriction the free use and service of all waterways, docks, basins, wharves and other works within the territory of the Free City necessary for Polish imports and exports;

(3) To ensure to Poland the control and administration of the Vistula and of the whole railway system within the Free City, except such street and other railways as serve primarily the needs of the Free City, and of postal, telegraphic and telephonic communication between Poland and the port of Danzig;

Note to III, 104 (3)

The Council of the League of Nations took note on January 13, 1922 of a draft agreement between the Polish and Danzig Governments concerning the control and administration of the Vistula (League of Nations, *Official Journal*, 1922, pp. 103, 142).

(4) To ensure to Poland the right to develop and improve the waterways, docks, basins, wharves, railways and other works and means of communication mentioned in this Article, as well as to lease or purchase through appropriate processes such land and other property as may be necessary for these purposes;

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 104 (4)

Owing to differences with the Danzig authorities over port facilities, Poland in 1926 began the development of the port of Gdynia to the west of Danzig. Traffic and trade were diverted from the Free City to this port. By an arrangement of August 5, 1933, Poland undertook to prevent a decrease of the sea-borne traffic then passing through the port of Danzig and insure Danzig's equal participation in future sea-borne import, export, and transit traffic. A protocol of September 18, 1933, prolonged until September 30, 1936, determined the quantities of specified goods to be transhipped by the port of Danzig (League of Nations, *Official Journal*, 1933, p. 1156; *ibid.*, 1934, p. 27; *ibid.*, 1936, p. 212).

(5) To provide against any discrimination within the Free City of Danzig to the detriment of citizens of Poland and other persons of Polish origin or speech;

Note to III, 104 (5)

The treatment of Polish nationals in the Free City was the subject of many differences and finally of an advisory opinion of the Permanent Court of International Justice, which on February 4, 1932 held that such questions were to be decided by reference to the treaties and not to the constitution of the Free City. Agreements of November 26, 1932 and August 5 (initialed), September 18 (signed), 1933 resolved the matter (League of Nations, *Official Journal*, 1932, p. 2282; *ibid.*, 1933, p. 1157).

The 1932 agreement accepted the advisory opinion and dealt with contributions of the Polish Railway Administration to Danzig school expenditures, canceled prohibitions on the sale of certain newspapers in Danzig or Poland, and fixed the currency in which railway charges in Danzig were payable. The 1933 agreement concerned the treatment of Polish nationals in Free City schools. The Free City guaranteed "the free use of the Polish language, both in personal relations and for economic and social purposes". The provisions were to "be construed reasonably" but did not imply "any obligations . . . to maintain a bilingual administration".

(6) To provide that the Polish Government shall undertake the conduct of the foreign relations of the Free City of Danzig as well as the diplomatic protection of citizens of that city when abroad.

ARTICLE 105.

On the coming into force of the present Treaty German nationals ordinarily resident in the territory described in Article 100 will

PART III: ARTICLES 105 TO 107

ipso facto lose their German nationality in order to become nationals of the Free City of Danzig.

Text of May 7:

On the coming into force of the present Treaty German nationals ordinarily resident in the territory of the Free City of Danzig will *ipso facto* become citizens of that city and will lose their German nationality.

ARTICLE 106.

Within a period of two years from the coming into force of the present Treaty, German nationals over 18 years of age ordinarily resident in the territory described in Article 100 will have the right to opt for German nationality.

Option by a husband will cover his wife and option by parents will cover their children less than 18 years of age.

All persons who exercise the right of option referred to above must during the ensuing twelve months transfer their place of residence to Germany.

These persons will be entitled to preserve the immovable property possessed by them in the territory of the Free City of Danzig. They may carry with them their movable property of every description. No export or import duties shall be imposed upon them in this connection.

Note to III, 105, 106

A treaty between Germany and Danzig signed at Danzig November 8, 1920 concerned the regulation of option questions in accordance with articles 105 and 106 (7 League of Nations Treaty Series, p. 323).

ARTICLE 107.

All property situated within the territory of the Free City of Danzig belonging to the German Empire or to any German State shall pass to the Principal Allied and Associated Powers for transfer to the Free City of Danzig or to the Polish State as they may consider equitable.

Note to III, 107

The assessment against the Free City was originally fixed at £227,775, French francs 4,000,000, and 121,000,000 gold marks, which represented a total of £6,781,108. The indebtedness was settled by a total payment of £600,000, of which £360,000 went to the accounts

Note to III, 107—Continued

of the Reparation Commission and £240,000 to those of the Conference of Ambassadors, derived from the Danzig 6½ percent (tobacco monopoly) state loan issued in London on June 25, 1927. In June 1937 the League Loans Committee (London) supported the conversion of the loan to a 4½ percent basis and extension of amortization by 5 years, that is, to 1952. The Danzig Government, then under National Socialist control, decreed as from May 3, 1939 that the loan be converted to a gulden basis, and later that interest be reduced to 4 percent and amortization extended by 25 years. On July 4, 1939 Danzig suspended payment for the service of the loan.

ARTICLE 108.

The proportion and nature of the financial liabilities of Germany and of Prussia to be borne by the Free City of Danzig shall be fixed in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

All other questions which may arise from the cession of the territory referred to in Article 100 shall be settled by further agreements.

Note to III, 108

Germany was credited by the Reparation Commission, on account of German and Prussian public debt allocated to the Free City of Danzig, with the sum of 3,763,729 gold marks.

SECTION XII.—Schleswig.

ARTICLE 109.

The frontier between Germany and Denmark shall be fixed in conformity with the wishes of the population.

For this purpose, the population inhabiting the territories of the former German Empire situated to the north of a line, from East to West (shown by a brown line on the map No. 4, annexed to the present Treaty [Not reproduced.]) :

leaving the Baltic Sea about 13 kilometres east-north-east of Flensburg,

running

south-west so as to pass south-east of: Sygum, Ringsberg, Munkbrarup, Adelby, Tastrup, Jarplund, Oversee, and north-west of:

PART III: ARTICLES 108 TO 109

Langballigholz, Langballig, Bönstrup, Rüllschau, Weseby, Kleinwolstrup, Gross-Solt,

thence westwards passing south of Frörup and north of Wanderup,

thence in a south-westerly direction passing south-east of Oxlund, Stieglund and Ostenau and north-west of the villages on the Wanderup-Kollund road,

thence in a north-westerly direction passing south-west of Löwenstedt, Joldelund, Goldelund, and north-east of Kolkerheide and Högel to the bend of the Soholmer Au, about 1 kilometre east of Soholm, where it meets the southern boundary of the *Kreis* of Tondern,

following this boundary to the North Sea,

passing south of the islands of Fohr and Amrum and north of the islands of Oland and Langeness,

shall be called upon to pronounce by a vote which will be taken under the following conditions:

Text of May 7:

For this purpose, the population inhabiting the territories of the former German Empire situated to the north of a line, from East to West, (shown by a blue line on the map No. 3, annexed to the present Treaty):

starting in the Schleimünde south of Lootsen Island and following the course of the Schlei upstream,

then leaving the Schlei and turning south-west so as to pass south-east of Schleswig, Haddeby and Busdorf and north-west of Fahrdorf, and to meet the Reider Au north-west of Jagel,

following the course of the Reider Au and then the course of the river Treene to a point north-east of Friedrichstadt,

turning south to meet the river Eider passing east of Friedrichstadt,

thence the course of the Eider to the North Sea,

shall be called upon to pronounce by a vote which will be taken under the following conditions:

(1) Within a period not exceeding ten days from the coming into force of the present Treaty, the German troops and authorities (including the *Oberpräsidenten*, *Regierungs-präsidenten*, *Landräthe*, *Amtsvorsteher*, *Oberbürgermeister*) shall evacuate the zone lying to the north of the line above fixed.

Within the same period the Workmen's and Soldiers' Councils which have been constituted in this zone shall be dissolved; members of such Councils who are natives of another region and are exercis-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ing their functions at the date of the coming into force of the present Treaty, or who have gone out of office since March 1, 1919, shall also be evacuated.

The said zone shall immediately be placed under the authority of an International Commission, composed of five members, of whom three will be designated by the Principal Allied and Associated Powers; the Norwegian and Swedish Governments will each be requested to designate a member; in the event of their failing to do so, these two members will be chosen by the Principal Allied and Associated Powers.

The Commission, assisted in case of need by the necessary forces, shall have general powers of administration. In particular, it shall at once provide for filling the places of the evacuated German authorities, and if necessary shall itself give orders for their evacuation, and proceed to fill the places of such local authorities as may be required. It shall take all steps which it thinks proper to ensure the freedom, fairness, and secrecy of the vote. It shall be assisted by German and Danish technical advisers chosen by it from among the local population. Its decisions will be taken by a majority.

One half of the expenses of the Commission and of the expenditure occasioned by the plebiscite shall be paid by Germany.

(2) The right to vote shall be given to all persons, without distinction of sex, who :

(a) Have completed their twentieth year at the date of the coming into force of the present Treaty; and

(b) Were born in the zone in which the plebiscite is taken, or have been domiciled there since a date before January 1, 1900, or had been expelled by the German authorities without having retained their domicile there.

Every person will vote in the commune (*Gemeinde*) where he is domiciled or of which he is a native.

Military persons, officers, non-commissioned officers and soldiers of the German army, who are natives of the zone of Schleswig in which the plebiscite is taken, shall be given the opportunity to return to their native place in order to take part in the voting there.

(3) In the section of the evacuated zone lying to the north of a line, from East to West (shown by a red line on map No. 4 which is annexed to the present Treaty) :

passing south of the island of Alsen and following the median line of Flensburg Fjord,

PART III: ARTICLE 109

leaving the fjord about 6 kilometres north of Flensburg and following the course of the stream flowing past Kupfermühle upstream to a point north of Niehuus,

passing north of Pattburg and Ellund and south of Fröslee to meet the eastern boundary of the *Kreis* of Tondern at its junction with the boundary between the old jurisdictions of Slogs and Kjær (*Slogs Herred* and *Kjær Herred*),

following the latter boundary to where it meets the Scheidebek, following the course of the Scheidebek (*Alte Au*), *Süder Au* and *Wied Au* downstream successively to the point where the latter bends northwards about 1,500 metres west of Ruttebüll,

thence, in a west-north-westerly direction to meet the North Sea north of Sieltoft,

thence, passing north of the island of Sylt,

the vote above provided for shall be taken within a period not exceeding three weeks after the evacuation of the country by the German troops and authorities.

The result will be determined by the majority of votes cast in the whole of this section. This result will be immediately communicated by the Commission to the Principal Allied and Associated Powers and proclaimed.

If the vote results in favour of the reincorporation of this territory in the Kingdom of Denmark, the Danish Government in agreement with the Commission will be entitled to effect its occupation with their military and administrative authorities immediately after the proclamation.

(4) In the section of the evacuated zone situated to the south of the preceding section and to the north of the line which starts from the Baltic Sea 13 kilometres from Flensburg and ends north of the islands of Oland and Langeness, the vote will be taken within a period not exceeding five weeks after the plebiscite shall have been held in the first section.

The result will be determined by communes (*Gemeinden*), in accordance with the majority of the votes cast in each commune (*Gemeinde*).

Text of May 7:

4. In the section of the evacuated zone situated to the south of the preceding section and lying to the north of a line from East to West (shown by a brown line on Map No. 3, annexed to the present Treaty):

leaving the Baltic coast about 13 kilometres east-north-east of Flensburg,

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

running

south-west so as to pass south-east of: Sygum, Ringsberg, Munkbrarup, Adelby, Tastrup, Jarplund, Oversee, and north-west of: Langballigholz, Langballig, Bönstrup, Rüllschau, Weseby, Kleinwolstrup, Gross-Solt,

thence westwards passing south of Frörup and north of Wanderup,

thence in a south-westerly direction passing south-east of Oxlund, Stieglund and Ostenau and north-west of the villages on the Wanderup-Kollund road;

thence, in a north-westerly direction passing south-west of Löwenstedt, Joldelund, Goldelund and north-east of Kolkerheide and Högel to the bend of the Soholmer Au, about 1 kilometre east of Soholm where it meets the southern boundary of the *Kreis* of Tondern,

thence, following this boundary to the North Sea,

thence, passing south of the islands of Föhr and Amrum and north of the islands of Oland and Langeness,

the vote will be taken within a period not exceeding five weeks after the plebiscite has been held in the preceding section.

The result will be determined by communes (*Gemeinden*), according to the majority of the votes cast in each commune (*Gemeinde*).

5. In the section of the evacuated zone situated to the south of the preceding section and to the north of the line which starts from the mouth of the Schlei (Sli) and ends at the mouth of the Eider, the vote will be taken within a period not exceeding two weeks after the plebiscite shall have been held in the second section.

The result will likewise be determined by communes (*Gemeinden*), in accordance with the majority of the votes cast in each commune (*Gemeinde*).

Note to III, 109

The German delegation agreed to the holding of a plebiscite, although this had not been mentioned by President Wilson; it objected, however, to the delimitation of territory proposed and made counterproposals for a smaller area, as well as asking that German officials should continue to function, under the orders of a non-partisan commission (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 840).

The Allied reply pointed out that Prussia had evaded holding the plebiscite promised by the treaty of 1866 (*ibid.*, p. 950). At the request of the Danish Government, the area of the plebiscite had been reduced (Denmark renounced any interest in the third zone). The presence of Norwegian and Swedish representatives on the international commission would insure an impartial plebiscite.

The plebiscites called for by this article were carried out in accordance with the terms of the section. The International Plebiscite Commission for Schleswig issued a proclamation taking over the

Note to III, 109—Continued

plebiscite area on January 10, 1920, the date of the entry of the treaty into force, and at the same time published its regulations, orders, and instructions.

The plebiscite in the northern zone was held on February 10, 1920. The vote was 75,431 for Denmark and 25,328 for Germany, confirming the Danish statement during the peace conference that the area was occupied by Danes.

Zone two, which lay to the south, went to Germany in the voting held on March 14, as a representative of the Danish Government at Paris had predicted, the result of the plebiscite being 12,800 in favor of Denmark and 51,724 in favor of Germany.

The international commission rendered its report on April 16, 1920, indicating the line that should constitute the new frontier, which followed the southern boundary of the northern zone.

A treaty concerning the settlement of questions arising out of the transfer to Denmark of the sovereignty over North Slesvig, signed at Copenhagen April 10, 1922 brought into force on June 7, 1922 (10 League of Nations Treaty Series, p. 73, English at p. 187) agreements to the number of 18. As the totality of such agreements gives a typical conspectus of the details involved in transfer of territory, their titles are listed:

1. Agreement regarding the maintenance of the frontier line between the two countries and the upkeep of the frontier marks.
2. Agreement regarding the use and maintenance of the crossings over the German-Danish frontier.
3. Agreement for the settlement of questions relating to water-courses and dikes on the German-Danish frontier, together with a final protocol and instructions for the Frontier Water Commission and the Supreme Frontier Water Commission.
4. Agreement regarding fisheries and reed-cutting in the Rudebol Lake and the Videa River; and regarding the cutting of hay and bulrushes in the Gotteskoog, together with final protocol.
5. Agreement regarding the future use of the Bov and Handewitt cemeteries.
6. Agreement regarding immunity from taxation in respect of sales of landed property in the frontier zone.
7. Agreement regarding the regulation of navigation in German-Danish frontier waters.
8. Agreement regarding pilotage in the Flensburg Fjord.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 109—Continued

9. Agreement regarding common fishery rights in the Flensburg Fjord.
10. Agreement regarding fisheries on the Breitgrund, with final protocol.
11. Agreement regarding the carrying out of articles 112 and 113 of the Treaty of Versailles, with final protocol.
12. Agreement regarding provision for the welfare of military pensioners, with final protocol.
13. Agreement for the settlement of questions connected with taxation, with final protocol.
14. Agreement regarding the carrying out of article 312 of the Treaty of Versailles, with final protocol.
15. Agreement regarding the cession to Denmark of state rent-rights, etc., in North Slesvig, with final protocol.
16. Agreement regarding the transfer of land registration documents.
17. Agreement regarding the handing over of administrative archives.
18. Notes, exchanged on July 12, 1921, regarding the appointment of a commission to divide and allot the property and debts, etc., of statutory public bodies whose land has been intersected by the new frontier.

In addition there were the following four agreements:

- Agreement on passports for inhabitants of the frontier zone, October 23, 1920, and supplementary agreement, July 12, 1921 (26 League of Nations Treaty Series, p. 152).
- Agreement regarding minor frontier traffic, October 23, 1920, and supplementary agreement, July 12, 1921 (26 *ibid.*, p. 152).
- Agreement regarding the regulation of the grazing traffic on the German-Danish frontier, April 10, 1922 (29 *ibid.*, p. 9).
- Agreement regarding the transfer of the administration of justice in the territories of Northern Slesvig, Copenhagen, July 12, 1921, in force January 31, 1922 (8 *ibid.*, p. 397).

ARTICLE 110.

Pending a delimitation on the spot, a frontier line will be fixed by the Principal Allied and Associated Powers according to a line based on the result of the voting, and proposed by the International

PART III: ARTICLE 110

Commission, and taking into account the particular geographical and economic conditions of the localities in question.

From that time the Danish Government may effect the occupation of these territories with the Danish civil and military authorities, and the German Government may reinstate up to the said frontier line the German civil and military authorities whom it has evacuated.

Germany hereby renounces definitively in favour of the Principal Allied and Associated Powers all rights of sovereignty over the territories situated to the north of the frontier line fixed in accordance with the above provisions. The Principal Allied and Associated Powers will hand over the said territories to Denmark.

Text of May 7:

Pending a delimitation on the spot, a frontier line will be fixed by the Principal Allied and Associated Powers according to a line based on the result of the voting, and proposed by the International Commission, and taking into account the particular geographical and economic conditions of the localities in question.

From that time the Danish Government may effect the occupation of these territories with the Danish civil and military authorities, and the German Government may reinstate up to the said frontier line the German civil and military authorities whom it has evacuated.

Germany hereby renounces definitively in favour of the Principal Allied and Associated Powers all rights of sovereignty over the territories situated to the north of the frontier line fixed in accordance with the above provisions. The Principal Allied and Associated Powers will hand over the said territories to Denmark.

Note to III, 110

This renunciation by Germany in favor of the Principal Allied and Associated Powers placed upon them the responsibility for fixing the frontier line resulting from the plebiscite, which was notified to Germany and Denmark on June 15, 1920. There remained to be effected the transfer by them to Denmark of the delimited territory. A treaty between the British Empire, France, Italy, and Japan and Denmark was signed at Paris on July 5, 1920 and brought the transfer and the frontier as there defined into effect on December 15, 1920 (2 League of Nations Treaty Series, p. 241). The territories assigned to Denmark were declared to "remain henceforth inalienable except with the consent of the Council of the League of Nations". The United States, on ratifying the Treaty of Versailles, was "*ipso facto* entitled to adhere to the present treaty"; but see opening note to part III, above.

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ARTICLE 111.

A Commission composed of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Denmark, and one by Germany, shall be constituted within fifteen days from the date when the final result of the vote is known, to trace the frontier line on the spot.

The decisions of the Commission will be taken by a majority of votes and shall be binding on the parties concerned.

Text of May 7:

A Commission composed of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Denmark, and one by Germany shall be constituted within fifteen days from the date when the final result of the vote is known, to trace the frontier line on the spot.

The decisions of the Commission will be taken by a majority of votes and shall be binding on the parties concerned.

ARTICLE 112.

All the inhabitants of the territory which is returned to Denmark will acquire Danish nationality *ipso facto*, and will lose their German nationality.

Persons, however, who had become habitually resident in this territory after October 1, 1918, will not be able to acquire Danish nationality without permission from the Danish Government.

ARTICLE 113.

Within two years from the date on which the sovereignty over the whole or part of the territory of Schleswig subjected to the plebiscite is restored to Denmark:

Any person over 18 years of age, born in the territory restored to Denmark, not habitually resident in this region, and possessing German nationality, will be entitled to opt for Denmark;

Any person over 18 years of age habitually resident in the territory restored to Denmark will be entitled to opt for Germany.

Option by a husband will cover his wife and option by parents will cover their children less than 18 years of age.

Persons who have exercised the above right to opt must within the ensuing twelve months transfer their place of residence to the State in favour of which they have opted.

They will be entitled to retain the immovable property which they own in the territory of the other State in which they were

PART III: ARTICLES 111 TO 115

habitually resident before opting. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

Note to III, 112–113

For the agreements of April 10, 1922 carrying out articles 112 and 113, see 10 League of Nations Treaty Series, pp. 259, 267 (English).

Denmark took pride in the standards of treatment established for German-speaking nationals. The Danish Ministry for Foreign Affairs published in 1924, 1929, and 1936 editions of the following brochure: *The German Minority in South Jutland: A Summary of the Danish Legislation.*

ARTICLE 114.

The proportion and nature of the financial or other obligations of Germany and Prussia which are to be assumed by Denmark will be fixed in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

Further stipulations will determine any other questions arising out of the transfer to Denmark of the whole or part of the territory of which she was deprived by the Treaty of October 30, 1864.

Note to III, 114

Denmark assumed 2,000,000 gold marks of the German imperial and state debts.

Public property transferred and paid for by Denmark to the Reparation Commission to the credit of Germany was appraised at 63,000,000 gold marks. The payments were promptly made by Denmark.

The treaty of October 30, 1864 (54 *British and Foreign State Papers*, p. 522) was concluded at Vienna between Austria, Denmark, and Prussia and provided for the cession of Schleswig-Holstein to Austria and Prussia.

SECTION XIII.—Heligoland.

ARTICLE 115.

The fortifications, military establishments, and harbours of the Islands of Heligoland and Dune shall be destroyed under the supervision of the Principal Allied Governments by German labour and at the expense of Germany within a period to be determined by the said Governments.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

The term "harbours" shall include the north-east mole, the west wall, the outer and inner breakwaters and reclaimed land within them, and all naval and military works, fortifications and buildings, constructed or under construction, between lines connecting the following positions taken from the British Admiralty chart No. 126 of April 19, 1918:

- (a) lat. 54° 10' 49"N.; long. 7° 53' 39"E.;
- (b) - 54° 10' 35"N.; - 7° 54' 18"E.;
- (c) - 54° 10' 14"N.; - 7° 54' 00"E.;
- (d) - 54° 10' 17"N.; - 7° 53' 37"E.;
- (e) - 54° 10' 44"N.; - 7° 53' 26"E.

These fortifications, military establishments and harbours shall not be reconstructed, nor shall any similar works be constructed in future.

Note to III, 115

The island of Heligoland was ceded to Germany by Great Britain under an agreement of July 1, 1890 relative to spheres of influence in Africa, which involved the cession of Zanzibar to Great Britain and of Heligoland to Germany (82 *British and Foreign State Papers*, p. 35). The assent of the British Parliament was given to the cession of Heligoland on August 4, 1890 by 53 & 54 Vict. c. 32

Concerning the destruction of the fortifications, the German delegation asked that measures for protecting the coast and the fishing industry of the island should be continued (*Foreign Relations, The Paris Peace Conference, 1919*, vi, 841).

The Allies replied that any naval harbors would be destroyed, but that an Allied commission would decide what must be done about the coast to prevent refortification (*ibid.*, p. 951). "The Article must accordingly be accepted unconditionally."

The Conference of Ambassadors appointed a Heligoland subcommission of the Inter-Allied Naval Control Commission, which completed its work and was suppressed by that body on September 3, 1921, the commission itself continuing quarterly inspections of the island until its dissolution on September 30, 1924.

SECTION XIV.—*Russia and Russian States.*

ARTICLE 116.

Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914.

PART III: ARTICLE 116

In accordance with the provisions of Article 259 of Part IX (Financial Clauses) and Article 292 of Part X (Economic Clauses) Germany accepts definitely the abrogation of the Brest-Litovsk Treaties and of all other treaties, conventions and agreements entered into by her with the Maximalist Government in Russia.

The Allied and Associated Powers formally reserve the rights of Russia to obtain from Germany restitution and reparation based on the principles of the present Treaty.

Note to III, 116

Germany did not intend to interfere in any territory which had belonged to the Russian Empire and had already renounced the Treaty of Brest-Litovsk by the armistice; but it could not, said the German delegation, recognize a right on the part of Russia to demand restoration and reparation, and it could recognize the relevant treaties and agreements only if they were known to it and acceptable (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 845).

The Allies declined to make any changes in the treaty (*ibid.*, p. 951).

The term *Maximalist* refers to the Bolshevik Government of Russia.

The treaties which were abrogated in virtue of the second paragraph and also of articles 259, 292, and 433 are listed in a note to article 433.

At the time this treaty was concluded affairs in Russia were unsettled, with the Bolshevik Government in power engaged in resisting the efforts of several military leaders to dislodge it. Uncertainty existed as to whether the parts of the former empire which had become independent would remain so or whether the Bolsheviks would or could maintain the unity of the territory under their control. By this article Germany disinterested itself in these matters. Paragraph 3 reflected the hope that the Bolsheviks would be replaced by another regime.

Germany and the Russian Socialist Federated Soviet Republic at Rapallo on April 16, 1922 (19 League of Nations Treaty Series, p. 247) signed an agreement which provided for a mutual waiver of "claims for compensation for expenditure incurred on account of the war, and also for war damages", as well as for prisoners of war, for the period during which the parties were at war, that is, August 1, 1914 to March 3, 1918. Diplomatic and consular relations were resumed and most-favored-nation treatment in commercial and economic relations stipulated. This agreement was followed on Novem-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to III, 116—Continued

ber 5, 1922 by a treaty extending the Rapallo provisions to the Ukraine, Byelo-Russian, Georgian, Azerbaijan, and Armenian Socialist Soviet Republics and the Republic of the Far East (Martens, *Nouveau recueil général de traités*, 3^e série, XIII, 645; *Reichsgesetzblatt*, 1923, II, 315); the instrument was one of the diplomatic preparations for the formation of the Union of Soviet Socialist Republics. These instruments were confirmed and cast in a framework of pacific settlement by a treaty signed at Berlin on April 24, 1926 (53 League of Nations Treaty Series, p. 388). In its five-year period this treaty was extended still further by an agreement on pacific settlement signed January 25, 1929 (90 *ibid.*, p. 220), and at the end of that period, June 28, 1931, the whole set of these instruments was prolonged until notice of termination. That system of relations remained in force simultaneously with the German-initiated "anti-Comintern pact", which first was signed on November 25, 1936 (Martens, *op. cit.*, XXXIII, 376), which, in turn, continued in force alongside the treaty of non-aggression between the German Reich and the Soviet Union of August 23, 1939 (*Reichsgesetzblatt*, 1939, II, 968). The attack by Germany upon the Soviet Union on June 22, 1941 rendered this treaty structure inoperative, without abrogating it.

"In the case of Poland, no doubt arose in the minds of the [Reparation] Commission that Poland could not have constituted an independent State during the war, and the Commission came to the conclusion that any claim which Poland might have must be limited to such claim as could be sustained under Article 116 of the Treaty on the ground that part of Poland was during the war a part of Russia. It accordingly decided to transmit the claims received from the Polish Government with the following statement: 'The Reparation Commission transmits to the German Government, with a view to their examination and subsequent settlement in accordance with the terms of Article 116 of the Treaty of Versailles, the attached claims for damages received by it from the Polish Government.'" Reparation Commission, *Report on the Work of the Reparation Commission From 1920 to 1922*, p. 41.

ARTICLE 117.

Germany undertakes to recognize the full force of all treaties or agreements which may be entered into by the Allied and Associated Powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognize the frontiers of any such States as determined therein.

PART IV.

GERMAN RIGHTS AND INTERESTS
OUTSIDE GERMANY.

[The vertical rule indicates treaty text.]

Notes to Part IV, Articles 118 to 158

The treaty restoring friendly relations between the United States and Germany signed at Berlin August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921 stipulates that "Germany undertakes to accord to the United States and the United States shall have and enjoy . . . all the rights and advantages" stipulated for its benefit by this part of this treaty, "notwithstanding the fact that such treaty has not been ratified by the United States". The rights and advantages of nationals of the United States specified in the joint resolution of Congress approved July 2, 1921 (p. 18) were specifically mentioned in an understanding included in the Senate's resolution of advice and consent to ratification of October 18, 1921. The Senate in that resolution made a further condition "that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation."

This section is, *ipsissimis verbis*, an annex, technically a schedule, of the treaty restoring friendly relations as printed by the Department of State in Treaty Series 658, but not as printed in 42 Stat. 1939.

ARTICLE 118.

In territory outside her European frontiers as fixed by the present Treaty, Germany renounces all rights, titles and privileges whatever in or over territory which belonged to her or to her allies, and all rights, titles and privileges whatever their origin which she held as against the Allied and Associated Powers.

Germany hereby undertakes to recognise and to conform to the measures which may be taken now or in the future by the Principal Allied and Associated Powers, in agreement where necessary with third Powers, in order to carry the above stipulation into effect.

In particular Germany declares her acceptance of the following Articles relating to certain special subjects.

Note to IV, 118

The principle of article 118 that Germany should have "no rights of any sort outside of its territories in Europe" would, contended the German delegation, make it impossible for Germany to continue to exist (*Foreign Relations, The Paris Peace Conference, 1919, vi, 845*). Germany needed shipping for the importation of raw materials and food, but was required to hand over its overseas fleet which happened to be in every port at the outbreak of war. Furthermore, by refusing to recognize the decisions of German prize courts or German claims for damages, the Allies were making it difficult for Germany to re-constitute a merchant marine.

Germany's cables were to be taken as reparation. German concessions in China, Siam, Liberia, Morocco, Egypt, Russia, Austria, Hungary, Bulgaria, and Turkey were to be liquidated. German debtors would have to pay at the pre-war rate of exchange, but German creditors were forced to renounce the amounts due them because these were to be credited against reparation. Germans resident abroad were to be subjected to "an intolerable supervision and uncertainty".

The German delegation could not reconcile these provisions with "impartial justice". They would bring great advantage to the foreign merchant competing with the Germans, but would do nothing toward repairing the damage which Germany had undertaken to make good. The German people consequently believed that the Allies intended to suppress German commercial competition. Therefore, the German delegation placed great stress on the necessity for "complete reciprocity and freedom of action" to be assured to Germany.

To those arguments of the German delegation the Allied and Associated Powers on June 16, 1919 replied by citing German evidence concerning the colonial administration. They felt the peace of the world required protection "against a military imperialism, which sought to establish bases whence it could pursue a policy of interference and intimidation" (*ibid.*, p. 951).

SECTION I.—German Colonies.

ARTICLE 119.

Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions.

Note to IV, 119

The demand that Germany renounce all its colonies was declared by the German delegation to be "in irreconcilable contradiction" to

Note to IV, 119—Continued

President Wilson's Fifth Point, which promised an open, frank, and impartial settlement of colonial claims (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 841). Germany had acquired its colonies lawfully and had developed them laboriously. The need for them was greater than ever as, owing to the unfavorable rate of exchange, Germany must obtain raw materials as far as possible from its colonies. The colonies were needed also as markets for goods and settlements for surplus population.

As a great civilized nation Germany had the right and the duty to cooperate in the exploration of the world and the education of backward races, and had in fact accomplished great things by introducing peace, order, justice, health, education, and Christianity. Germany had protected the interests of the natives, had not militarized them; the principle of the open door had been maintained. The demand that Germany renounce its colonies was therefore unjust.

The provisions that all state property should pass to the mandatory powers without compensation and that they should not assume the debts of the colonies were unacceptable. So also was the provision that private property should pass to the arbitrary control of the mandatories, a provision that defied "all principles of international and public law". Germany therefore asked for the reference of colonial questions to a special commission and at the same time declared its willingness to administer the colonies as a mandatory of the League of Nations on condition of being admitted immediately as a member with equal rights.

The Allies replied that they had "placed before every other consideration the interests of the native population" and that "Germany's dereliction in the sphere of colonial civilisation" did not permit them to "make a second experiment" or not "safeguard their own security and the Peace of the world".

The loss of the colonies would not hinder Germany's normal economic development, for its trade with the colonies in 1913 accounted for only one half of one percent of both imports and exports. "For climatic reasons and other natural causes" the colonies could accommodate only "a very small proportion" of German emigration, as proved by the small number of colonists resident there.

The conditions for the transfer of the colonies were held to be "in conformity with the rules of International Law and Equity", and it would be unjust to burden the natives with the debts of the German Government. The Allies had to reserve full liberty of action to determine whether Germans would be allowed to establish themselves

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to IV, 119—Continued

in the colonies, and Germany would have to subscribe to the colonial conventions mentioned in the text.

In order that no misunderstanding should exist as regards the property of German missions, the Allies "explicitly stated that the property of these missions will be handed over to boards of trustees appointed by or approved by the Governments and composed of persons holding the faith of the mission whose property is involved".

See article 22 for the allocation of the territories referred to under the mandatory system. The provisions of this section having a general application were incorporated in the mandates drawn up for the several territories.

For special provision relating to German Samoa, see article 288.

The United States on November 9, 1920 declared to the other governments to which Germany renounced the territories that "at the previous request of President Wilson" at the Paris Peace Conference and in the hope that it might be made available by agreement as an international cable station, "it is the understanding of the Government that the Island of Yap was not included in the action of the Supreme Council on May 7, 1919". The Governments of Great Britain, France, Italy, and Japan did not share that understanding and correspondence ensued which involved the terms of the mandate under which Japan was to administer the former German islands north of the equator. The Governments of the United States and Japan reached an agreement with regard to the temporary operation of the Naba-Yap-Guam cables, with the consent of Great Britain, France, and Italy; this agreement was evidenced by Executive Order No. 3600, December 24, 1921, and an exchange of notes of January 30, February 4, 1922 (*Foreign Relations*, 1921, II, 310-13).

The preoccupation of the United States with arrangements for communication facilities was further recorded in the treaty with Japan regarding rights in former German islands in the Pacific Ocean north of the equator and in particular the Island of Yap, concluded at Washington February 11, 1922, article III of which reads (Treaty Series 664) :

"The United States and its nationals shall have free access to the Island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any

PART IV: ARTICLES 120 TO 121

Note to IV, 119—Continued

cable which may hereafter be laid or operated by the United States or by its nationals connecting with the Island of Yap.

“The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radio-telegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the Island of Yap an adequate radio-telegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radio-telegraphic stations on the Island by the United States or its nationals shall be suspended.”

The United States accepted the Japanese statement as “cooperating effectively” and took no further steps.

ARTICLE 120.

All movable and immovable property in such territories belonging to the German Empire or to any German State shall pass to the Government exercising authority over such territories, on the terms laid down in Article 257 of Part IX (Financial Clauses) of the present Treaty. The decision of the local courts in any dispute as to the nature of such property shall be final.

ARTICLE 121.

The provisions of Sections I and IV of Part X (Economic Clauses) of the present Treaty shall apply in the case of these territories whatever be the form of Government adopted for them.

Note to IV, 121

The Belgian Government relinquished its claims against Germany under this article and forewent the exercise of its powers under article 297 (b) in virtue of the agreement regarding German property, rights and interests in Belgium, signed at Berlin, July 17, 1929, in force May 17, 1930 (104 League of Nations Treaty Series, p. 211). This was in accordance with the recommendations of the report of the Committee of Experts, June 7, 1929 (Young Plan), which liquidated the past and consolidated all claims against Germany in a single series of payments.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ARTICLE 122.

The Government exercising authority over such territories may make such provisions as it thinks fit with reference to the repatriation from them of German nationals and to the conditions upon which German subjects of European origin shall, or shall not, be allowed to reside, hold property, trade or exercise a profession in them.

ARTICLE 123.

The provisions of Article 260 of Part IX (Financial Clauses) of the present Treaty shall apply in the case of all agreements concluded with German nationals for the construction or exploitation of public works in the German oversea possessions, as well as any sub-concessions or contracts resulting therefrom which may have been made to or with such nationals.

Note to IV, 123

The Reparation Commission and the German Government on September 16, 1926 signed an agreement relative to the application of articles 123 and 260. It related principally to the repatriation of securities and documents to Germany.

ARTICLE 124.

Germany hereby undertakes to pay, in accordance with the estimate to be presented by the French Government and approved by the Reparation Commission, reparation for damage suffered by French nationals in the Cameroons or the frontier zone by reason of the acts of the German civil and military authorities and of German private individuals during the period from January 1, 1900, to August 1, 1914.

Note to IV, 124

The Reparation Commission's decision on January 18, 1921 did not include these damages in reparation under article 233, the amount not having been notified to Germany before May 1, 1921. Later the Reparation Commission approved a French claim amounting to 16,184 gold marks, in virtue of article 8 A, *d*, of the Finance Ministers' Agreement of January 14, 1925.

ARTICLE 125.

Germany renounces all rights under the Conventions and Agreements with France of November 4, 1911, and September 28, 1912,

PART IV: ARTICLES 122 TO 126

relating to Equatorial Africa. She undertakes to pay to the French Government, in accordance with the estimate to be presented by that Government and approved by the Reparation Commission, all the deposits, credits, advances, etc., effected by virtue of these instruments in favour of Germany.

Note to IV, 125

One convention between France and Germany concerning Morocco signed at Berlin November 4, 1911 (104 *British and Foreign State Papers*, p. 948) terminated what was known as the "Agadir crisis" and secured for France, so far as Germany was concerned, recognition of a special position in Morocco, subject to certain privileges obtained by Germany. A second convention of the same date provided for cessions to Germany of considerable areas of French Equatorial Africa adjacent to German colonies (*ibid.*, p. 956). Both conventions were accompanied by explanatory correspondence.

France and Germany signed a protocol at Paris on September 12, 1912 (106 *ibid.*, p. 1001) concerning the delimitation of the new boundaries in Africa. Two declarations of September 28, 1912 (*ibid.*, pp. 974, 1001) dealt respectively with delimitation of the frontier between French Equatorial Africa and Kamerun and between the French possessions of Dahomey and Sudan and German Togoland.

On March 25, 1925 the Reparation Commission fixed at 17,926 gold marks the amount due from Germany to France, this amount by article 8 A, *d*, of the Finance Ministers' Agreement of January 14, 1925, being determined as arrears of German payments. In reaching that decision, the commission ruled that France was not entitled to reimbursement for the royalties paid to the German Government by French companies which were working concessions during the time when the territories were ceded to Germany by the 1911 and 1912 instruments, since they were then under German sovereignty. The payment was made in respect of deposits transferred to the German Government in execution of the convention of September 28, 1912.

ARTICLE 126.

Germany undertakes to accept and observe the agreements made or to be made by the Allied and Associated Powers or some of them with any other Power with regard to the trade in arms and spirits, and to the matters dealt with in the General Act of Berlin of February 26, 1885, the General Act of Brussels of July 2, 1890, and the conventions completing or modifying the same.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Text of May 7:

Germany undertakes to accept and observe the agreements made or to be made by the Allied and Associated Powers or some of them with any other Power with regard to the trade in arms and spirits, and to the matters dealt with in the General Act of Berlin of the 26th February, 1885, and the General Act of Brussels of the 2nd July, 1890.

Note to IV, 126

The General Act of Berlin of February 23, 1885 (76 *British and Foreign State Papers*, p. 4) concerns the Congo trade, slave trade, and navigation of rivers in Africa. The United States was not a party to it. The General Act of Brussels of July 2, 1890 (Treaty Series 383; William M. Malloy (ed.), *Treaties, Conventions, etc., Between the United States of America and Other Powers, 1776-1909*, II, 1964) dealt with the repression of the slave trade. A convention revising both these acts was signed at Saint-Germain-en-Laye on September 10, 1919 (Treaty Series 877; 49 Stat. 3027; *Treaties, Conventions, etc., 1923-37*, IV, 4849). A convention concerning the liquor traffic in Africa was signed at Saint-Germain-en-Laye on September 10, 1919 (Treaty Series 779; 46 Stat. 2199; *Treaties, Conventions, etc., 1923-37*, IV, 4856).

ARTICLE 127.

The native inhabitants of the former German oversea possessions shall be entitled to the diplomatic protection of the Governments exercising authority over those territories.

Note to IV, 127

The former German territories placed under mandate in virtue of article 22 of the Covenant of the League of Nations have been administered as "B" and "C" mandated territories. On the national status of their inhabitants the Permanent Mandates Commission reached these conclusions in 1923:

"1. . . . The native inhabitants of B and C mandated territories should be granted a national status wholly distinct from that of the nationals of the mandatory power.

"2. A special law of the mandatory power should determine the status of these native inhabitants, who might be given a designation such as 'administered persons under mandate' or 'protected persons under mandate' of the mandatory power."

Replies to a questionnaire authorized by the Council on March 5, 1928 showed that the mandatories had taken such measures, but a

PART IV: ARTICLES 127 TO 128

Note to IV, 127—Continued

single formula to describe the nationality of natives under B and C mandates was not adopted.

The nationality of inhabitants of A mandates is determined by their legislative bodies. Abroad, the nationals of territories under A and B mandates are, by recommendation of the Council on September 9, 1930, accorded the advantages of nationals of members of the League in the territories of the latter.

SECTION II.—China.

Notes to Part IV, Sections II to VIII, Articles 128 to 158

The treaty restoring friendly relations between the United States and Germany signed at Berlin August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921 stipulates in article II (3) "that the United States assumes no obligations under or with respect to the provisions" in sections II-VIII. The Senate of the United States, in its resolution of October 18, 1921 giving advice and consent to the ratification of the treaty restoring friendly relations, stipulated "that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation."

Part IV, sections II-VIII, were not printed as a schedule of the treaty restoring friendly relations by the Department of State in Treaty Series 658, nor in 42 Stat. 1939. The entire treaty of peace with Germany, as well as those with Austria and Hungary, was printed as a separate appendix to the treaty restoring friendly relations in the volume compiled under resolution of the Senate of August 19, 1921, and published as Senate Document 348, 67th Congress, 4th session, serial 8167 (*Treaties, Conventions, etc.*, 1910-23, III, 3329).

ARTICLE 128.

Germany renounces in favour of China all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and from all annexes, notes and documents supplementary thereto. She likewise renounces in favour of China

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

any claim to indemnities accruing thereunder subsequent to March 14, 1917.

Note to IV, 128

The final protocol of September 7, 1901 (*Treaties, Conventions, etc.*, 1776-1909, II, 2006) gave Germany, Austria-Hungary, Belgium, Spain, the United States, France, Great Britain, Italy, Japan, the Netherlands, and Russia indemnity for the Boxer outbreak as well as treaty rights and rights of occupation in China. Germany was eliminated by this article, as were Austria and Hungary in the treaties of peace with them, by articles 113 and 97 respectively.

Germany had been chiefly responsible for fixing the indemnity at the very high figure of 450,000,000 Haikwan taels gold (\$333,900,000) at 4 percent, payable during 40 years.

The United States Government obtained from Congress on May 25, 1908 (35 Stat. 577) authorization to reduce its total receipts from China from \$24,440,778.81 to \$13,655,492.69 and to remit \$11,961,121.76 to China for educational purposes. The remitted amount was devoted by China to paying the expenses of selected Chinese students in the United States.

Understandings reached by memoranda exchanged between the representatives of Belgium, France, Great Britain, Italy, Japan, Portugal, and Russia on September 8, 1917, and the Chinese Foreign Office on October 6, 1917, provided, among other things, for a postponement without interest of the annual instalments during a period of five years (*Foreign Relations*, 1917, supp. 2, I, 686, 702). German and Austro-Hungarian benefits were then said to be abrogated, and this was effected in the treaties of peace by formal renunciation. The Chinese Government proposed a further two-year postponement in a note of June 19, 1922 (*ibid.*, 1922, I, 809). This was dropped when it appeared that (1) Italy refused; (2) France was devoting receipts to rehabilitation of the Banque industrielle de Chine; and (3) Japan was opposed in principle. In November 1922, however, the British and United States Governments agreed between themselves that they would remit the indemnity when they had legislative authorization to do so.

The chairman of the Senate Committee on Foreign Relations in 1921 asked for information concerning the status of the indemnity and, on the basis of that information, introduced a proposal which, as a joint resolution of Congress approved May 21, 1924 (43 Stat. 135), authorized the remission of the balance due under the original bond, then amounting to \$6,137,552.90, which

PART IV: ARTICLE 129

Note to IV, 128—Continued

was devoted by China to establishing the China Foundation for the Promotion of Education and Culture (*ibid.*, 1925, I, 935). British acts of Parliament of June 30, 1925 (15 & 16 Geo. V, c. 41) and March 3, 1931 (21 Geo. V, c. 7) established the China Indemnity Fund for the management of sums received after December 1, 1922 on account of the indemnity. The fund was applied to mutually beneficial educational or other purposes under the direction of the Chinese Government Purchasing Commission (121 *British and Foreign State Papers*, p. 273; and 134 *ibid.*, p. 20). The funds were used for railroad rehabilitation under the provisions of an exchange of notes of September 19 and 22, 1930 (132 *ibid.*, p. 230).

The Soviet Union renounced the Russian share of the indemnity by a declaration of May 31, 1924 accompanying the agreement with China for the settlement of pending questions (37 League of Nations Treaty Series, p. 176; 122 *British and Foreign State Papers*, p. 269). A fund for the promotion of education among the Chinese people was to be set up under a commission appointed by both Governments.

The Soviet Union by article III of the agreement of May 31, 1924 agreed to annul all instruments concluded by the Tsarist Government with China at a future conference. This meeting was held in August 1925 without, however, definite results (*China Year-Book*, 1926, p. 1096).

In its treaty with China of January 11, 1943 the United States agreed "that the rights accorded to the Government of the United States of America under that Protocol [of September 7, 1901] and under agreements supplementary thereto shall cease" and stated its opinion that the protocol itself should be terminated. This treaty for the relinquishment of extraterritorial rights in China and the regulation of related matters entered into force on May 20, 1943 (Treaty Series 984). The United Kingdom's treaty with China of even date effected the same result (United Kingdom, Treaty Series No. 2 (1943); Cmd. 6456). Belgium concluded a similar treaty with China on October 20, 1943; the Netherlands on May 29, 1945; and France on February 28, 1946.

The position of Italy, Japan, and Spain with respect to the protocol of 1901 remains to be regulated.

March 14, 1917 is the date of China's breaking off diplomatic relations with Germany; war was declared as of August 14, 1917, 10 a.m.

ARTICLE 129.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them respectively:

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

(1) The Arrangement of August 29, 1902, regarding the new Chinese customs tariff;

(2) The Arrangement of September 27, 1905, regarding Whang-Poo, and the provisional supplementary Arrangement of April 4, 1912.

China, however, will no longer be bound to grant to Germany the advantages or privileges which she allowed Germany under these Arrangements.

Note to IV, 129

China did not sign this treaty for reasons connected with the terms of articles 156-58. The agreements between China and Germany of May 20, 1921 regarding the restoration of peace (9 League of Nations Treaty Series, p. 271) consist of a covering letter, a German declaration and a Chinese letter of confirmation, an agreement, and an exchange of notes. In the covering letter the German Consul General at Peking wrote to the Chinese Minister for Foreign Affairs:

“In compliance with instructions from my Government, I have the honour to inform you once more that it is not prepared at the present time to declare again its general recognition of the Treaty of Versailles. Such a step would be equivalent to a voluntary acceptance of the Treaty on the part of the German Government, and would prejudice the subsequent revision of the said Treaty. The German Government would not, however, raise any objection should China, apart from the provisions of Articles 128 to 134 of the Treaty, avail herself of certain other rights which she derives from the Treaty, and which she may consider of importance to herself, either in their present form or, should the Treaty be revised, in their modified form.”

According to the preamble of the declaration “Germany undertakes to fulfil toward China the obligations arising out of articles 128 to 134.” Germany in the declaration consented to the abrogation of consular jurisdiction in China. By the agreement diplomatic agents were exchanged and rights of residence accorded.

The arrangement of August 29, 1902 (37 *British and Foreign State Papers*, p. 695) was signed by the United States, though not brought into force by it. A treaty between China and the United States signed October 8, 1903 (Treaty Series 430; *Treaties, Conventions, etc.*, 1776-1909, I, 261) was applicable at the conclusion of this treaty, as well as similar bilateral treaties with Great Britain and Japan. The treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal

PART IV: ARTICLES 130 TO 131

Note to IV, 129—Continued

relating to the Chinese customs tariff signed at Washington February 6, 1922 (Treaty Series 724; *Treaties, Conventions, etc.*, 1910–23, III, 3125) provided for a Revision Commission which met at Peking from October 1925 until July 1926. China's tariff autonomy by January 1, 1929 was contemplated but not realized by that date.

The arrangements regarding the Whang-Poo conservancy (near Shanghai) are printed, *ibid.*, 1776–1909, II, 2013, and *ibid.*, 1910–23, III, 3043, where the supplementary article of January 19, 1916 is also given.

ARTICLE 130.

Subject to the provisions of Section VIII of this Part, Germany cedes to China all the buildings, wharves and pontoons, barracks, forts, arms and munitions of war, vessels of all kinds, wireless telegraphy installations and other public property belonging to the German Government, which are situated or may be in the German Concessions at Tientsin and Hankow or elsewhere in Chinese territory.

It is understood, however, that premises used as diplomatic or consular residences or offices are not included in the above cession, and, furthermore, that no steps shall be taken by the Chinese Government to dispose of the German public and private property situated within the so-called Legation Quarter at Peking without the consent of the Diplomatic Representatives of the Powers which, on the coming into force of the present Treaty, remain Parties to the Final Protocol of September 7, 1901.

Note to IV, 130

The "glacis" appertaining to the German Legation at Peking was renounced by the declaration of May 20, 1921 in favor of China under the conditions of this article.

ARTICLE 131.

Germany undertakes to restore to China within twelve months from the coming into force of the present Treaty all the astronomical instruments which her troops in 1900–1901 carried away from China, and to defray all expenses which may be incurred in effecting such restoration, including the expenses of dismounting, packing, transporting, insurance and installation in Peking.

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ARTICLE 132.

Germany agrees to the abrogation of the leases from the Chinese Government under which the German Concessions at Hankow and Tientsin are now held.

China, restored to the full exercise of her sovereign rights in the above areas, declares her intention of opening them to international residence and trade. She further declares that the abrogation of the leases under which these concessions are now held shall not affect the property rights of nationals of Allied and Associated Powers who are holders of lots in these concessions.

ARTICLE 133.

Germany waives all claims against the Chinese Government or against any Allied or Associated Government arising out of the internment of German nationals in China and their repatriation. She equally renounces all claims arising out of the capture and condemnation of German ships in China, or the liquidation, sequestration or control of German properties, rights and interests in that country since August 14, 1917. This provision, however, shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

Note to IV, 133

Germany, in the declaration of May 20, 1921, was prepared to reimburse the Chinese Government for the cost of interning German troops in China. This was in addition to reparation and was effectuated by a payment of \$4,000,000 and debentures of the Tientsin-Pukow and Hukuang Railway.

ARTICLE 134.

Germany renounces in favour of the Government of His Britannic Majesty the German State property in the British Concession at Shameen at Canton. She renounces in favour of the French and Chinese Governments conjointly the property of the German school situated in the French Concession at Shanghai.

Note to IV, 134

Reparation credits to Germany under this article were: German school in French concession at Shanghai, 1,888,456 gold marks; property in the British Concession at Shameen, 538,049 gold marks.

SECTION III.—Siam.

ARTICLE 135.

Germany recognises that all treaties, conventions and agreements between her and Siam, and all rights, title and privileges derived therefrom, including all rights of extraterritorial jurisdiction, terminated as from July 22, 1917.

Note to IV, 135

Siam declared war upon Germany on July 22, 1917.

ARTICLE 136.

All goods and property in Siam belonging to the German Empire or to any German State, with the exception of premises used as diplomatic or consular residences or offices, pass *ipso facto* and without compensation to the Siamese Government.

The goods, property and private rights of German nationals in Siam shall be dealt with in accordance with the provisions of Part X (Economic Clauses) of the present Treaty.

ARTICLE 137.

Germany waives all claims against the Siamese Government on behalf of herself or her nationals arising out of the seizure or condemnation of German ships, the liquidation of German property, or the internment of German nationals in Siam. This provision shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

Note to IV, 137

The protocol to the provisional economic arrangement signed between Germany and Siam at Berlin February 28, 1924 and in force on February 15, 1925 (32 League of Nations Treaty Series, p. 404) provides that "as long as the Provisional Economic Arrangement signed on this day will remain in force Articles 264, 265, 266, 267, 271, 273 (first alinéa), 274, 275, 276, 277, 279, 280, 306 (fifth alinéa), 323, 324, 325, 326 and 327 of Part X of the Treaty of Versailles shall not apply." The arrangement in effect reduced Siam's claims to the amounts realized from German property already in its possession.

SECTION IV.—*Liberia.*

ARTICLE 138.

Germany renounces all rights and privileges arising from the arrangements of 1911 and 1912 regarding Liberia, and particularly the right to nominate a German Receiver of Customs in Liberia.

Text of May 7:

Germany renounces all rights and privileges arising from the arrangements of 1911 and 1912 regarding Liberia, and particularly the right to nominate a German Receiver in Liberia.

She further renounces all claim to participate in any measures whatsoever which may be adopted for the rehabilitation of Liberia.

Note to IV, 138

The commission to "investigate the interests of the United States and its citizens in the Republic of Liberia", which visited that country in 1909 (S. Doc. 457, 61st Cong., 2d sess., serial 5659) recommended "that the United States enable Liberia to refund its debt by assuming as a guarantee for the payment of obligations under such arrangement the control and collection of the Liberian customs". On December 13, 1910 the President of Liberia recommended to the Congress the authorization of a loan from American, British, French, and German banking firms to be secured by a receivership of customs, held by an American official, assisted by officers designated by the British, French, and German Governments. Previous negotiations of the American who was acting as special financial representative of Liberia had brought the project to the stage described by the President of Liberia. German commercial interests were the reason assigned for including a German officer (*Foreign Relations*, 1911, pp. 344-47). Negotiations with the three Governments and the four banking groups continued through 1911, resulting in understandings leading to a consensus.

Liberia and the bankers made an agreement on March 7, 1912, in which M. M. Warburg & Company of Hamburg, Germany, participated, that provided for a 5 percent 40-year refunding loan of \$1,700,000 (U. S. Congress, House of Representatives Committee on Ways and Means, *Credit for Government of Liberia, Hearings . . .* on H.J. Rés. 270, 67th Cong., 2d sess., p. 48). Extensive correspondence in 1912 (*Foreign Relations*, 1912, pp. 674-701) divulged difficulties over the location of the three receivers. It was reported

Note to IV, 138—Continued

that the German receiver attached “an exaggerated political and representative significance to his position” and questioned the authority of the American general receiver. He also filed large claims against Liberia.

In the World War of 1914–18 German traders utilized their establishments in Liberia as bases of operations and the consequent British blacklist restrictions disorganized Liberian trade. When the United States entered the war Liberia desired to rid itself of the German population and to free itself of German intrigue. Article 138 was calculated to eliminate German interests from Liberia.

On September 12, 1918 the United States Government notified Liberia that it would extend to Liberia a credit of \$5,000,000. Plans were made to refund the British and French *tranches* of the 1912 loan, to wind up the international receivership, and to create an American receivership of customs and internal revenue. Article 138 of this treaty cleared the way for the execution of the plan without Germany or German interests. The British and French receiverships were not continued. This financial plan was not, however, approved by the President of the United States until April 1920 and it was not until October 28, 1921 that the financial plan and depositary agreement (*ibid.*, 1921, II, 370) were signed by the Secretary of State and the Liberian Plenary Commission. The outstanding \$2,500,000 of the credit of 1918 was thereupon canceled. On January 26, 1922 they were approved by the Liberian Legislature.

Meantime Liberia was procuring advances from the Bank of British West Africa, Ltd., on security from the German Liquidation Fund. The United States Senate on November 27, 1922 re-committed the financial plan to its Finance Committee without instructions (*ibid.*, 1922, II, 606, 629, 632). Liberia was therefore advised to seek funds from financial houses.

After extensive negotiations, of which the United States Government had cognizance, the Government of Liberia and the Firestone Plantations Company signed three agreements at New York on September 16 and 17, 1925 for 99-year leases of existing rubber plantations and of 1,000,000 acres for rubber cultivation and the development of a port at Monrovia (*ibid.*, 1925, II, 450). A loan agreement between the Liberian Government and the Finance Corporation of America provided for a 40-year sinking fund 7 percent gold bond loan in the principal amount of \$5,000,000 of which the first pro-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to IV, 138—Continued

ceeds redeemed the loan of 1912. An American financial adviser appointed by the President of Liberia and a staff supervised the customs and internal revenue administration. The Liberian Legislature approved the Firestone agreements on January 30, 1926 (*ibid.*, 1926, II, 516), and a further agreement of October 2, 1926 was accepted on November 10 (*ibid.*, p. 561). The revised loan agreement dated September 1 was approved on December 7, 1926 (*ibid.*, p. 574).

ARTICLE 139.

Germany recognizes that all treaties and arrangements between her and Liberia terminated as from August 4, 1917.

Text of May 7:

Germany recognizes that all treaties and arrangements between her and Liberia terminated as from August 8, 1917.

Note to IV, 139

Liberia broke off diplomatic relations with Germany on May 20, 1917 and declared war upon Germany on August 4, 1917.

ARTICLE 140.

The property, rights and interests of Germans in Liberia shall be dealt with in accordance with Part X (Economic Clauses) of the present Treaty.

Note to IV, 140

Liberian claims were settled in 1930 by offsetting accounts; see note to article 297.

SECTION V.—*Morocco.*

ARTICLE 141.

Germany renounces all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909, and November 4, 1911. All treaties, agreements, arrangements and contracts concluded by her with the Sherifian Empire are regarded as abrogated as from August 3, 1914.

In no case can Germany take advantage of these instruments and she undertakes not to intervene in any way in negotiations relating

PART IV: ARTICLES 139 TO 142

to Morocco which may take place between France and the other Powers.

Note to IV, 141

This article brought to a conclusion the intervention of Germany in Moroccan affairs which became critical with a provocative declaration by the Kaiser at Tangier in 1905 and came to an end with the revision of French and German possessions in favor of Germany in Central Africa by the 1911 convention.

The general act of Algenciras of April 7, 1906 (Treaty Series 456; *Treaties, Conventions, etc.*, 1776-1909, II, 2157) was based upon the convention of July 3, 1880 as to protection in Morocco (Treaty Series 246; *Treaties, Conventions, etc.*, 1776-1909, I, 1220) which also was renounced by Germany in virtue of this article as from August 3, 1914, the date of the declaration of war by Germany against France.

The declaration regarding the integrity of Morocco of February 9, 1909 (102 *British and Foreign State Papers*, p. 435) and the convention of November 4, 1911 (104 *ibid.*, p. 948) defined special German positions in Morocco so far as France was concerned.

In consequence of article 141, Germany was not a party to the convention of December 18, 1923 (28 League of Nations Treaty Series, p. 541) relating to the organization of the statute of the Tangier Zone signed at Paris for Spain, France, Great Britain, and Italy, nor to the agreement revising that convention signed at Paris July 25, 1928 (87 *ibid.*, p. 211). Spain extended the law of the Spanish Zone to Tangier on November 23, 1940. A conference of experts drew up recommendations on the future regime at Paris August 10-31, 1945.

ARTICLE 142.

Germany having recognized the French Protectorate in Morocco, hereby accepts all the consequences of its establishment, and she renounces the régime of the capitulations therein.

This renunciation shall take effect as from August 3, 1914.

Note to IV, 142

France concluded a treaty for a protectorate over Morocco with the Sultan at Fez on March 30, 1912 (106 *British and Foreign State Papers*, p. 1023). A declaration concerning reciprocal relations in Libya and Morocco by France and Italy signed at Paris October 28, 1912 (107 *ibid.*, p. 794) and a convention concerning Morocco signed at Madrid on behalf of France and Spain on November 27, 1912 (106 *ibid.*, p. 1025) involved recognition of the French protectorate. The

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to IV, 142—Continued

convention with Spain took cognizance of the Spanish Zone of Morocco surrounding Tangier. Great Britain recognized the French protectorate on December 19, 1914 and the United States on January 15, 1917 (*Foreign Relations*, 1917, p. 1094).

ARTICLE 143.

The Sherifian Government shall have complete liberty of action in regulating the status of German nationals in Morocco and the conditions in which they may establish themselves there.

German protected persons, semsars and "associés agricoles" shall be considered as having ceased, as from August 3, 1914, to enjoy the privileges attached to their status and shall be subject to the ordinary law.

ARTICLE 144.

All property and possessions in the Sherifian Empire of the German Empire and the German States pass to the Maghzen without payment.

For this purpose, the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

All movable and immovable property in the Sherifian Empire belonging to German nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

Mining rights which may be recognised as belonging to German nationals by the Court of Arbitration set up under the Moroccan Mining Regulations shall form the subject of a valuation, which the arbitrators shall be requested to make, and these rights shall then be treated in the same way as property in Morocco belonging to German nationals.

ARTICLE 145.

The German Government shall ensure the transfer to a person nominated by the French Government of the shares representing Germany's portion of the capital of the State Bank of Morocco. The value of these shares, as assessed by the Reparation Commission, shall be paid to the Reparation Commission for the credit of Germany on account of the sums due for reparation. The German

PART IV: ARTICLES 143 TO 148

Government shall be responsible for indemnifying its nationals so dispossessed.

This transfer will take place without prejudice to the repayment of debts which German nationals may have contracted towards the State Bank of Morocco.

Note to IV, 145

Germany delivered and was credited with 2200 shares of the capital of the State Bank of Morocco, valued at 642,672 gold marks.

ARTICLE 146.

Moroccan goods entering Germany shall enjoy the treatment accorded to French goods.

SECTION VI.—Egypt.

ARTICLE 147.

Germany declares that she recognises the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the Capitulations in Egypt.

This renunciation shall take effect as from August 4, 1914.

Note to IV, 147

The British declaration of a protectorate over Egypt in succession to the suzerainty of the Ottoman Empire is printed in Hertslet, *27 Commercial Treaties*, p. 107. Notice of the termination of the protectorate and recognition of the independence of Egypt was given by the United Kingdom in a circular despatch dated March 15, 1922 (116 *British and Foreign State Papers*, p. 84). The despatch was addressed to the German as well as other governments.

August 4, 1914 is the date of the German invasion of Belgium and of the consequent declaration of war by Great Britain against Germany, which was effective from midnight, Central European time.

ARTICLE 148.

All treaties, agreements, arrangements and contracts concluded by Germany with Egypt are regarded as abrogated as from August 4, 1914.

In no case can Germany avail herself of these instruments and she undertakes not to intervene in any way in negotiations relating to Egypt which may take place between Great Britain and the other Powers.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ARTICLE 149.

Until an Egyptian law of judicial organization establishing courts with universal jurisdiction comes into force, provision shall be made, by means of decrees issued by His Highness the Sultan, for the exercise of jurisdiction over German nationals and property by the British Consular Tribunals.

Note to IV, 149

A convention between Egypt and Germany dated June 16, 1925 (file 783.003/352) dealt with German consular jurisdiction; though not ratified, it was followed in practice.

The multilateral convention for the abolition of capitulations in Egypt was signed at Montreux on May 8, 1937 and was effective from October 15, 1937 (182 League of Nations Treaty Series, p. 37; U. S. Treaty Series 939). Germany refused to participate in the negotiation of the convention (file 783.003/166). The competence of the Mixed Tribunals, which was to be maintained until October 14, 1949, was extended to nationals of Austria, Czechoslovakia, Germany, Hungary, Poland, Rumania, Switzerland, and Yugoslavia by paragraph 1 of the declaration of the Egyptian Government of May 8, 1937. This provision was made applicable to Germany by Egyptian decrees of February 25 and August 26, 1938 (file 783.003/361).

ARTICLE 150.

The Egyptian Government shall have complete liberty of action in regulating the status of German nationals and the conditions under which they may establish themselves in Egypt.

ARTICLE 151.

Germany consents to the abrogation of the decree issued by His Highness the Khedive on November 28, 1904, relating to the Commission of the Egyptian Public Debt, or to such changes as the Egyptian Government may think it desirable to make therein.

Note to IV, 151

Germany became concerned with the Egyptian public debt, under the supervision of the Commission de la Caisse de la Dette Publique, by the terms of the convention between Great Britain, Austria-Hungary, France, Germany, Italy, Russia, and Turkey signed at London March 18, 1885 and the decree of the Khedive of July 27, 1885 (76 *British and Foreign State Papers*, pp. 348, 352). A decree

PART IV: ARTICLES 149 TO 153

Note to IV, 151—Continued

of the Khedive of June 22, 1886 (76 *ibid.*, p. 746) modified that decree. The commission, in which Germany was not originally concerned, was established by an Egyptian decree of May 2, 1876 and was first appointed on May 22 (67 *ibid.*, pp. 1014, 1024). The decree of the Khedive of November 28, 1904 (97 *ibid.*, p. 41) reorganized the unified public debt service of the five categories of debt and provided for the commission to be composed of German, English, Austrian, French, Italian, and Russian nationals.

ARTICLE 152.

Germany consents, in so far as she is concerned, to the transfer to His Britannic Majesty's Government of the powers conferred on His Imperial Majesty the Sultan by the Convention signed at Constantinople on October 29, 1888, relating to the free navigation of the Suez Canal.

She renounces all participation in the Sanitary, Maritime, and Quarantine Board of Egypt and consents, in so far as she is concerned, to the transfer to the Egyptian Authorities of the powers of that Board.

Note to IV, 152

The convention of October 29, 1888 relating to the free navigation of the Suez Canal is printed in 79 *British and Foreign State Papers*, p. 18. The relations between Egypt and the United Kingdom with respect to the canal are based upon the provisions of the treaty of alliance, concluded by them on August 26, 1936, and in force for an initial period extending to December 22, 1956 (173 League of Nations Treaty Series, p. 401).

ARTICLE 153.

All property and possessions in Egypt of the German Empire and the German States pass to the Egyptian Government without payment.

For this purpose, the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

All movable and immovable property in Egypt belonging to German nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

ARTICLE 154.

Egyptian goods entering Germany shall enjoy the treatment accorded to British goods.

SECTION VII.—Turkey and Bulgaria.

ARTICLE 155.

Germany undertakes to recognise and accept all arrangements which the Allied and Associated Powers may make with Turkey and Bulgaria with reference to any rights, interests and privileges whatever which might be claimed by Germany or her nationals in Turkey and Bulgaria and which are not dealt with in the provisions of the present Treaty.

Note to IV, 155

See articles 258–61 of this treaty.

The arrangements with Bulgaria particularly referred to are those contained in the treaty of peace with Bulgaria signed at Neuilly-sur-Seine on November 27, 1919 (112 *British and Foreign State Papers*, p. 781). The treaty of peace with Turkey was signed at Lausanne on July 24, 1923 (28 League of Nations Treaty Series, p. 11) and was in force August 6, 1924.

SECTION VIII.—Shantung.

ARTICLE 156.

Germany renounces, in favour of Japan, all her rights, title and privileges—particularly those concerning the territory of Kiaochow, railways, mines and submarine cables—which she acquired in virtue of the Treaty concluded by her with China on March 6, 1898, and of all other arrangements relative to the Province of Shantung.

All German rights in the Tsingtao-Tsinanfu Railway, including its branch lines, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant and material for the exploitation of the mines, are and remain acquired by Japan, together with all rights and privileges attaching thereto.

The German State submarine cables from Tsingtao to Shanghai and from Tsingtao to Chefoo, with all the rights, privileges and properties attaching thereto, are similarly acquired by Japan, free and clear of all charges and encumbrances.

Note to IV, 156

The convention between China and Germany concerning the lease of Kiaochow signed at Peking March 6, 1898 (95 *British and Foreign State Papers*, p. 1005) was exacted from China in consequence of the death of certain German missionaries in Chinese territory.

This article was included in the treaty in consequence of two prior conditions:

1. The Japanese declaration of war against Germany of August 23, 1914 was preceded by an ultimatum of August 15 (Naval War College, *International Law Documents . . . 1917*, p. 176) which contained this demand:

“*Second.*—To deliver on a date not later than September 15, 1914, to the Imperial Japanese authorities without condition or compensation the entire leased territory of Kiaochow with a view to eventual restoration of the same to China.”

The demand was made with the knowledge and support of Great Britain, with which Japan was then in alliance under the agreement of July 13, 1911 (104 *British and Foreign State Papers*, p. 173).

2. The Japanese representative on the Council of Ten at the Paris Peace Conference on January 27, 1919 presented a claim to cancel all German interests in the leased territory of Kiaochow (*Foreign Relations, The Paris Peace Conference, 1919*, III, 738). The Chinese representative argued for direct restitution to China instead of the indirect restitution proposed by Japan, whose treaty with China of May 25, 1915 (*Foreign Relations, 1915*, p. 197) avoided rather than dealt with that point. On April 15 the Japanese representative on the Council of Foreign Ministers made the definite statement “that the areas leased by Germany in China should positively be returned to China” (*Foreign Relations, The Paris Peace Conference, 1919*, IV, 556). Article 156 was drafted in the light of that undertaking.

The German delegation declared that Germany was prepared to renounce all rights and privilege in Kiaochow and Shantung, provided it was indemnified for the loss of state property (*ibid.*, VI, 844).

The Allies refused to make compensation for state property, but were prepared to apply to such private rights of German nationals as might be proved “the general principles laid down in the Conditions of Peace in respect of compensation of this character” (*ibid.*, p. 954).

At the Washington Conference in 1921–22 care was taken to see

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to IV, 156—Continued

that Japan's undertaking would be carried out, and negotiations were then begun for its rendition of Shantung to China.

China and Japan signed a treaty "for the settlement of outstanding questions relative to Shantung" at Washington on February 4, 1922 (10 League of Nations Treaty Series, p. 309). It entered into force on June 2, 1922. The restoration to China of the former German leased territory of Kiaochow was effected by a joint commission which completed its work within six months. The maritime customhouse at Tsingtao and the salt industry were fully transferred, and Japanese troops and gendarmes were withdrawn promptly and unconditionally. The transfer of public properties, of the Tsingtao-Tsinanfu Railway, the extensions of the railway, the mines, and the former German submarine cables were subject to conditions, principally designed to conserve or carry over Japanese interests involved.

An agreement signed at Peking on December 1, 1922 and immediately in force made detailed arrangements for the settlement of outstanding questions relative to Shantung (22 League of Nations Treaty Series, p. 179). The transfer of the former German leased territory of Kiaochow by Japan to China was effected on December 10, 1922. Japanese troops were withdrawn, Japanese leases that were retained were extended 30 years, and China paid yen 16,000,000 for Japanese public property. A similar agreement of December 5, 1922 dealt with questions relative to the Tsingtao-Tsinanfu Railway (*ibid.*, p. 293), for which China agreed to pay yen 40,000,000.

ARTICLE 157.

The movable and immovable property owned by the German State in the territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made or of the expenses incurred by her, directly or indirectly, in connection with this territory, are and remain acquired by Japan, free and clear of all charges and encumbrances.

Note to IV, 157

German railroads and mines in Kiaochow transferred to Japan were credited on the reparation account at 551,742 gold marks. All Japanese receipts to January 20, 1930 amounted to 10,013,105 gold marks.

PART V

ARTICLE 158.

Germany shall hand over to Japan within three months from the coming into force of the present Treaty the archives, registers, plans, title-deeds and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial or other, of the territory of Kiaochow.

Within the same period Germany shall give particulars to Japan of all treaties, arrangements or agreements relating to the rights, title or privileges referred to in the two preceding Articles.

PART V.

MILITARY, NAVAL AND AIR CLAUSES.

[The vertical rule indicates treaty text.]

Notes to Part V, Articles 159 to 213

The treaty restoring friendly relations between the United States and Germany, signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates that "Germany undertakes to accord to the United States and the United States shall have and enjoy . . . all the rights and advantages" stipulated for its benefit by this part of this treaty, "notwithstanding the fact that such treaty has not been ratified by the United States". The rights and advantages of nationals of the United States specified in the joint resolution of Congress approved July 2, 1921 (p. 18) were specifically mentioned in an understanding included in the Senate's resolution of advice and consent to ratification of October 18, 1921. The Senate in that resolution made a further condition "that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation".

Notes to Part V, Articles 159 to 213—Continued

This part is, *ipsissimis verbis*, an annex, technically a schedule, of that treaty restoring friendly relations as printed by the Department of State in Treaty Series 658 but not as printed in 42 Stat. 1939.

It would be tedious and chiefly of professional military interest to follow in detail the ups and downs of German reduction of armament. At no time were the Allies convinced of the willing compliance of the German authorities with the requirements, as is evident from the salient instruments concluded on the subject, namely, the Paris protocol of January 10, 1920 (p. 743); the Spa protocol of July 9, 1920; the collective note of September 29, 1922; that of June 4, 1925 and the detailed statements attached thereto; the agreement of January 31, 1927; that of January 10, 1930; and the final report to the League of Nations of March 16, 1931. No subsequent control was attempted.

On April 20, 1920 the German Government asked for Allied consent until July 10 to the maintenance of an army of 200,000 men. The San Remo conference in a declaration dated April 26 asserted that the proposal "cannot even be examined so long as Germany fails in the most important obligations of the Treaty of Peace, and does not proceed with disarmament". The Allies could not permit a continuation of infractions of the treaty, which "must be executed and remain the basis of relations between Germany and the Allies". All measures, including occupation of German territory without any intention to annex, were to be taken to insure execution. The question raised by infraction and the necessary measures to insure execution "will be more easily solved by the exchange of views by the heads of Governments than by exchange of notes". On June 4 the German delegation brought up the matter again for consideration at the Spa conference. (United Kingdom, *Protocols and Correspondence between the Supreme Council and the Conference of Ambassadors and the German Government and the German Peace Delegation between January 10, 1920, and July 17, 1920, Respecting the Execution of the Treaty of Versailles of June 28, 1919*, Nos. 110, 113, and 150.) Other questions were discussed during the Allied conference at Boulogne-sur-Mer from which on June 22 there were noted "the slowness and lack of good will evinced by the German Government in the execution of the military, naval and air clauses of the Treaty of Peace". Germany was called upon to take certain action and to enact the legislation required by articles 170 and 211 (*ibid.*, Nos. 165, 166, 168; file 763.72119/12056).

PART V

Notes to Part V, Articles 159 to 213—Continued

The result of these exchanges and the negotiations at Spa was two protocols, one of July 9 and the other of July 16, 1920. The first of these was duly concluded by the representatives of the British Empire, France, Italy, Japan, Belgium, and Germany and in form was a statement of five conditions which Germany was to perform, in return for which the Allies agreed to seven concessions. The German Government undertook "faithfully to observe its provisions"; if before January 1, 1921 the terms were not faithfully executed, occupation of a further portion of German territory, "the region of the Ruhr or any other", would take place until the executive and legislative measures were taken and the specified reductions of forces were carried out (*ibid.*, No. 190; file 763.72119/10282). Non-execution of these conditions was acted upon in the inter-Allied decision of March 4, 1921 in connection with reparation defaults (see p. 430).

In this protocol the German Government undertook—

to withdraw immediately the arms of the *Einwohnerwehren* and the *Sicherheitspolizei*;

to demand the immediate surrender of all arms in the hands of the civilian population, with effective penalties in case of failure to comply with the proclamation to be provided by adequate legislation enacted by September 1;

to enact immediately a measure for the abolition of conscription and for setting up a long-service army as provided in the treaty;

to surrender for destruction all arms and military equipment in excess of what is allowed by the treaty;

to enforce the naval and air clauses contained in the treaty and in the protocol of January 10, 1920, which were still unexecuted; particularly: (*a*) completion of the delivery of surface warships under article 185 of the treaty, and the delivery of material under the protocol; (*b*) handing over forthwith all plans and documents required by the Naval Inter-Allied Commission of Control under article 209; (*c*) execution by German authorities in the future of articles 205 and 206 of the treaty; (*d*) the delivery and the destruction of all war material to be surrendered under article 169 of the treaty; (*e*) completion by August 5, 1920 of the delivery and destruction of all aircraft material, except hangars and hydrogen plants, and of the payments provided for in the said protocol; (*f*) by February 15, 1921, completion of the delivery or destruction of such

Notes to Part V, Articles 159 to 213—Continued

buildings, hangars, and hydrogen plants as may be specified by the Aeronautical Inter-Allied Commission of Control.

On the Allied side it was agreed—

1. To extend the period for the reduction to 150,000 men of the Reichswehr to October 1, 1920, and to a further extension to January 1, 1921 for the reduction to 100,000 men, composed and organized as provided by the treaty;

2. To allow the German Government to retain up to October 1, 1920, in the neutral zone effectives of a number fixed by the Military Inter-Allied Commission of Control for assisting in the collection of arms;

3. To prevent the smuggling of arms from the occupied areas into the other parts of Germany;

4. That 300 medical and 200 veterinary officers might be retained in addition to the 4000 officers permitted by the treaty;

5. That the number of administrative officials in the Reichswehr "Ministerium" should be raised to 735 and be given entire control of the army;

6. That a reserve of 50,000 rifles and 20,000,000 cartridges might be retained as a reserve in case of losses in internal fighting;

7. That the Military Inter-Allied Commission of Control might allow all formations to possess machine guns for self-defense.

The protocol of July 16, though "unanimously . . . decided" by the conference, which included representatives of Germany, was not signed by Germany. It related to the taking of measures, particularly legislation, to prohibit export of war material in accordance with the terms of articles 170, 201, 202, and 211 of the treaty. It contained no provision for sanctions (file 763.72119/10310).

The Conference of Ambassadors took timely measures to determine whether Germany had sufficiently fulfilled its obligations under part V to justify evacuation of the first occupied (Cologne) zone on January 10, 1925 as conditionally stipulated in article 429 (1). The Allied Military Committee of Versailles was asked on December 17, 1924 to furnish the relevant information. On January 5, 1925 a collective note of the British, French, Italian, and Japanese Governments to the German Government stated that the conditions of part V had not been faithfully carried out. They pointed out specific violations of article 160 as to the general staff organization and

PART V

Notes to Part V, Articles 159 to 213—Continued

of article 174 with respect to short-term voluntary enlistment. Conditions contradictory of other provisions were specifically cited:

Article 162, the reorganization of the police of the states was not yet begun;

Articles 164-169, there were determined surpluses of military equipment of every kind and significantly illegal stocks of war material had been uncovered;

Article 168, the transformation of factories for war material was far from being carried out;

Article 211, the German Government had not anywhere near met the legislative and administrative requirements.

After further correspondence, in the course of which a German allegation was refuted that the Allied attitude was a "reprisal", a collective note was handed in at Berlin on June 4, 1925 (*Allied Powers, Note Presented to the German Government . . . June 4, 1925*, No. 2 (1925), Cmd. 2429), in which it was stated that the numerous defaults, "if not promptly rectified, would in the aggregate enable the German Government eventually to reconstitute an army modeled on the principle of a nation in arms". It was this circumstance that rendered "the totality of these defaults so serious a menace to peace". Nevertheless, assuming good-will on the part of the German Government and having an assurance from the Reparation Commission that Germany was at the moment faithfully fulfilling its reparation obligations, they expected Germany to meet the requirements and so obtain the evacuation of the Cologne occupied zone. To that end, detailed statements were added: (1) of the status of execution of the military clauses (23 points); (2) of the points on which satisfaction remained to be given (13 conditions); (3) of the measures yet to be taken (65 points in 12 categories); and (4) the concessions previously granted (18 items).

The German Ambassador in Paris on October 23 sent the Conference of Ambassadors a conciliatory note, a week after the initialing of the instruments of the Locarno settlement (United Kingdom, Misc. No. 12 (1925), Cmd. 2527). This note reported the status of German compliance and suggested setting November 15 as the date for evacuation of the Cologne zone. It reported 14 demands that had been fulfilled, 20 which would be fulfilled by November 15, 23 of which the execution would be assured by November 15, and 5 of which the execution "involves special difficulties". The items of this fourth list were:

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Notes to Part V, Articles 159 to 213—Continued

1. Police, titles of the higher officials; rules for personnel; barracks;
2. High command;
3. Prohibition of training with certain weapons;
4. Artillery arming of the fortress of Königsberg;
5. Associations.

An interim reply of November 14 discussed the measures contemplated by the Conference of Ambassadors for relaxing the controls of the Inter-Allied Rhineland High Commission in the demilitarized zone. A further note of November 16 informed the German Government that evacuation of the Cologne zone would take place in January 1926, to be completed by February 20. This decision followed the reaching of "complete agreement" between the experts respecting disputed points on armament. "It only remains", said the note, "to verify the execution of the undertakings already given respecting lists I-III annexed to the German note of the 23rd October, as well as of the above-mentioned agreement regarding List IV; reservation is nevertheless made in respect of points Nos. 20 and 21 of List III." The reservation related to "import and export of war material" and "possession of, trading in, and illicit manufacture of, war material".

After the dissolution of the Inter-Allied Military Control Commission and the filing of its report with the League of Nations on July 31, 1927 (*Official Journal*, 1927, p. 1058), the Conference of Ambassadors continued to maintain its Allied Military Committee of Versailles (C.M.A.V.) in being until March 16, 1931. That committee kept in touch with the status of armament affairs in Germany through military experts attached to the diplomatic missions of the Belgian, British, French, Italian, and Japanese Governments at Berlin until January 21, 1930.

In transmitting the report of the experts to the Council of the League of Nations, the President of the Conference of Ambassadors on March 16, 1931 gave a final summary of the status of German compliance with the terms of part V of the treaty (League of Nations, *Official Journal*, 1931, p. 783). This letter and four documents transmitted with it were approved after discussion at the 327th meeting of the Conference of Ambassadors on January 12, 1931 (file 763.72119/12460).

The procès-verbal of January 10, 1930 (document No. 2) was concluded between the governments represented at the Conference

PART V

Notes to Part V, Articles 159 to 213—Continued

of Ambassadors and the German Government. In addition to providing for the withdrawal of the military experts and to laying down the conditions for the complete execution of part V of the treaty, it provided that henceforth matters dealing with German armament should be handled between the German Ambassador in Paris and the Conference of Ambassadors.

The report of the experts (document No. 1) was supplemented by document No. 3, which showed the results from January 31, 1930 to February 28, 1931, and the amendments to be made in consequence in the corresponding sections of the experts' report. It also showed the deficiencies still existing at the latter date, and the questions in respect of which time-limits had been laid down, some of which continued until July 1, 1933. The report of the Inter-Allied Military Commission of Control of July 31, 1927, the experts' report of January 31, 1930, and this document No. 3 were to be regarded as containing the whole of the provisions to which Germany had undertaken to conform in order to insure the execution of the military clauses of part V of the Treaty of Versailles.

The status of German compliance with the treaty in March 1931 was summarized in the document No. 4 referred to. From this it appeared:

Article 160. Failures with respect to short-term enlistment, anticipated leave, periods of instruction and the preparation of reserve *cadres*, all of which had been prohibited by a decree of the President of the Reich dated December 31, 1926 gave rise to grave doubts. The correctness of the published tables of effectives was dubious, and illegal organizations (*Grenzschutz*) had always existed.

Article 162. The Conference of Ambassadors was unable to determine that Germany was living up to the agreement of January 10, 1930 especially with regard to the police lodged in barracks, the type of their instruction, and the distribution of the number authorized. Application of the general statute concerning officials to the *Schutzpolizei* of the various states was postponed by the states' laws for years, in one case until October 1, 1936.

Article 177. On the eve of withdrawing the Inter-Allied Military Commission of Control the German Government, under pressure from the Conference of Ambassadors, issued on January 17, 1927 a circular to the German states (*Länder*) prescribing the immediate dissolution of associations which concerned themselves with military questions, as a fulfilment of laws and decrees in force. The most

Notes to Part V, Articles 159 to 213—Continued

important of these associations continued to devote themselves to military exercises. Only Prussia took prohibitory measures against the Stahlhelm section in Rhenish Prussia, and these were lifted immediately after the evacuation of the occupied territories.

Article 178. Military transport was still governed by pre-war regulations which contained provisions relative to mobilization. A new project of regulations submitted to the Conference of Ambassadors required modifications to bring it into harmony with the treaty clauses, but no effect had been given to its demands. A certain number of buildings had been transformed before April 1, 1929, but evidence was lacking of the extent to which the process had been really effected and of the amount of alienation and transformation of military buildings which remained to be realized "in spite of all the efforts made to facilitate the execution of its engagements by the German Government".

The Conference of Ambassadors in transmitting the four documents to the Council of the League of Nations, which would have the duty of directing the right of investigation under article 213 of the treaty, emphasized that the faithful observance of part V depended upon the practical application of its provisions. It called attention to the fact that, after the dissolution of the Inter-Allied Commission of Control on January 31, 1927, "responsibility lay neither with the experts maintained at Berlin, who had no supervisory powers, nor with the Conference of Ambassadors, which respected the provisions of the Treaty". The letter continued:

"The Conference is, therefore, not in a position to formulate any general judgment on the observance of those of the military clauses the conditions for whose application were regarded as settled when the Inter-Allied Commission of Control was withdrawn. The Conference is likewise not called upon, in virtue of its functions, to pass any general judgment on the increase in the military budgets of Germany, seeing that the question of military expenditure is not directly referred to in the Treaty".

The conference stated that the results secured "cannot be regarded as satisfactory" and closed by saying that "it will rest with the Council to draw from the facts reported any conclusions it may think expedient".

Since the Council of the League was not called upon to exercise the right of investigation and the Conference for the Reduction and

PART V, PREAMBLE

Notes to Part V, Articles 159 to 213—Continued

Limitation of Armaments was scheduled to include Germany, the further application of part V was not pursued.

In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.

Note to V, Preamble

This preamble was a basis of action for many years. In the reply of the Allied and Associated Powers to the observations of the German delegation on the Conditions of Peace dated June 16, 1919, it was stated that the military, naval, and air clauses were "the first steps toward that general reduction and limitation of armaments which they seek to bring about as one of the most fruitful preventives of war, and which it will be one of the first duties of the League of Nations to promote". The duties of the League of Nations in this respect were defined in article 8 of the Covenant, and they were pursued from the first Assembly in November–December 1920 until the final activities of the Conference for the Reduction and Limitation of Armaments in 1938.

This preamble became a talking-point for Germany during the period of *rapprochement* resulting from adoption of the plan of the First (Dawes) Committee of Experts on reparation in 1924. The Locarno treaty of guaranty and accompanying instruments (54 League of Nations Treaty Series, p. 289) were initialed on October 16, 1925 and entered into force on September 8, 1926 with Germany's admission to the League of Nations. With the setting up of the Preparatory Commission for the Disarmament Conference by a resolution of the Council on December 12, 1925, the League's undertaking assumed proportions corresponding to the size of the task, with Germany a full-fledged participant. A little earlier the United States had begun to accept membership in the League of Nations bodies for the study of the armament problem. The draft disarmament convention was adopted by the Preparatory Commission on December 9, 1930 as the basis for the work of a future conference.

Article 53 of that draft convention read as follows (League of Nations, *Official Journal*, 1931, p. 347) :

"The present convention shall not affect the provisions of previous treaties under which certain of the High Contracting Parties have agreed to limit their land, sea or air armaments, and have thus fixed in relation to one another their respective rights and obligations in this connection.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, Preamble—Continued

“The following High Contracting Parties . . . signatory to the said treaties declare that the limits fixed for their armaments under the present convention are accepted by them in relation to the obligations referred to in the preceding paragraph, the maintenance of such provisions being for them an essential condition for the observance of the present convention.”

To this article the German delegation, exercising a right generally practiced with respect to that draft, attached the following reservation :

“The German delegation stated, in connection with Art. 53, that, in so far as it does not refer to the Washington and London treaties, the German delegation would vote against the Draft Convention as a whole. The draft, as drawn up by the majority of the Preparatory Commission, excludes essential elements from the limitation and reduction of land armaments. Instead of leading to real disarmament, this draft would serve only to conceal the real state of world armaments or would even allow armaments to be increased. To accept it would at the same time be tantamount to a renewal of the German signature to the disarmament clauses of the Treaty of Versailles.”

The Conference for the Reduction and Limitation of Armaments convened at Geneva on February 2, 1932, and Germany was elected to the Bureau which was the steering committee of the body. On July 23 the conference adopted a resolution defining the points agreed to and setting forth the program for the second phase of the conference. Germany, not satisfied that the level of its own armament was to be fixed without regard to the limitations of the treaty of peace, left the conference on that day after voting against the resolution, declaring that it could not take part in the work of the conference unless its proceedings were in future conducted on the basis of a recognition of legal equality between the states.

Representatives of France, Italy, Great Britain, the United States, and Germany joined in the following months in negotiations which resulted in the following communication to the president of the conference on December 11, 1932 :

“1. The Governments of the United Kingdom, France and Italy have declared that one of the principles that should guide the Conference for the Reduction and Limitation of Armaments should be the grant to Germany, and to the other Powers disarmed by treaty,

PART V, PREAMBLE

Note to V, Preamble—Continued

of equality of rights in a system which would provide security for all nations, and that this principle should find itself embodied in the Convention containing the conclusions of the Conference for the Reduction and Limitation of Armaments.

“This declaration implies that the respective limitations of the armaments of all States should be included in the proposed Disarmament Convention. It is clearly understood that the methods of application of such equality of rights will be discussed by the Conference.

“2. On the basis of this declaration, Germany has signified her willingness to resume her place at the Conference for the Reduction and Limitation of Armaments.

“3. The Governments of the United Kingdom, France, Germany and Italy are ready to join in a solemn reaffirmation to be made by all European States that they will not in any circumstances attempt to resolve any present or future differences between the signatories by resort to force. This shall be done without prejudice to fuller discussions on the question of security.

“4. The five Governments of the United States of America, the United Kingdom, France, Germany and Italy declare that they are resolved to co-operate in the Conference with the other States there represented in seeking without delay to work out a Convention which shall effect a substantial reduction and a limitation of armaments, with provision for future revision with a view to further reduction.”

The General Commission of the conference welcomed this declaration but emphasized that conversations outside of the conference did not constitute a precedent, there being no question of decisions being taken out of the hands of the conference or of presenting it with agreed solutions. Germany resumed its collaboration on December 14, 1932.

On March 16, 1933 the British delegation submitted a draft convention embodying the decisions taken in the framework of the 1930 draft, and on March 27 this text was made the basis of discussion. A first reading extending to June 8 resulted in a formal decision to accept the text as it then stood as the basis of the future convention.

German amendments to this draft convention (Conference for the Reduction and Limitation of Armaments, *Preliminary Report on the Work of the Conference Prepared by the President*, p. 152) provided—

Counting of all “trained reserves”, in addition to “reservists”, among effectives for seven days’ duty annually;

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, Preamble—Continued

No comment on assignment of 200,000 land armed forces to Germany, but proposals to include with such forces “stationed in home country” those “in oversea territories in the neighborhood thereof” and to confine use of armed forces stationed in distant territories to those territories only;

Destruction of all guns above 115 mm. within five years and prohibition, after their destruction, of land guns above 155 mm. and tanks above 16 tons.

In view of a prospective naval conference in 1935 Germany also offered to undertake—

“(a) Not to exceed as regards surface vessels the numbers hitherto assigned to her as a limit;

“Not to lay down the keel of more than one vessel to replace one of her capital ships which are obsolete”; and

“Germany has not yet abandoned hope that the present conference will decide to abolish submarines altogether.”

As to air armaments, Germany proposed “the prohibition of all preparations” for bombing from the air and the destruction of all military and naval air material within two years and “the effective control of civil aviation”—proposals going somewhat further than the text adopted;

Germany objected to providing provisional figures of expenditure promptly after the end of a fiscal year and to allowing the Permanent Disarmament Commission to call for the “budgets and individual accounts of ministerial departments” on the ground that the provision was “political in character”.

The National Socialists had assumed control in Germany on January 30, 1933, which created anxieties concerning the unsettled state of Europe. The president of the conference visited Paris, Rome, Berlin, Prague, Munich, and London in July and continued negotiations during September in London, Paris, and Geneva. The questions which appeared to be not easy of adjustment were:

1. Period of duration of a convention;
2. Size of tanks and artillery;
3. Reduction of land war material;
4. Manufacture of and trade in arms;
5. Military and naval aviation;
6. Penalties for violation of a convention.

PART V, PREAMBLE

Note to V, Preamble—Continued

At the meeting of the Bureau on October 14, 1933 a program of future work which was felt to hold promise met general approval. Immediately after that meeting there was received the following communication from the Minister of Foreign Affairs of Germany:

“On behalf of the German Government, I have the honor to make to you the following communication: In the light of the course which recent discussions of the Powers concerned have taken in the matter of disarmament, it is now clear that the Disarmament Conference will not fulfil what is its sole object—namely, general disarmament. It is also clear that this failure of the Conference is due solely to the unwillingness on the part of the highly armed States to carry out their contractual obligation to disarm. This renders impossible the satisfaction of Germany’s recognized claim to equality of rights, and the condition on which the German Government agreed at the beginning of this year again to take part in the work of the Conference thus no longer exists. The German Government is accordingly compelled to leave the Disarmament Conference.—Baron von NEURATH.”

On October 16, the General Commission authorized the following reply:

“I have now communicated to the General Commission Your Excellency’s telegram of October 14th announcing the decision of the German Government to discontinue participation in the work of the Conference for the Reduction and Limitation of Armaments and indicating the reasons for that decision. The German Government took this step at a moment when the Bureau had just decided to submit to the General Commission a definite programme. This programme, to be completed within a limited period, provided for the realization progressively, in accordance with resolutions of the Conference in which Germany herself concurred, of reductions of armaments comparable to those contemplated in the draft Convention submitted to the General Commission. This programme provided also, with corresponding measures of security, for the realization of equality of rights, which the German Government has always placed in the forefront of its demands. I regret therefore that this grave decision should have been taken by your Government for reasons which I am unable to accept as valid.—HENDERSON, President of the Conference for the Reduction and Limitation of Armaments.”

Germany in a note of October 19 gave the League of Nations notice of its intention to withdraw, and immediately ceased collabora-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, Preamble—Continued

tion. It ceased to be a member of the League of Nations on October 21, 1935. It had obtained freedom from the obligations of the Covenant, and in the interval between the notice and its maturity had acted without regard to the obligations which were still incumbent upon its government.

After the defection of Germany the Conference for the Reduction and Limitation of Armaments continued through the Bureau. The General Commission on June 8, 1934 laid down a program of work for the Bureau, which on November 20, 1934 decided to concentrate attention on three questions which might be agreed upon and brought into force without waiting for the completion of a full convention. These questions were:

- a. Control of the manufacture of and trade in arms, on which the United States was finally ready to negotiate and on which it had submitted a draft;
- b. Budgetary publicity;
- c. Setting up of the Permanent Disarmament Commission.

The Bureau at its last meeting on May 1, 1937 decided on the submission of proposals on those subjects to the governments, which were asked to support the proposals by the League of Nations Assembly in 1937 and 1938. Insufficient approval was received. The Conference for the Reduction and Limitation of Armaments was not, however, closed.

Following the withdrawal of Germany from the conference the representatives of France, Italy, Great Britain, and the United States consulted from November 19 to 21, and the Bureau on November 22, 1933 noted that the existing divergencies of opinion on important political questions were too great to render discussion of texts in the General Commission fruitful. The Bureau intimated that parallel efforts between states and the use of diplomatic machinery might be useful. There ensued up to April 17 a correspondence that centered around exchanges between France and Germany, and included notes and memoranda by the president of the conference and the Governments of Great Britain, the United States, France, and Italy (Conference for the Reduction and Limitation of Armaments, *Conference Documents*, III, 743, 867, 882; United Kingdom, *Memorandum and Further Memoranda on Disarmament, to April 17, 1934*, Misc. Nos. 3 and 5 (1934), Cmd. 4512 and 4559; France, Ministère des Affaires Étrangères, *Négociations relatives à la réduction et à la limitation des armements*). In reply

PART V, PREAMBLE

Note to V, Preamble—Continued

to a British memorandum dated January 29, 1934, the United States on February 19 communicated an *aide-mémoire* to the British Ambassador in Washington in which three main methods for limiting and reducing armament were presented. These were, first, abolishing weapons of primary use in invasion; second, continuous and automatic inspection; third, "a universal pact of non-aggression in which an undertaking would be given that the armed forces of no state should invade the territory of another country in violation of treaty rights" (Department of State, *Press Releases*, x, 109).

Germany was willing in its declaration of April 16 to accept the United Kingdom memorandum of January 29 as the basis of a convention only with "certain important modifications". These related to extending the time for reducing armaments actually in existence, methods of insuring the non-military character of paramilitary (*Sturmabteilung* and *Schutzstaffel*) formations, and "equality of rights", which involved the timing of German rearmament and the guaranties of execution. On the latter point, "the German Government continues to recognize the treaties of Locarno", but return to the League of Nations was to be delayed until after the solution of the "questions of disarmament". The abstention of the Germans from the Bureau prevented this apparently responsive declaration from having any effect. Further, in a memorandum of April 17 the French Minister for Foreign Affairs pointed out that the action of the German Government, whether or not of set purpose, "rendered impossible negotiations the basis of which it had destroyed". The German Government on March 22 had increased its budget for armament by 352,000,000 marks and, without awaiting the results of negotiation, "wished to impose its determination to continue every form of rearmament to an extent of which it claims to be the sole judge and in defiance of the provisions of the treaty which, in the absence of any other, continues to fix the status of its armaments". The presence of Germany in the Assembly at Geneva was indispensable for the realization of a satisfactory system of guaranties of execution. France regretted that the brusque action of Germany rendered futile the pursuit of negotiations by the two countries with good-will and good faith.

The position in the summer of 1934 was described by the British Prime Minister as follows (United Kingdom, Prime Minister, *Statement Relating to Defence issued in Connexion with the House of Commons Debate on Mar. 11, 1935*, p. 5, Cmd. 4827) :

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, Preamble—Continued

“The Disarmament Conference had virtually come to a standstill. Further negotiations, it was clear, would be hampered by the fact that Germany was not only re-arming openly on a large scale, despite the provisions of Part V of the Treaty of Versailles, but had also given notice of withdrawal from the League of Nations and the Disarmament Conference. Japan also had given notice of withdrawal from the League. All the larger Powers except the United Kingdom were adding to their armed forces.”

On March 9, 1935 the German Government announced the reconstitution of a German military air force. Article 198 of the treaty of peace stipulated that “the armed forces of Germany must not include any military or naval air forces”. On March 16 the Chancellor of the Reich convened the Ambassadors of France, Great Britain, Italy, and Poland in Berlin and communicated to them the text of a law reestablishing general compulsory military service in Germany and providing for a reorganization of the army to bring it up to 12 army corps and 36 divisions. Article 160 of the treaty of peace limited the army to 7 divisions of infantry and 3 divisions of cavalry.

The French Government laid the matter before the Council of the League of Nations in a telegram which, after reciting the facts, said (League of Nations, *Official Journal*, 1935, p. 569) :

“In both cases the German Government has deliberately repudiated by a unilateral act the contractual engagements embodied in the treaties which Germany has signed. When entering the League of Nations, of which she still remains a Member until the expiry of a period of two years from her notification of October 21st, 1933, Germany, in virtue of the Preamble to the Covenant, undertook to observe a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another. In these circumstances, and since, under the terms of paragraph 2 of Article 11, it is the right of each Member of the League to bring to the attention of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends, the Government of the Republic has the honour to seize the Council of the League of the situation created by the attitude of the German Government. Owing to the gravity of the question raised by Germany’s initiative, I have the honour to request you to arrange for an extraordinary meeting of the Council to examine the present request.—PIERRE LAVAL.”

PART V, PREAMBLE

Note to V, Preamble—Continued

The 85th (extraordinary) session of the Council convened on April 15, and on the 16th representatives of France, the United Kingdom, and Italy submitted the following draft, which was unanimously adopted on the 17th as a resolution, by a roll-call vote of the representatives of the Argentine Republic, Australia, Great Britain, Chile, Spain, France, Italy, Mexico, Poland, Czechoslovakia, Turkey, and the Union of Soviet Socialist Republics, with Denmark abstaining (*ibid.*, p. 551) :

The Council,
Considering,

(1) That the scrupulous respect of all treaty obligations is a fundamental principle of international life and an essential condition of the maintenance of peace;

(2) That it is an essential principle of the law of nations that no Power can liberate itself from the engagements of a treaty nor modify the stipulations thereof unless with the consent of the other contracting parties;

(3) That the promulgation of the Military Law of March 16th, 1935, by the German Government conflicts with the above principles;

(4) That, by this unilateral action, the German Government confers upon itself no right;

(5) That this unilateral action, by introducing a new disturbing element into the international situation, must necessarily appear to be a threat to European security;

Considering, on the other hand,

(6) That the British Government and the French Government, with the approval of the Italian Government, had communicated to the German Government as early as February 3rd, 1935, a plan for a general settlement, to be freely negotiated, for the organisation of security in Europe and for a general limitation of armaments in a system of equality of rights, while ensuring the active co-operation of Germany in the League of Nations;

(7) And that the unilateral action of Germany above referred to was not only inconsistent with this plan, but was taken at a time when negotiations were actually being pursued:

I. Declares that Germany has failed in the duty which lies upon all the Members of the International community to respect the undertakings which they have contracted, and condemns any unilateral repudiation of international obligations;

II. Invites the Governments which took the initiative in the plan of February 3rd, 1935, or which gave their approval to it, to continue the negotiations so initiated, and in particular to promote the conclusion, within the framework of the League of Nations, of the agreements which may appear necessary to attain the object defined in this plan, due account being taken of the obligations of the Covenant, with a view to assuring the maintenance of peace;

III. Considering that the unilateral repudiation of international obligations may endanger the very existence of the League of Nations as an organisation for maintaining peace and promoting security;

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, Preamble—Continued

Decides:

That such repudiation, without prejudice to the application of the measures already provided in international agreements, should, in the event of its having relation to undertakings concerning the security of peoples and the maintenance of peace in Europe, call into play all appropriate measures on the part of Members of the League and within the framework of the Covenant;

Requests a Committee composed of [representatives of the United Kingdom, Canada, Chile, France, Hungary, Italy, Netherlands, Poland, Portugal, Spain, Turkey, Union of Soviet Socialist Republics, Yugoslavia] to propose for this purpose measures to render the Covenant more effective in the organisation of collective security and to define in particular the economic and financial measures which might be applied, should in the future a State, whether a Member of the League of Nations or not, endanger peace by the unilateral repudiation of its international obligations.

On April 20 Germany in a note addressed to the governments of states represented on the Council contested their right "to set themselves up as judges of Germany"; the resolution was "absolutely rejected" as "an attempt at a new discrimination against Germany".

SECTION I.—Military Clauses.

CHAPTER I.—EFFECTIVES AND CADRES OF THE GERMAN ARMY.

Notes to Part V, Section I, Articles 159 to 163

The German delegation declared that on condition of being admitted immediately to the League of Nations as a state with equal rights, Germany was prepared to agree to the "fundamental ideas" proposed in part V, in particular the abolition of universal military service, provided that "within two years at most" other states did likewise (*Foreign Relations, The Paris Peace Conference, 1919, vi, 820*). But a period of transition must be allowed during which Germany could retain such forces as might be required to preserve internal order before reducing its army to 100,000. Germany was ready to dismantle the forces in the west and to establish a neutral zone, but no supervision of disarmament could be admitted except that of the League.

The Allies replied that their requirements were "not made solely with the object of rendering it impossible for Germany to resume her policy of military aggression" but as the "first steps" toward general reduction and limitation of armaments (*ibid.*, p. 954). But since the "colossal growth" of armaments had been forced by Ger-

Notes to Part V, Articles 159 to 163—Continued

many, it was right for limitation of armaments to begin with the nation responsible for their expansion. Therefore the Allies could not agree to any alteration of the principles of the treaty as laid down in articles 159–180, 203–208, 211–213. “Germany must consent unconditionally to disarm in advance of the Allied and Associated Powers.” The tempo of reducing the German Army could be moderated, but by March 31, 1920 it must be reduced to 100,000. No deviations in prescribed armament could be permitted until Germany had been admitted by the League of Nations, “which may then agree to such modifications as seem desirable.” The period for demolishing fortifications between the Rhine and the line 50 kilometers east of the river was extended to six months, instead of the three months provided for in the draft treaty.

It is of interest to note that the annotated edition of the treaty published under the auspices of the German Government in 1939 under the title *Das Diktat von Versailles* omitted the text of this chapter with the exception of article 159 and article 160 (1), paragraphs 1 and 2.

ARTICLE 159.

The German military forces shall be demobilized and reduced as prescribed hereinafter.

Text of May 7:

Within two months of the coming into force of the present Treaty the German military forces shall be demobilized as prescribed hereinafter.

ARTICLE 160.

(1) By a date which must not be later than March 31, 1920, the German Army must not comprise more than seven divisions of infantry and three divisions of cavalry.

After that date the total number of effectives in the Army of the States constituting Germany must not exceed one hundred thousand men, including officers and establishments of depots. The Army shall be devoted exclusively to the maintenance of order within the territory and to the control of the frontiers.

The total effective strength of officers, including the personnel of staffs, whatever their composition, must not exceed four thousand.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

(2) Divisions and Army Corps headquarters staffs shall be organised in accordance with Table No. I annexed to this Section.

The number and strengths of the units of infantry, artillery, engineers, technical services and troops laid down in the aforesaid Table constitute maxima which must not be exceeded.

The following units may each have their own depot:

- An Infantry regiment;
- A Cavalry regiment;
- A regiment of Field Artillery;
- A battalion of Pioneers.

(3) The divisions must not be grouped under more than two army corps headquarters staffs.

The maintenance or formation of forces differently grouped or of other organisations for the command of troops or for preparation for war is forbidden.

The Great German General Staff and all similar organisations shall be dissolved and may not be reconstituted in any form.

The officers, or persons in the position of officers, in the Ministries of War in the different States in Germany and in the Administrations attached to them, must not exceed three hundred in number and are included in the maximum strength of four thousand laid down in the third sub-paragraph of paragraph (1) of this Article.

Text of May 7:

The German Army must not comprise more than seven divisions of infantry and three divisions of cavalry.

In no case must the total number of effectives in the Army of the States constituting Germany ever exceed one hundred thousand men, including officers and establishments of depots. The Army shall be devoted exclusively to the maintenance of order within the territory and to the control of the frontiers.

The total effective strength of officers, including the personnel of staffs, whatever their composition, must not exceed four thousand.

Note to V, 160

The period for reduction of German effectives to 100,000 men was conditionally extended from March 31, 1920 until January 1, 1921 by the protocol respecting armed forces in Germany signed at Spa on July 9, 1920 (see p. 303).

The law fixing the strength of the army at 100,000 men and of the navy at 15,000 as of January 1, 1921 was enacted August 21, 1920 (*Reichsgesetzblatt*, 1920, II, 1608) and published on August 26.

On March 4, 1926 the Conference of Ambassadors ruled that

PART V: ARTICLE 161

Note to V, 160—Continued

superior officers should constitute not more than 20 percent of the total number of officers and that non-commissioned officers should not exceed 25 percent of the enlisted personnel.

As to the high command a German decree of September 25, 1919 was satisfactory, but one of August 11, 1920 conferring powers of a commander in chief on the head of the army directorate required cancelation.

As late as March 1931 the results secured under this article were not regarded as satisfactory by the Conference of Ambassadors (p. 307).

On March 16, 1935 the German Chancellor convened the British French, Italian, and Polish Ambassadors in Berlin and communicated to them the text of a law reestablishing general compulsory military service in Germany and providing for an army of 12 corps in 36 divisions. The French Government immediately laid the matter before the Council of the League of Nations, which held an extraordinary session on April 15. On the following day France, the United Kingdom, and Italy submitted a resolution, which was unanimously adopted (Denmark abstaining), condemning Germany for violating by unilateral action the armament clauses of the Treaty of Versailles. On April 20, 1935 Germany addressed to the members of the Council a vote protesting against their right to "set themselves up as judges of Germany" and rejecting the resolution of the Council as "an attempt at a new discrimination against Germany".

ARTICLE 161.

Army administrative services consisting of civilian personnel not included in the number of effectives prescribed by the present Treaty will have such personnel reduced in each class to one-tenth of that laid down in the Budget of 1913.

Text of May 7:

Divisions and Army Corps headquarters staffs shall be organised in accordance with Table No. I annexed to this Section.

The number and strengths of the units of infantry, artillery, engineers, technical services and troops laid down in the aforesaid Table constitute maxima which must not be exceeded.

The following units may each have their own depot:

- An Infantry regiment;
- A Cavalry regiment;
- A regiment of Field Artillery;
- A battalion of Pioneers.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ARTICLE 162.

The number of employees or officials of the German States, such as customs officers, forest guards and coastguards, shall not exceed that of the employees or officials functioning in these capacities in 1913.

The number of gendarmes and employees or officials of the local or municipal police may only be increased to an extent corresponding to the increase of population since 1913 in the districts or municipalities in which they are employed.

These employees and officials may not be assembled for military training.

Text of May 7:

The divisions must not be grouped under more than two army corps headquarters staffs.

The maintenance or formation of forces differently grouped or of other organisations for the command of troops or for preparation for war is forbidden.

The Great German General Staff and all similar organisations shall be dissolved and may not be reconstituted in any form.

The officers, or persons in the position of officers, in the Ministries of War in the different States in Germany and in the Administrations attached to them, must not exceed three hundred in number and are included in the maximum strength of four thousand laid down in the 3rd paragraph of Article 160.

Note to V, 162

By a decision of the Conference of Ambassadors on June 20, 1920 the *Ordnungspolizei* was authorized to be increased by 70,000 to a total of 150,000 in 1923. On December 3, 1926 the effectives of the German police were fixed at 140,000 for all Germany, to consist of 105,000 state police and 35,000 communal police. Simultaneously, 15,000 forest guards and night watchmen were removed from the police category and included in the officials permitted by the first paragraph of the article.

As late as March 1931 the results secured under this article were not regarded as satisfactory by the Conference of Ambassadors (p. 307).

ARTICLE 163.

The reduction of the strength of the German military forces as provided for in Article 160 may be effected gradually in the following manner:

PART V: ARTICLES 162 TO 164

Within three months from the coming into force of the present Treaty the total number of effectives must be reduced to 200,000 and the number of units must not exceed twice the number of those laid down in Article 160.

At the expiration of this period, and at the end of each subsequent period of three months, a Conference of military experts of the Principal Allied and Associated Powers will fix the reductions to be made in the ensuing three months, so that by March 31, 1920, at the latest the total number of German effectives does not exceed the maximum number of 100,000 men laid down in Article 160. In these successive reductions the same ratio between the number of officers and of men, and between the various kinds of units, shall be maintained as is laid down in that Article.

Text of May 7:

Army administrative services consisting of civilian personnel not included in the number of effectives prescribed by the present Treaty will have such personnel reduced in each class to one-tenth of that laid down in the Budget of 1913.

Note to V, 163

The German delegation argued for the retention during a period of transition of "such forces as are required to preserve internal order" and suggested that the time be fixed by the League of Nations. Effectives amounting to 200,000 were granted by this article for a period of three months or to the expiration of the law concerning the Reichswehr on March 31, 1920. As it happened, the entry of the treaty into force on January 10, 1920 made the three-month period substantially coincide with the expiration of the law. The stipulated reduction was not, however, effected on time.

CHAPTER II.—ARMAMENT, MUNITIONS AND MATERIAL.

ARTICLE 164.

Up till the time at which Germany is admitted as a member of the League of Nations the German Army must not possess an armament greater than the amounts fixed in Table No. II annexed to this Section, with the exception of an optional increase not exceeding one-twenty-fifth part for small arms and one-fiftieth part for guns, which shall be exclusively used to provide for such eventual replacements as may be necessary.

Germany agrees that after she has become a member of the League of Nations the armaments fixed in the said Table shall remain in force until they are modified by the Council of the League.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Furthermore she hereby agrees strictly to observe the decisions of the Council of the League on this subject.

Text of May 7:

The number of employés or officials of the German States, such as customs officers, forest guards and coastguards, shall not exceed that of the employés or officials functioning in these capacities in 1913.

The number of gendarmes and employees or officials of the local or municipal police may only be increased to an extent corresponding to the increase of population since 1913 in the districts or municipalities in which they are employed.

These employees and officials may not be assembled for military training.

Note to V, 164

Germany's admission to the League of Nations took place on September 8, 1926; see notes under articles 1 and 42.

In connection with the second paragraph of this article, see the reference to article 53 of the draft convention of December 9, 1930 in the note to the preamble of this part V (p. 309).

ARTICLE 165.

The maximum number of guns, machine guns, trench-mortars, rifles and the amount of ammunition and equipment which Germany is allowed to maintain during the period between the coming into force of the present Treaty and the date of March 31, 1920, referred to in Article 160, shall bear the same proportion to the amount authorized in Table No. III annexed to this Section as the strength of the German Army as reduced from time to time in accordance with Article 163 bears to the strength permitted under Article 160.

Text of May 7:

At the expiration of two months from the coming into force of the present Treaty the German Army must not possess an armament greater than the amounts fixed in Table No. II, annexed to this Section, with the exception of an optional increase not exceeding one-twentyfifth part of small arms and one-fiftieth part for guns, which shall be exclusively used to provide for such eventual replacements as may be necessary.

ARTICLE 166.

At the date of March 31, 1920, the stock of munitions which the German Army may have at its disposal shall not exceed the amounts fixed in Table No. III annexed to this Section.

PART V: ARTICLES 165 TO 168

Within the same period the German Government will store these stocks at points to be notified to the Governments of the Principal Allied and Associated Powers. The German Government is forbidden to establish any other stocks, depots or reserves of munitions.

Text of May 7:

At the expiration of two months from the coming into force of the present Treaty, the stock of munitions which the German Army may have at its disposal shall not exceed the amounts fixed in Table No. III annexed to this Section.

Within the same period the German Government will store these stocks at points to be notified to the Governments of the Principal Allied and Associated Powers. The German Government is forbidden to establish any other stocks, depots, or reserves of munitions.

ARTICLE 167.

The number and calibre of the guns constituting at the date of the coming into force of the present Treaty the armament of the fortified works, fortresses, and any land or coast forts which Germany is allowed to retain must be notified immediately by the German Government to the Governments of the Principal Allied and Associated Powers, and will constitute maximum amounts which may not be exceeded.

Within two months from the coming into force of the present Treaty, the maximum stock of ammunition for these guns will be reduced to, and maintained at, the following uniform rates:—fifteen hundred rounds per piece for those the calibre of which is 10.5 cm. and under: five hundred rounds per piece for those of higher calibre.

ARTICLE 168.

The manufacture of arms, munitions, or any war material, shall only be carried out in factories or works the location of which shall be communicated to and approved by the Governments of the Principal Allied and Associated Powers, and the number of which they retain the right to restrict.

Within three months from the coming into force of the present Treaty, all other establishments for the manufacture, preparation, storage or design of arms, munitions, or any war material whatever shall be closed down. The same applies to all arsenals except those used as depots for the authorised stocks of munitions. Within the same period the personnel of these arsenals will be dismissed.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ARTICLE 169.

Within two months from the coming into force of the present Treaty German arms, munitions and war material, including anti-aircraft material, existing in Germany in excess of the quantities allowed, must be surrendered to the Governments of the Principal Allied and Associated Powers to be destroyed or rendered useless. This will also apply to any special plant intended for the manufacture of military material, except such as may be recognised as necessary for equipping the authorised strength of the German army.

The surrender in question will be effected at such points in German territory as may be selected by the said Governments.

Within the same period arms, munitions and war material, including anti-aircraft material, of origin other than German, in whatever state they may be, will be delivered to the said Governments, who will decide as to their disposal.

Arms and munitions which on account of the successive reductions in the strength of the German army become in excess of the amounts authorized by Tables II and III annexed to this Section must be handed over in the manner laid down above within such periods as may be decided by the Conferences referred to in Article 163.

Note to V, 169

The quantities of material delivered by the German Government to the Inter-Allied Commissions of Control, according to a speech by the Chancellor of the German Reich on March 16, 1935, were as follows:

Army

Cannon and heavy-gun barrels	59,897
Machine-guns	130,558
Mine throwers and barrels	31,470
Guns and carbines	6,007,000
Machine-gun bores	243,937
Cannon carriages	28,001
Machine-gun carriages	4,390
Bullets	38,750,000
Hand- and gun-grenades	16,550,000
Fuses	60,400,000
Rounds of ammunition for hand weapons	491,000,000
Tons of shell cases	335,000
Tons of cartridge cases	23,515
Tons of powder	37,600
Ammunition empties	79,500

PART V: ARTICLE 169

Note to V, 169—Continued

Telephones	212,000
Flame throwers	1,072
Armored cars	31
Tanks	59
Observation cars	1,762
Wireless stations	8,982
Field bakeries	1,240
Pontoons	2,199
Tons of equipment for soldiers	981.7
Sacks of equipment for soldiers	8,230,350
Pistols and revolvers	7,300
Machine-gun sleds	180
Transportable workshops	21
Anti-aircraft gun carriages	12
Limbers	11
Steel helmets	64,000
Gas masks	174,000
Machines of the former war industry	2,500
Gun barrels	8,000

Air Forces

Pursuit and bombing planes	15,714
Airplane motors	2,757

Navy:

Material that was either destroyed, scrapped, sunk, or handed over—

First-class battleships	26
Coastal cruisers	4
Armored cruisers	4
Small cruisers	18
Schooling and other ships	21
Torpedo boats	83
Submarines	315

On February 21, 1920 the peace conference invited the Reparation Commission to proceed with the sale of war material to be destroyed. The commission asked the Inter-Allied Military Commission of Control to designate those materials "susceptible of utilization for manufactures of a purely industrial character", so that they might be sold for non-military use and brought to the credit of Germany. The Conference of Ambassadors gave the Reparation Commission on May 26, 1920 an interpretation of article 169 with regard to the determination of utilizable material and the disposition of that not destroyed. The Conference of Ambassadors on June 1, 1922 classified German matériel and confirmed all prior decisions of the Inter-Allied Military Commission of Control. However, concessions were

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, 169—Continued

made as to automobiles, railroad equipment, clothing (with the exception of uniforms), and tools.

The Supreme Council at Boulogne on June 22, 1920 invited the Reparation Commission to proceed with the liquidation of all materials referred to in articles 169, 192, and 202 with the exception of what the Allied and Associated Powers retained for themselves under the treaty. The Inter-Allied Military, Naval, and Air Commissions of Control were charged with turning over to the Reparation Commission lists of this material, which was delivered as of July 11, 1919. The Reparation Commission decided on March 5, 1921 how the matériel in question should be credited. An allowance to Germany was made only for matériel of a non-military character, while what was taken out of Germany by the Allied and Associated Powers and absorbed into their military, naval, or aeronautic equipment was not to be credited unless it was finally sold or applied to civil purposes. A decision as to matériel of non-German origin was left to the Allied and Associated Governments.

Sales of converted war material credited to reparation up to December 31, 1922 amounted to 44,996,567 gold marks.

On June 2, 1923 the Conference of Ambassadors instructed the Bureau for Liquidation of German War Material (B.L.M.G.) to cease its activities on June 30 with respect to naval and air material.

ARTICLE 170.

Importation into Germany of arms, munitions and war material of every kind shall be strictly prohibited.

The same applies to the manufacture for, and export to, foreign countries of arms, munitions and war material of every kind.

Note to V, 170

The Supreme Council at San Remo on April 26, 1920 adopted a procedure for the disposition of the matériel mentioned in this article and existing in Germany; this included instructions for the Inter-Allied Naval Committee for the Destruction of ex-Enemy Ships (C.N.E.D.N.E.) and for the Inter-Allied Naval Commission of Control which later, on January 29, 1921, was given full authority to decide questions concerning the classification of matériel and to return to the German Government matériel which could be "really used for commercial purposes".

The Conference of Ambassadors on November 24, 1920, decided that the prohibition in the second paragraph would not extend to

PART V: ARTICLES 170 TO 173

Note to V, 170—Continued

non-combat matériel which would be exported in direct consequence of sales effected by the Reparation Commission in execution of the Supreme Council's decision of June 22 (article 202). Articles 7 and 8 of the Spa agreement of July 16, 1920 provided that no sum should be credited to Germany for the light cruisers or matériel handed over or to be handed over under the protocol of January 10, 1920 (page 743), nor any of the proceeds from the sale of warships and naval war matériel surrendered under the naval clauses.

The division of receipts under this article was made as follows: Great Britain 70 percent, France 11 percent, Italy 11 percent, Japan 8 percent, by article 12 of the financial agreement of March 11, 1922.

The proceeds under the article were credited to Germany in Series "C" bonds.

A law respecting the import and export of war material "in the sense of Article 170, par. 2, and Article 192, par. 4", enacted December 22, 1920 (*Reichsgesetzblatt*, 1920, II, 2167), was not published until January 13, 1921. Of 52 articles listed 31 were not to be imported.

ARTICLE 171.

The use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Germany.

The same applies to materials specially intended for the manufacture, storage and use of the said products or devices.

The manufacture and the importation into Germany of armoured cars, tanks and all similar constructions suitable for use in war are also prohibited.

ARTICLE 172.

Within a period of three months from the coming into force of the present Treaty, the German Government will disclose to the Governments of the Principal Allied and Associated Powers the nature and mode of manufacture of all explosives, toxic substances or other like chemical preparations used by them in the war or prepared by them for the purpose of being so used.

CHAPTER III.—RECRUITING AND MILITARY TRAINING.

ARTICLE 173.

Universal compulsory military service shall be abolished in Germany.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

The German Army may only be constituted and recruited by means of voluntary enlistment.

Note to V, 173

A law for the disarmament of the population (*Bevölkerung*) was enacted August 7, 1920 and altered subsequently (*Reichsgesetzblatt*, 1920, II, 1553, 1595, 1636, 1637).

The following German law was promulgated on March 16, 1935 (*ibid.*, 1935, I, No. 28) :

“The Government of the Reich has decided upon the following law, which is hereby published :

“1. Service in the Wehrmacht is based upon the principle of universal military duty.

“2. The German peace-time army, including the transferred police troops, is organized into 12 corps and 36 divisions.

“3. Supplementary laws for regulating universal service are to be issued by the Reich Cabinet through the Reich Minister for Defense.”

See the note to the preamble of this part V for the circumstances preceding the issuance of this law.

ARTICLE 174.

The period of enlistment for non-commissioned officers and privates must be twelve consecutive years.

The number of men discharged for any reason before the expiration of their term of enlistment must not exceed in any year five per cent. of the total effectives fixed by the second subparagraph of paragraph (1) of Article 160 of the present Treaty.

Text of May 7 :

The number of men discharged for any reason before the expiration of their term of enlistment must not exceed in any year five per cent. of the total effectives fixed by the second paragraph of Article 160 of the present Treaty.

ARTICLE 175.

The officers who are retained in the Army must undertake the obligation to serve in it up to the age of forty-five years at least.

Officers newly appointed must undertake to serve on the active list for twenty-five consecutive years at least.

Officers who have previously belonged to any formations whatever of the Army, and who are not retained in the units allowed to

PART V: ARTICLES 174 TO 177

be maintained, must not take part in any military exercise whether theoretical or practical, and will not be under any military obligations whatever.

The number of officers discharged for any reason before the expiration of their term of service must not exceed in any year five per cent. of the total effectives of officers provided for in the third sub-paragraph of paragraph (1) of Article 160 of the present Treaty.

Text of May 7:

The number of officers discharged for any reason before the expiration of their term of service must not exceed in any year five per cent. of the total effectives of officers provided for in the third paragraph of Article 160 of the present Treaty.

ARTICLE 176.

On the expiration of two months from the coming into force of the present Treaty there must only exist in Germany the number of military schools which is absolutely indispensable for the recruitment of the officers of the units allowed. These schools will be exclusively intended for the recruitment of officers of each arm, in the proportion of one school per arm.

The number of students admitted to attend the courses of the said schools will be strictly in proportion to the vacancies to be filled in the cadres of officers. The students and the cadres will be reckoned in the effectives fixed by the second and third sub-paragraphs of paragraph (1) of Article 160 of the present Treaty.

Text of May 7:

The number of students admitted to attend the courses of the said schools will be strictly in proportion to the vacancies to be filled in the cadres of officers. The students and the cadres will be reckoned in the effectives fixed by the second and third paragraphs of Article 160 of the present Treaty.

Consequently, and during the period fixed above, all military academies or similar institutions in Germany, as well as the different military schools for officers, student officers (*Aspiranten*), cadets, non-commissioned officers or student non-commissioned officers (*Aspiranten*), other than the schools above provided for, will be abolished.

ARTICLE 177.

Educational establishments, the universities, societies of discharged soldiers, shooting or touring clubs and, generally speak-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ing, associations of every description, whatever be the age of their members, must not occupy themselves with any military matters.

In particular they will be forbidden to instruct or exercise their members, or to allow them to be instructed or exercised, in the profession or use of arms.

These societies, associations, educational establishments and universities must have no connection with the Ministries of War or any other military authority.

Note to V, 177

As late as March 1931 the results secured under this article were not regarded as satisfactory by the Conference of Ambassadors (p. 307).

ARTICLE 178.

All measures of mobilization or appertaining to mobilization are forbidden.

In no case must formations, administrative services or General Staffs include supplementary cadres.

Note to V, 178

The Conference of Ambassadors on June 1, 1922 reiterated in a decision that "any stock of matériel of whatever kind which should be set up for military purposes beyond the authorized quantities must be destroyed or dispersed by the Inter-Allied Commission of Control in virtue of this article".

As late as March 1931 the results secured under this article were not regarded as satisfactory by the Conference of Ambassadors (p. 308).

ARTICLE 179.

Germany agrees, from the coming into force of the present Treaty, not to accredit nor to send to any foreign country any military, naval or air mission, nor to allow any such mission to leave her territory, and Germany further agrees to take appropriate measures to prevent German nationals from leaving her territory to become enrolled in the Army, Navy or Air service of any foreign Power, or to be attached to such Army, Navy or Air service for the purpose of assisting in the military, naval or air training thereof, or otherwise for the purpose of giving military, naval or air instruction in any foreign country.

The Allied and Associated Powers agree, so far as they are concerned, from the coming into force of the present Treaty, not to

PART V: ARTICLES 178 TO 180

enrol in nor to attach to their armies or naval or air forces any German national for the purpose of assisting in the military training of such armies or naval or air forces, or otherwise to employ any such German national as military, naval or aeronautic instructor.

The present provision does not, however, affect the right of France to recruit for the Foreign Legion in accordance with French military laws and regulations.

Note to V, 179

German military officers frequently found employment abroad in military missions. After 1933 officers connected with the active forces were so employed. In 1939 German military missions were in China (Nanking), Argentina, Colombia, and El Salvador and an aviation mission in Argentina. Lieutenant General Alexander Ernst von Falkenhausen, adviser to the Government of China, was the best-known person in such service.

CHAPTER IV.—FORTIFICATIONS.

ARTICLE 180.

All fortified works, fortresses and field works situated in German territory to the west of a line drawn fifty kilometres to the east of the Rhine shall be disarmed and dismantled.

Within a period of two months from the coming into force of the present Treaty such of the above fortified works, fortresses and field works as are situated in territory not occupied by Allied and Associated troops shall be disarmed, and within a further period of four months they shall be dismantled. Those which are situated in territory occupied by Allied and Associated troops shall be disarmed and dismantled within such periods as may be fixed by the Allied High Command.

The construction of any new fortification, whatever its nature and importance, is forbidden in the zone referred to in the first paragraph above.

The system of fortified works of the southern and eastern frontiers of Germany shall be maintained in its existing state.

Text of May 7:

Within three months of the coming into force of the present Treaty, all fortified works, fortresses and field works situated on German territory to the west of a line drawn fifty kilometres to the east of the Rhine shall be disarmed and dismantled, as provided in Article 42 of Part III (Political Clauses for Europe) of the present Treaty.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Text of May 7—Continued

The construction of any new fortification, whatever its nature and importance, is forbidden in this zone.

The system of fortified works of the southern and eastern frontiers of Germany shall be maintained in its existing state.

Note to V, 180

Easements over lands adjoining or within the boundaries of dismantled fortifications were maintained under Ordinance No. 101, Coblenz, December 8, 1921 (Inter-Allied Rhineland High Commission, *Official Gazette*, 1921, p. 257, with lists of the easements acquired at *ibid.*, 1922, pp. 49, 245).

The Inter-Allied Military Control Commission and Germany reached an agreement on January 31, 1927 concerning the line of fortifications to be maintained by Germany along its eastern and southern frontiers. This line ran from Königsberg to an intersection with the 50-kilometer coastal zone (article 196); from the intersection of the German border by the Dirschau-Konitz-Schneidemühl-Küstrin railroad to Küstrin; the course of the Oder from Küstrin to Brieg; the Brieg-Neisse-Kamenz-Glatz-Waldenburg-Görlitz-Bautzen-Pirna-Königstein railroad; Königstein to Hof; the Hof-Neustadt-Regensburg railroad; the course of the Danube from Regensburg to Donaueschingen; the Donaueschingen railroad to Neustadt, where the line reached the demilitarized Rhine zone.

TABLE NO. I.

STATE AND ESTABLISHMENT OF ARMY CORPS HEADQUARTERS STAFFS AND OF INFANTRY AND CAVALRY DIVISIONS.

These tabular statements do not form a fixed establishment to be imposed on Germany, but the figures contained in them (number of units and strengths) represent maximum figures, which should not in any case be exceeded.

I.—*Army Corps Headquarters Staffs.*

UNIT.	MAXIMUM NO. AUTHORISED.	MAXIMUM STRENGTHS OF EACH UNIT.	
		Officers.	N.C.O.'s and Men.
Army Corps Headquarters Staff	2	30	150
TOTAL for Headquarters Staffs . . . . .	.....	60	300

PART V: ARTICLE 180

TABLE NO. I—Continued

II.—*Establishment of an Infantry Division.*

UNIT.	MAXIMUM NO. OF SUCH Units in a Single Division.	MAXIMUM STRENGTHS. OF EACH UNIT.	
		Officers.	N.C.O.'s and men.
Headquarters of an infantry division	1	25	70
Headquarters of divisional infantry	1	4	30
Headquarters of divisional artillery	1	4	30
Regiment of infantry (Each regiment comprises 3 battalions of infantry. Each battalion comprises 3 companies of infantry and 1 machine-gun company.)	3	70	2,300
Trench mortar company	3	6	150
Divisional squadron	1	6	150
Field artillery regiment (Each regiment comprises 3 groups of artillery. Each group comprises 3 batteries.)	1	85	1,300
Pioneer battalion (This battalion comprises 2 companies of pioneers, 1 pontoon detachment, 1 searchlight section.)	1	12	400
Signal detachment (This detachment comprises 1 telephone detachment, 1 listening section, 1 carrier pigeon section.)	1	12	300
Divisional medical service	1	20	400
Parks and convoys . . . . .	.....	14	800
TOTAL for infantry division . . . . .	.....	410	10,830

III.—*Establishment of a Cavalry Division.*

UNIT.	MAXIMUM NO. OF SUCH Units in a Single Division.	MAXIMUM STRENGTHS OF EACH UNIT.	
		Officers.	N.C.O.'s and men.
Headquarters of a cavalry division . .	1	15	50
Cavalry regiment (Each regiment comprises 4 squadrons.)	6	40	800
Horse artillery group (3 batteries) . .	1	20	400
TOTAL for cavalry division . . . . .	.....	275	5,250

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

TABLE NO. II.

TABULAR STATEMENT OF ARMAMENT ESTABLISHMENT FOR A
MAXIMUM OF 7 INFANTRY DIVISIONS, 3 CAVALRY DIVISIONS,
AND 2 ARMY CORPS HEADQUARTERS STAFFS.

MATERIAL.	INFANTRY DIVISION	FOR 7 INFANTRY Divisions.	CAVALRY DIVISION.	FOR 3 CAVALRY Divisions.	2 ARMY CORPS HEADQUARTERS STAFFS.	TOTAL OF COLUMNS 2, 4, and 5.
	(1.)	(2.)	(3.)	(4.)	(5.)	(6.)
Rifles	12,000	84,000	. . . . .	. . . . .	This establishment must be drawn from the increased armaments of the divisional infantry.	84,000
Carbines . . . . .	. . . . .	. . . . .	6,000	18,000		18,000
Heavy machine guns	108	756	12	36		792
Light machine guns	162	1,134	. . . . .	. . . . .		1,134
Medium trench mortars . .	9	63	. . . . .	. . . . .		63
Light trench mortars . .	27	189	. . . . .	. . . . .		189
7.7 cm. guns	24	168	12	36		204
10.5 cm. howitzers . . .	12	84	. . . . .	. . . . .		84

TABLE NO. III.

MAXIMUM STOCKS AUTHORISED.

MATERIAL.	MAXIMUM NUMBER of Arms authorised.	ESTABLISHMENT PER UNIT.	MAXIMUM TOTALS.
		Rounds.	Rounds.
Rifles	84,000	400	40,800,000
Carbines	18,000		
Heavy machine guns	792	8,000	15,408,000
Light machine guns	1,134		
Medium trench mortars	63	400	25,200
Light trench mortars	189	800	151,200
Field artillery :			
7.7 cm. guns	204	1,000	204,000
10.5 cm. howitzers	84	800	67,200

Note to V, 180, Tables II and III

The maximum stocks stipulated by article 165 and tables II and III were modified by authorizations as follows :

PART V: ARTICLE 180

Note to V, 180, Tables II and III—Continued

	Tables Nos. II, III	Authorized
Rifles and carbines	102,000	156,080
Revolvers	none	52,000
Heavy machine-guns	792	861
Light machine-guns	1,134	1,475
Bayonets	none	106,080
Sabers	none	30,000
Lances	none	18,000
Ammunition, for rifles, carbines, and machine-guns	56,208,000	103,768,000
Hand-grenades	none	2,000,000
Pistol cartridges	none	5,000,000
Blank cartridges	none	25,000,000
Ammunition for trench mortars	176,400	201,000
Field artillery:		
ammunition for 7.7 cm. guns	201,000	239,000
ammunition for 10.5 cm. howitzers..	67,200	82,200

SECTION II.—Naval Clauses.

Notes to Part V, Section II, Articles 181 to 197

The naval clauses of the treaty of peace eliminated Germany from the competition in naval armament which had prevailed before the war of 1914–18. In that period, Great Britain had tried to keep a “two-power standard”. On March 17, 1920 the First Lord of the Admiralty announced a “one-power standard” (House of Commons, Debates, 5th series, 126, col. 2301). In that address he said:

“We are very fortunate in the fact that the only navy approximating in strength to our own is that of the United States of America, with whom we are associated in such a way that the idea of competition in armaments between us is one that is, to put it mildly, repugnant to us all; and we here—and I speak now, not merely for the Board of Admiralty, but for the Government—hope and believe that if there is to be an emulation between the United States of America and ourselves, it is likely to be in the direction of reducing that ample margin of naval strength which we each alike possess over all other nations. That is the foundation of the naval policy of His Majesty’s Government.”

On March 12, 1921 in a memorandum on naval policy the First Lord of the Admiralty stated:

“Estimates can only be based upon policy, and the naval policy of the Government, as announced by my predecessor, in the House of

Notes to Part V, Articles 181 to 197—Continued

Commons, on March 17, 1920, is to maintain a "one-power standard"—i.e., that our navy should not be inferior in strength to that of any other power."

The great expansion of navies during the war left a heritage of matériel in excess of post-war needs. In the United States there was a keen disposition to reduce expenses by limiting armament, which was evidenced by the passage of congressional resolutions and by the expression of public opinion. The President called the Conference for the Limitation of Naval Armament, which resulted in striking a 5:5:3:1.75:1.75 ratio for the capital ships and aircraft carriers in the fleets of the United Kingdom, the United States, Japan, France, and Italy respectively. This treaty for the limitation of naval armament, signed at Washington on February 6, 1922 (Treaty Series 671; 43 Stat. 1655; *Treaties, Conventions, etc.*, 1923-37, iv, 4889), entered into force on August 17, 1923 and was stipulated to remain in force until December 31, 1936.

In 1922 meetings held at Rome, under the auspices of the League of Nations, attempted without result to apply the principles of the Washington treaty to naval armament in general. In 1925 the League of Nations established the Preparatory Commission for the Disarmament Conference and in 1927 the President of the United States convened at Geneva the Conference for the Limitation of Naval Armament, which was intended to apply the principles of the Washington treaty to other categories of war vessels. That conference closed on August 24, 1927 without accomplishing its purpose.

In continuation of this effort, a treaty for the limitation and reduction of naval armament was signed at London on April 22, 1930 and entered into force for the United States, the United Kingdom and other parts of the British Empire, and Japan, on October 27, 1930 (Treaty Series 830; 46 Stat. 2858; *Treaties, Conventions, etc.*, 1923-37, iv, 5268). This treaty provided for replacements and established rules for determining standard displacement, and provided for disposal of war vessels. It fixed limitations for cruisers, destroyers, and submarines, varying somewhat from the ratios adopted in 1922. The treaty, except for part IV, terminated December 31, 1936. France and Italy did not become parties to it. Japan, which had become dissatisfied with the 5:3 ratio, gave the requisite two years' notice of intention to terminate both the 1922 and 1930 treaties.

In the meantime, the Preparatory Commission for the Disarma-

PART V

Notes to Part V, Articles 181 to 197—Continued

ment Conference at Geneva had been developing the draft disarmament convention, which was completed on December 9, 1930 for the consideration of the Conference for the Reduction and Limitation of Armaments, which opened on February 2, 1932. In this draft, the principles agreed upon in the 1922 and 1930 treaties were the basis of the part devoted to naval armament. Those two treaties controlled the ratios between approximately nine tenths of the naval armament of the world, and the adjustment of the principles involved to the naval craft of all the 59 participating states was not regarded as an essentially difficult problem, though many technical and complex questions respecting naval armament were raised. The inherent difficulties encountered by the Conference for the Reduction and Limitation of Armaments related to European land armament.

The Japanese denunciation of the 1922 and 1930 treaties in December 1934, to take effect on December 31, 1936, created a new situation. In March 1935 Germany added to the complications of the armament problem by its unilateral action in introducing military conscription and in embarking upon a program of air armament. On June 18, 1935 the United Kingdom concluded an agreement with Germany which permanently fixed the future strength of the German Navy at 35 per cent of the aggregate naval strength of the British Commonwealth of Nations, applied by categories of war vessels, except for submarines, which were not to exceed 45 per cent of the British tonnage unless previous notice to, and discussions with, the United Kingdom Government had occurred (United Kingdom, Treaty Series No. 22 (1935), Cmd. 4953).

With a view to reconstructing the system of control for naval armament laid down in the 1922 and 1930 treaties, a conference was convened in London, from which Japan withdrew. The ensuing treaty for the limitation of naval armament was there signed on March 25, 1936 and entered into force until December 31, 1942 for the United States, France, and the British Commonwealth of Nations (except the Union of South Africa and Ireland) on July 29, 1937 (Treaty Series No. 919; 50 Stat. 1363; *Treaties, Conventions, etc.*, 1923-37, iv, 5548). An agreement between the United Kingdom and Italy consisting of a protocol and annexed exchanges of notes, signed at Rome April 16, 1938, dealt with several phases of the relations of the two states, among which was Italian accession to the treaty of March 25, 1936 (United Kingdom, Treaty Series No. 31 (1938), Cmd. 5726), effective December 2, 1938.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Notes to Part V, Articles 181 to 197—Continued

The treaty of 1936 was built on the principle of qualitative limitation and limited the maximum tonnage and gun caliber of the several categories of vessels in accordance with agreed definitions of displacement, categories, and age of vessels. It did not provide for quantitative limitation as did the expiring treaties of 1922 and 1930, but it did provide for advance notification and exchange of information in regard to building and acquisition programs.

On July 17, 1937 the United Kingdom signed agreements with the Governments of Germany and the Union of Soviet Socialist Republics providing for the limitation of naval armament and the exchange of information concerning naval construction based on the treaty of 1936, with certain reservations arising out of special German and Soviet circumstances (United Kingdom, Treaty Series Nos. 2 and 17 (1938), Cmd. 5637, 5679). Both entered into force on November 4, 1937 and were stipulated to remain in force until December 31, 1942. On April 27, 1938 the United Kingdom signed with Poland a similar agreement, which entered into force on November 22, 1938 (United Kingdom, Treaty Series No. 1 (1939), Cmd. 5916). On December 21, 1938 a similar agreement was signed by the United Kingdom with Denmark, Finland, Norway, and Sweden (United Kingdom, Misc. No. 6 (1939), Cmd. 5999) but did not enter into force.

In 1938 the naval authorities of the United States, France, and the United Kingdom reached the conclusion that the Japanese Government, which had absented itself from all naval agreements since 1934, was building capital ships exceeding the limit of 35,000 tons fixed by the 1936 treaty. The three Governments, therefore, concluded a protocol on June 30, 1938 which modified article 4 of the treaty of March 25, 1936 by fixing a limit for capital ships of 45,000 tons (45,750 metric tons) and confirming a maximum caliber for guns of 16 inches (Executive Agreement Series 127; United Kingdom, Treaty Series No. 43 (1938), Cmd. 5781). Identical protocols were signed by the United Kingdom with Germany on June 30, 1938 (United Kingdom, Treaty Series No. 56 (1938), Cmd. 5834), with the Soviet Union on July 6, 1938 (*ibid.*, No. 39 (1939), Cmd. 6074), and with Poland on July 22, 1938 (*ibid.*, No. 2, (1939), Cmd. 5917), while the change was incorporated in the unratified agreement signed in December with Denmark, Finland, Norway, and Sweden.

Article 25 of the treaty of March 25, 1936 provided for "escala-

PART V: ARTICLE 181

Notes to Part V, Articles 181 to 197—Continued

tion”, that is, the right to depart from the limitations and restrictions of the treaty “if, and to the extent to which” a contracting party “considers such departure necessary in order to meet the requirements of his national security”. The United States gave the requisite notice to benefit by this provision on March 31, 1938, in view of the fact that “the Japanese Government did not choose to furnish information with regard to its present naval construction or its plans for future construction” upon inquiry concerning reports of construction not in conformity with the limitations and restrictions of the treaty. The British and French Governments acceded to this protocol for themselves.

On April 28, 1939 Germany denounced the agreement of April 17, 1938 and the protocol of June 30, 1938 with the United Kingdom. The German Führer in an address to the Reichstag, as well as in the memorandum denouncing the agreement, held forth the future desirability of “a clear and categorical understanding on a sure basis”. The British reply of June 23 closed with a desire “to know how the German Government would propose to ensure that any action in the shape of denunciation or modification of the new agreement during the terms of its validity should carry the consent of both parties”. (Germany, Auswärtiges Amt, 1939, No. 2, *Documents on the Origin of the War*, Nos. 294, 295; United Kingdom, *Documents Concerning German-Polish Relations and the Outbreak of Hostilities Between Great Britain and Germany on September 3, 1939*, Nos. 21, 22, 24, Misc. No. 9 (1939), Cmd. 6106).

On the outbreak of the war notification was given to Poland and the Soviet Union of the suspension, so far as the United Kingdom was concerned, of all obligations under the agreements.

ARTICLE 181.

After the expiration of a period of two months from the coming into force of the present Treaty the German naval forces in commission must not exceed:

- 6 battleships of the *Deutschland* or *Lothringen* type,
- 6 light cruisers,
- 12 destroyers,
- 12 torpedo boats,

or an equal number of ships constructed to replace them as provided in Article 190.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

No submarines are to be included.

All other warships, except where there is provision to the contrary in the present Treaty, must be placed in reserve or devoted to commercial purposes.

Note to V, 181

On June 18, 1935 the United Kingdom and Germany concluded an agreement which, so far as they were concerned, nullified articles 181-197 of the treaty and authorized a level of German naval armament inconsistent with those provisions as they remained technically in force for other parties to the treaty of peace. Actually, Germany had been building a navy for several years, regardless of the treaty. The agreement established a "permanent relationship" between the total tonnage of the German fleet and the aggregate tonnage of the naval forces of the British Commonwealth of Nations in the ratio of 35:100, the submarine ratio being fixed at 45:100 (161 League of Nations Treaty Series, p. 9). The agreement by relating the German fleet to the current treaty limiting naval armament was the first of several by which the United Kingdom sought to bring European states within the existing system of naval limitation (see *ante*, p. 339). Germany, however, denounced the whole arrangement on April 28, 1939.

ARTICLE 182.

Until the completion of the minesweeping prescribed by Article 193 Germany will keep in commission such number of minesweeping vessels as may be fixed by the Governments of the Principal Allied and Associated Powers.

ARTICLE 183.

After the expiration of a period of two months from the coming into force of the present Treaty the total personnel of the German Navy, including the manning of the fleet, coast defences, signal stations, administration and other land services, must not exceed fifteen thousand, including officers and men of all grades and corps.

The total strength of officers and warrant officers must not exceed fifteen hundred.

Within two months from the coming into force of the present Treaty the personnel in excess of the above strength shall be demobilized.

No naval or military corps or reserve force in connection with the Navy may be organised in Germany without being included in the above strength.

PART V: ARTICLES 182 TO 185

Note to V, 183

The German law of March 23, 1921 embodied the provisions of the treaty with respect to size of the fleet.

ARTICLE 184.

From the date of the coming into force of the present Treaty all the German surface warships which are not in German ports cease to belong to Germany, who renounces all rights over them.

Vessels which, in compliance with the Armistice of November 11, 1918, are now interned in the ports of the Allied and Associated Powers are declared to be finally surrendered.

Vessels which are now interned in neutral ports will be there surrendered to the Governments of the Principal Allied and Associated Powers. The German Government must address a notification to that effect to the neutral Powers on the coming into force of the present Treaty.

ARTICLE 185.

Within a period of two months from the coming into force of the present Treaty the German surface warships enumerated below will be surrendered to the Governments of the Principal Allied and Associated Powers in such Allied ports as the said Powers may direct.

Text of May 7:

Within a period of two months from the coming into force of the present Treaty the German surface warships enumerated below will be surrendered to the Principal Allied and Associated Powers in such Allied ports as the said Powers may direct.

These warships will have been disarmed as provided in Article XXIII of the Armistice of November 11, 1918. Nevertheless they must have all their guns on board.

BATTLESHIPS.

Oldenburg.
Thuringen.
Ostfriesland.
Helgoland.

Posen.
Westfalen.
Rheinland.
Nassau.

LIGHT CRUISERS.

Stettin.
Danzig.
München.
Lübeck.

Stralsund.
Augsburg.
Kolberg.
Stuttgart.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

and, in addition, forty-two modern destroyers and fifty modern torpedo boats, as chosen by the Governments of the Principal Allied and Associated Powers.

Note to V, 185

Germany was "ready, with the reservation of the necessary financial measures, to deliver not only the surface ships as required by Article 185, but also all ships of the line" (*Foreign Relations, The Paris Peace Conference, 1919*, vi, 821).

The Allies refused to entertain the German proposals (*ibid.*, p. 956).

By section XXIII of the armistice of November 11, 1918 Germany was to turn over 6 battle cruisers, 10 battleships, 8 light cruisers, and 50 modern-type destroyers, to remain under the surveillance of the Allies and the United States. The great roadstead of Scapa Flow was designated as the place of internment, and the ships were anchored there with skeleton crews under the immediate charge of a German admiral.

On June 21, 1919 the German sailors aboard the ships opened the seacocks under orders of the German admiral in command, and all the hulks were scuttled. The German admiral alleged that he acted in the belief that the armistice expired at noon on June 21. That belief was without any foundation since the convention of February 16, 1919 prolonging the armistice distinctly avoided naming a date for its expiration and reserved to the Allied and Associated Powers themselves the right to terminate the period of prolongation at three days' notice, which had not been given.

The President of the peace conference on June 25 called the attention of the German Government to this outright violation of the armistice terms and, while not exercising the consequent right of resuming hostilities, informed Germany that the Allied and Associated Governments would take such measures as they deemed appropriate.

The matter was given a solution by the protocol signed on behalf of Germany at the deposit of ratifications of the treaty of January 10, 1920. The relevant terms of that protocol are as follows (*United Kingdom, Protocols and Correspondence Between the Supreme Council and the Conference of Ambassadors and the German Government and the German Peace Delegation Between January 10, 1920, and July 17, 1920, Respecting the Execution of the Treaty of Versailles of June 28, 1919*, Misc. No. 15, Cmd. 1325, p. 7) :

"Finally, as the Allied and Associated Powers could not allow to pass without penalty the other failures to execute the armistice con-

Note to V, 185—Continued

ventions and violations so serious as the destruction of the German fleet at Scapa Flow, the destruction of U.C. 48 off Ferrol and the destruction in the North Sea of certain submarines on their way to England for surrender, Germany undertakes—

“1.—A. To hand over as reparation for the destruction of the German fleet at Scapa Flow:—

- (a.) Within sixty days from the date of the signature of the present protocol and in the conditions laid down in the second paragraph of article 185 of the Treaty of Peace the five following light cruisers:—

Königsberg.

Pillau.

Graudenz.

Regensburg.

Strassburg.

- (b.) Within ninety days from the date of the signature of the present protocol, and in good condition and ready for service in every respect, such a number of floating docks, floating cranes, tugs and dredgers, equivalent to a total displacement of 400,000 tons, as the Principal Allied and Associated Powers may require. As regards the docks, the lifting power will be considered as the displacement. In the number of docks referred to above there will be about 75 per cent. of docks over 10,000 tons. The whole of this material will be handed over on the spot.

“B. To deliver within ten days from the signature of the present protocol a complete list of all floating docks, floating cranes, tugs and dredgers which are German property. This list, which will be delivered to the Naval Inter-Allied Commission of Control referred to in article 209 of the Treaty of Peace, will specify the material which on the 11th November, 1918, belonged to the German Government or in which the German Government had at that date an important interest.

“C. The officers and men who formed the crews of the warships sunk at Scapa Flow and who are at present detained by the Principal Allied and Associated Powers will, with the exception of those whose surrender is provided for by article 228 of the Treaty of Peace, be repatriated at latest when Germany has carried out the provisions of paragraphs A and B above.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, 185—Continued

“D. The destroyer B.98 will be considered as one of the forty-two destroyers whose delivery is provided for by article 185 of the Treaty of Peace.

“2. To hand over within ten days from the signature of the present protocol the engines and motors of the submarines U.137 and U.138 as compensation for the destruction of U.C. 48.

“3. To pay to the Allied and Associated Governments before the 31st January, 1920, the value of the aeronautical material exported, in accordance with the decision which will be given and the valuation which will be made and notified by the Aeronautical Inter-Allied Commission of Control referred to in article 210 of the Treaty of Peace”.

ARTICLE 186.

On the coming into force of the present Treaty the German Government must undertake, under the supervision of the Governments of the Principal Allied and Associated Powers, the breaking-up of all the German surface warships now under construction.

ARTICLE 187.

The German auxiliary cruisers and fleet auxiliaries enumerated below will be disarmed and treated as merchant ships.

INTERNED IN NEUTRAL COUNTRIES :

<i>Berlin.</i>	<i>Seydlitz.</i>
<i>Santa Fé.</i>	<i>Yorck.</i>

IN GERMANY :

<i>Ammon.</i>	<i>Fürst Bülow.</i>
<i>Answald.</i>	<i>Gertrud.</i>
<i>Bosnia.</i>	<i>Kigoma.</i>
<i>Cordoba.</i>	<i>Rugia.</i>
<i>Cassel.</i>	<i>Santa Elena.</i>
<i>Dania.</i>	<i>Schleswig.</i>
<i>Rio Negro.</i>	<i>Möwe.</i>
<i>Rio Pardo.</i>	<i>Sierra Ventana.</i>
<i>Santa Cruz.</i>	<i>Chemnitz.</i>
<i>Schwaben.</i>	<i>Emil Georg von Strauss.</i>
<i>Sölingen.</i>	<i>Habsburg.</i>
<i>Steigerwald.</i>	<i>Meteor.</i>
<i>Franken.</i>	<i>Waltraute.</i>
<i>Gundomar.</i>	<i>Scharnhorst.</i>

PART V: ARTICLES 186 TO 189

Note to V, 187

DISPOSITION OF THE GERMAN FLEET¹

	Sunk at Scapa Flow	Great Britain	France	Italy	Japan	United States	Other	Total
Battleships	10	5	1		2	1		19
Battle cruisers	5							5
Light cruisers	5	6	5	3	1	1		21
Leaders and destroyers .		39	12	3	4	3		61
Torpedo boats		38					12	50

¹ Adapted from *Brassey's Naval and Shipping Annual, 1920-21, p. 132.*

The ships sunk at Scapa Flow were eventually raised. All the battleships and battle cruisers were broken up. Of the light cruisers France incorporated the *Königsberg (Metz)*, *Regensburg (Strasbourg)*, *Stralsund (Mulhouse)*, and *Kolberg (Colmar)* in its fleet, and Italy incorporated the *Pillau, Graudenz (Ancona)*, and *Strassburg*. France and Italy each retained one flotilla leader. France incorporated eight destroyers and Italy two. Brazil and Poland each received six torpedo boats for police purposes.

ARTICLE 188.

On the expiration of one month from the coming into force of the present Treaty all German submarines, submarine salvage vessels and docks for submarines, including the tubular dock, must have been handed over to the Governments of the Principal Allied and Associated Powers.

Such of these submarines, vessels and docks as are considered by the said Governments to be fit to proceed under their own power or to be towed shall be taken by the German Government into such Allied ports as have been indicated.

The remainder, and also those in course of construction, shall be broken up entirely by the German Government under the supervision of the said Governments. The breaking-up must be completed within three months at the most after the coming into force of the present Treaty.

ARTICLE 189.

Articles, machinery and material arising from the breaking-up of German warships of all kinds, whether surface vessels or sub-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

marines, may not be used except for purely industrial or commercial purposes.

They may not be sold or disposed of to foreign countries.

ARTICLE 190.

Germany is forbidden to construct or acquire any warships other than those intended to replace the units in commission provided for in Article 181 of the present Treaty.

The warships intended for replacement purposes as above shall not exceed the following displacement :

Armoured ships	10,000 tons,
Light cruisers	6,000 tons,
Destroyers	800 tons,
Torpedo boats	200 tons.

Except where a ship has been lost, units of the different classes shall only be replaced at the end of a period of twenty years in the case of battleships and cruisers, and fifteen years in the case of destroyers and torpedo boats, counting from the launching of the ship.

Note to V, 190

In June 1928 Germany laid down the first of its *Panzerschiffe*, which came to be known as "pocket battleships" because, within the tonnage limit of 10,000 tons, special types of construction such as an electrically welded hull and methods of saving weight enabled the designers to increase the armor and armament to an extent that rendered the striking power comparable to that of a battleship. The first armored ship of the type was launched in 1931.

ARTICLE 191.

The construction or acquisition of any submarine, even for commercial purposes, shall be forbidden in Germany.

Text of May 7 :

The construction and acquisition of any submarine, even for commercial purposes, shall be forbidden in Germany.

ARTICLE 192.

The warships in commission of the German fleet must have on board or in reserve only the allowance of arms, munitions and war material fixed by the Principal Allied and Associated Powers.

PART V: ARTICLES 190 TO 194

Text of May 7:

The warships in commission of the German fleet must only have on board or in reserve the allowance of arms, munitions and war material fixed by the Principal Allied and Associated Powers.

Within a month from the fixing of the quantities as above, arms, munitions and war material of all kinds, including mines and torpedoes, now in the hands of the German Government and in excess of the said quantities, shall be surrendered to the Governments of the said Powers at places to be indicated by them. Such arms, munitions and war material will be destroyed or rendered useless.

All other stocks, depots or reserves of arms, munitions or naval war material of all kinds are forbidden.

The manufacture of these articles in German territory for, and their export to, foreign countries shall be forbidden.

Text of May 7:

The manufacture in German territory and the export of these articles to foreign countries shall be forbidden.

ARTICLE 193.

On the coming into force of the present Treaty Germany will forthwith sweep up the mines in the following areas in the North Sea to the eastward of longitude 4°00' E. of Greenwich:

(1) Between parallels of latitude 53°00' N. and 59°00' N.; (2) To the northward of latitude 60°30' N.

Germany must keep these areas free from mines.

Germany must also sweep and keep free from mines such areas in the Baltic as may ultimately be notified by the Governments of the Principal Allied and Associated Powers.

ARTICLE 194.

The personnel of the German Navy shall be recruited entirely by voluntary engagements entered into for a minimum period of twenty-five consecutive years for officers and warrant officers; twelve consecutive years for petty officers and men.

The number engaged to replace those discharged for any reason before the expiration of their term of service must not exceed five per cent. per annum of the totals laid down in this Section (Article 183).

The personnel discharged from the Navy must not receive any kind of naval or military training or undertake any further service in the Navy or Army.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Officers belonging to the German Navy and not demobilised must engage to serve till the age of forty-five, unless discharged for sufficient reasons.

No officer or man of the German mercantile marine shall receive any training in the Navy.

ARTICLE 195.

In order to ensure free passage into the Baltic to all nations, Germany shall not erect any fortifications in the area comprised between latitudes 55°27' N. and 54°00' N. and longitudes 9°00' E. and 16°00' E. of the meridian of Greenwich, nor instal any guns commanding the maritime routes between the North Sea and the Baltic. The fortifications now existing in this area shall be demolished and the guns removed under the supervision of the Allied Governments and in periods to be fixed by them.

The German Government shall place at the disposal of the Governments of the Principal Allied and Associated Powers all hydrographical information now in its possession concerning the channels and adjoining waters between the Baltic and the North Sea.

ARTICLE 196.

All fortified works and fortifications, other than those mentioned in Section XIII (Heligoland) of Part III (Political Clauses for Europe) and in Article 195, now established within fifty kilometres of the German coast or on German islands off that coast shall be considered as of a defensive nature and may remain in their existing condition.

No new fortifications shall be constructed within these limits. The armament of these defences shall not exceed, as regards the number and calibre of guns, those in position at the date of the coming into force of the present Treaty. The German Government shall communicate forthwith particulars thereof to all the European Governments.

On the expiration of a period of two months from the coming into force of the present Treaty the stocks of ammunition for these guns shall be reduced to and maintained at a maximum figure of fifteen hundred rounds per piece for calibres of 4.1-inch and under, and five hundred rounds per piece for higher calibres.

Note to V, 196

An arrangement between the German, Finnish, and Swedish Governments concerning the demolition of fortifications on the Aaland

PART V: ARTICLES 195 TO 198

Note to V, 196—Continued

Islands and other military installations was signed at Stockholm on December 30, 1918 and in force March 28, 1919 (113 *British and Foreign State Papers*, p. 993).

For a description of the line of the permitted fortifications, see note to article 180.

ARTICLE 197.

During the three months following the coming into force of the present Treaty the German high-power wireless telegraphy stations at Nauen, Hanover and Berlin shall not be used for the transmission of messages concerning naval, military or political questions of interest to Germany or any State which has been allied to Germany in the war, without the assent of the Governments of the Principal Allied and Associated Powers. These stations may be used for commercial purposes, but only under the supervision of the said Governments, who will decide the wave-length to be used.

During the same period Germany shall not build any more high-power wireless telegraphy stations in her own territory or that of Austria, Hungary, Bulgaria or Turkey.

SECTION III.—*Air Clauses.*

ARTICLE 198.

The armed forces of Germany must not include any military or naval air forces.

Germany may, during a period not extending beyond October 1, 1919, maintain a maximum number of one hundred seaplanes or flying boats, which shall be exclusively employed in searching for submarine mines, shall be furnished with the necessary equipment for this purpose, and shall in no case carry arms, munitions or bombs of any nature whatever.

In addition to the engines installed in the seaplanes or flying boats above mentioned, one spare engine may be provided for each engine of each of these craft.

No dirigible shall be kept.

Note to V, 198

Germany was ready to submit to any limitation of aerial navigation to which all members of the League of Nations were subjected (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 821). The

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, 198—Continued

German delegation proposed "immediate verbal negotiations" on all questions relating to limitation of armaments. Germany was prepared to do everything in its power to preserve humanity from another war, and "it will not be its fault if the nations are deceived in this hope".

By a note of May 11, 1921 Germany undertook to accept without reservation such definitions as the Allied Powers should establish to distinguish civil aviation from the military aviation prohibited by this article. The rules themselves were first approved by the Conference of Ambassadors on June 8, 1921 and in a revised form on June 12, 1925.

The Conference of Ambassadors on May 22, 1926 effected an agreement with the German Government with a view to the execution of this article (58 League of Nations Treaty Series, p. 331). The agreement was a phase of the new relationships resulting from the Locarno settlement and was concluded in the interval between March and September 1926, when the League of Nations Assembly was completing the arrangements which brought the Locarno regime into force. The agreement itself came into force on August 9, 1926 during that interval. The withdrawal of the Aeronautical Committee of Guaranty and the abolition of the restrictions which it had been supervising were approved by the Belgian, British, French, Italian, and Japanese Governments. Germany confirmed the fact that "the armed forces of Germany will not include any military or naval air forces". The detailed measures were calculated to permit the development of civil aviation. In the six years from January 1, 1926 a maximum of 36 members of the Reichswehr or the navy might hold pilot licenses; a total of 50 police officers might hold licenses, but the police were not to possess aircraft; full lists of factories, engines, pilots and organizations, associations, companies, or individuals using or owning aircraft were to be kept and placed at the disposal of the League of Nations in conformity with article 213 of the treaty of peace. One of the exchanges of notes in the agreement permitted the German Government, in the zone defined in article 42 of the treaty of peace, to establish four airports at Cologne, Frankfort on the Main, and at two other points. In its assent Germany held that the right of investigation prescribed by article 213 of the treaty of peace did not apply to articles 42 and 43.

By Ordinance No. 309, Coblenz, August 17, 1926, the Inter-Allied Rhineland High Commission regulated the flight of aircraft in the occupied territories (*Official Gazette*, 1926, parts 1-9, p. 3).

PART V: ARTICLES 199 TO 202

Note to V, 198—Continued

On March 9, 1935 it was announced by the National Socialist regime in Germany that a national air force had come into existence as of March 1.

The long negotiations between June 1934 and March 1936 for a "European settlement", which centered around the idea of an "eastern Locarno", included a project for a general air pact which in the end amounted to nothing. Germany favored and objected to it as a proposal and in detail as suited the convenience of the moment (see p. 151 ff.).

ARTICLE 199.

Within two months from the coming into force of the present Treaty the personnel of air forces on the rolls of the German land and sea forces shall be demobilised. Up to October 1, 1919, however, Germany may keep and maintain a total number of one thousand men, including officers, for the whole of the cadres and personnel, flying and non-flying, of all formations and establishments.

ARTICLE 200.

Until the complete evacuation of German territory by the Allied and Associated troops, the aircraft of the Allied and Associated Powers shall enjoy in Germany freedom of passage through the air, freedom of transit and of landing.

ARTICLE 201.

During the six months following the coming into force of the present Treaty, the manufacture and importation of aircraft, parts of aircraft, engines for aircraft, and parts of engines for aircraft, shall be forbidden in all German territory.

ARTICLE 202.

On the coming into force of the present Treaty, all military and naval aeronautical material, except the machines mentioned in the second and third paragraphs of Article 198, must be delivered to the Governments of the Principal Allied and Associated Powers.

Delivery must be effected at such places as the said Governments may select, and must be completed within three months.

In particular, this material will include all items under the following heads which are or have been in use or were designed for warlike purposes:

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Complete aeroplanes and seaplanes, as well as those being manufactured, repaired or assembled.

Dirigibles able to take the air, being manufactured, repaired or assembled.

Plant for the manufacture of hydrogen.

Dirigible sheds and shelters of every kind for aircraft.

Pending their delivery, dirigibles will, at the expense of Germany, be maintained inflated with hydrogen; the plant for the manufacture of hydrogen, as well as the sheds for dirigibles, may, at the discretion of the said Powers, be left to Germany until the time when the dirigibles are handed over.

Engines for aircraft.

Nacelles and fuselages.

Armament (guns, machine guns, light machine guns, bomb-dropping apparatus, torpedo-dropping apparatus, synchronization apparatus, aiming apparatus).

Munitions (cartridges, shells, bombs loaded or unloaded, stocks of explosives or of material for their manufacture).

Instruments for use on aircraft.

Wireless apparatus and photographic or cinematograph apparatus for use on aircraft.

Component parts of any of the items under the preceding heads.

The material referred to above shall not be removed without special permission from the said Governments.

Note to V, 202

A report to the Supreme War Council dated September 5, 1919, and adopted September 29, provided for the disposition of the matériel mentioned in this article. The major part of the matériel involved was divided in the following proportions: France 30 per cent., Great Britain 30 per cent., United States 15 per cent., Italy 15 per cent., Japan 5 per cent., Belgium 5 per cent.

The Conference of Ambassadors on May 29, 1920 ruled that unused aeronautical matériel which was sold would not be credited on reparation account.

In March 1923 the German Government was denied credit for payments made to the Inter-Allied Air Commission of Control totaling 75,000,000 paper marks, derived from the sale of matériel found to be illegally exported.

The expenses of the Commissions of Control were included in the expenses of the armies of occupation until October 18, 1921. In the earlier days the expenses were naturally highest, and there were

PART V: ARTICLE 202

Note to V, 202—Continued

arrears when the Experts' (Dawes) Plan entered into force on September 1, 1924. The Finance Ministers' Agreement of January 14, 1925 dealt with those arrears in articles 19 and 21, and in article 1, C, fixed the total at 8,000,000 gold marks for the year beginning September 1, 1924.

On February 1, 1922 the Conference of Ambassadors decided "to take note that Germany may be considered as having completely fulfilled the obligations imposed upon it by Article 202". On the expiration of three months from February 5, 1922 Germany was permitted to resume the manufacture, exportation, and importation of civil aeronautical matériel, as defined for the purposes of article 198.

Seven dirigibles were destroyed by German authorities on June 23 and July 26, 1919 instead of being delivered. By a protocol of June 30, 1921 (*Foreign Relations*, 1921, II, 59) between the Principal Allied and Associated Powers and Germany, two dirigibles in good airworthy condition were to be delivered, and the plans of all the destroyed craft were to be sent to the Inter-Allied Aeronautic Commission of Control to determine their value. The protocol further provided:

"The Allied and Associated Powers shall proceed to divide among themselves this sum which the German Government undertakes to pay them in gold marks. The German Government, nevertheless, shall have the right with respect to each one of the Allied and Associated Powers, but on condition that such Power consent thereto, to substitute, under conditions accepted by the Power concerned, instead of the payment in cash, the delivery either of a civil type of dirigible to be constructed or any aeronautical material which the said Power may indicate to the German Government."

On December 16, 1921 the Conference of Ambassadors approved a request of the United States Government to have constructed in Germany at Friedrichshafen a dirigible of about 70,000 cubic meters before the factory was destroyed. The value involved was not part of reparation.

The German Government was obligated by a decision of the Conference of Ambassadors taken on May 10, 1922 to pay 9,550,000 gold marks as compensation for the five dirigibles destroyed in 1919 and not replaced. That amount, in gold marks, was divided as follows: United States 3,031,665; Italy 1,031,667; Great Britain 1,631,667; France 741,667; Japan 1,581,667; Belgium 1,531,667.

SECTION IV.—Inter-Allied Commissions of Control.

ARTICLE 203.

All the military, naval and air clauses contained in the present Treaty, for the execution of which a time-limit is prescribed, shall be executed by Germany under the control of Inter-Allied Commissions specially appointed for this purpose by the Principal Allied and Associated Powers.

Note to V, 203

The Inter-Allied Commissions began work under the treaty in continuation of armistice provisions, which were in the process of execution by inter-Allied military officers. The commissions had a difficult task because from the outset the holders of war material in Germany were not cooperative. The commissions undertook to secure a rendition of all military equipment not in the hands of the regular forces as prescribed by the treaty.

The negotiations of the Conference of Ambassadors with the German Government culminated in the settlement of questions relating to fortifications and war material by an agreement signed January 31, 1927.

ARTICLE 204.

The Inter-Allied Commissions of Control will be specially charged with the duty of seeing to the complete execution of the delivery, destruction, demolition and rendering things useless to be carried out at the expense of the German Government in accordance with the present Treaty.

They will communicate to the German authorities the decisions which the Principal Allied and Associated Powers have reserved the right to take, or which the execution of the military, naval and air clauses may necessitate.

ARTICLE 205.

The Inter-Allied Commissions of Control may establish their organisations at the seat of the central German Government.

They shall be entitled as often as they think desirable to proceed to any point whatever in German territory, or to send sub-commissions, or to authorize one or more of their members to go, to any such point.

PART V: ARTICLES 203 TO 208

ARTICLE 206.

The German Government must give all necessary facilities for the accomplishment of their missions to the Inter-Allied Commissions of Control and to their members.

It shall attach a qualified representative to each Inter-Allied Commission of Control for the purpose of receiving the communications which the Commission may have to address to the German Government and of supplying or procuring for the Commission all information or documents which may be required.

The German Government must in all cases furnish at its own cost all labour and material required to effect the deliveries and the works of destruction, dismantling, demolition, and of rendering things useless, provided for in the present Treaty.

ARTICLE 207.

The upkeep and cost of the Commissions of Control and the expenses involved by their work shall be borne by Germany.

ARTICLE 208.

The Military Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the military clauses.

In particular it will be its duty to receive from the German Government the notifications relating to the location of the stocks and depots of munitions, the armament of the fortified works, fortresses and forts which Germany is allowed to retain, and the location of the works or factories for the production of arms, munitions and war material and their operations.

It will take delivery of the arms, munitions and war material, will select the points where such delivery is to be effected, and will supervise the works of destruction, demolition, and of rendering things useless, which are to be carried out in accordance with the present Treaty.

The German Government must furnish to the Military Inter-Allied Commission of Control all such information and documents as the latter may deem necessary to ensure the complete execution of the military clauses, and in particular all legislative and administrative documents and regulations.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, 208

The commission was withdrawn January 31, 1927 in accordance with the protocol of December 12, 1926 (see p. 363). The maintenance of the commission, which was charged to Germany through Reparation Commission accounts, amounted to 21,834,287 gold marks.

ARTICLE 209.

The Naval Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the naval clauses.

In particular it will be its duty to proceed to the building yards and to supervise the breaking-up of the ships which are under construction there, to take delivery of all surface ships or submarines, salvage ships, docks and the tubular dock, and to supervise the destruction and breaking-up provided for.

The German Government must furnish to the Naval Inter-Allied Commission of Control all such information and documents as the Commission may deem necessary to ensure the complete execution of the naval clauses, in particular the designs of the warships, the composition of their armaments, the details and models of the guns, munitions, torpedoes, mines, explosives, wireless telegraphic apparatus and, in general, everything relating to naval war material, as well as all legislative or administrative documents or regulations.

Note to V, 209

The dissolution of the commission occurred on September 30, 1924. Its maintenance, which was charged to Germany through Reparation Commission accounts, amounted to 3,814,584 gold marks.

ARTICLE 210.

The Aeronautical Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the air clauses.

In particular it will be its duty to make an inventory of the aeronautical material existing in German territory, to inspect aeroplane, balloon and motor manufactories, and factories producing arms, munitions and explosives capable of being used by aircraft, to visit all aerodromes, sheds, landing grounds, parks and depots, to authorise, where necessary, a removal of material and to take delivery of such material.

PART V: ARTICLES 209 TO 212

The German Government must furnish to the Aeronautical Inter-Allied Commission of Control all such information and legislative, administrative or other documents which the Commission may consider necessary to ensure the complete execution of the air clauses, and in particular a list of the personnel belonging to all the German Air Services, and of the existing material, as well as of that in process of manufacture or on order, and a list of all establishments working for aviation, of their positions, and of all sheds and landing grounds.

Note to V, 210

The discontinuance of the commission occurred in March 1922, though an Aeronautical Committee of Guarantee functioned until August 9, 1926. The maintenance of the two bodies cost Germany 3,113,680 gold marks.

SECTION V.—General Articles.

ARTICLE 211.

After the expiration of a period of three months from the coming into force of the present Treaty, the German laws must have been modified and shall be maintained by the German Government in conformity with this Part of the present Treaty.

Within the same period all the administrative or other measures relating to the execution of this Part of the Treaty must have been taken.

ARTICLE 212.

The following portions of the Armistice of November 11, 1918: Article VI, the first two and the sixth and seventh paragraphs of Article VII; Article IX; Clauses I, II and V of Annex n° 2, and the Protocol, dated April 4, 1919, supplementing the Armistice of November 11, 1918, remain in force so far as they are not inconsistent with the above stipulations.

Note to V, 212

The portions of the armistice remaining in force in accordance with this article read (*Treaties, Conventions, etc.*, 1910-23, III, 3308, 3309, 3313, 3314, 3327):

“VI. In all territories evacuated by the enemy, all evacuation of the inhabitants shall be forbidden; neither damage nor harm shall be done to the persons or property of the inhabitants.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, 212—Continued

“No person shall be prosecuted for having taken part in any military measures previous to the signing of the armistice.

“No destruction of any kind shall be committed.

“Military establishments of all kinds shall be delivered intact, as well as military stores of food, munitions, and equipment, which shall not have been removed during the periods fixed for evacuation.

“Stores of food of all kinds for the civil population, cattle, etc., shall be left *in situ*.

“No measure of a general or official character shall be taken which would have as a consequence the depreciation of industrial establishments or a reduction of their personnel.

“VII. Roads and means of communication of every kind, railroads, waterways, roads, bridges, telegraphs, telephones, etc., shall be in no manner impaired.

“All civil and military personnel at present employed on them shall remain.

“Further, the necessary working material in the territories on the left bank of the Rhine shall be left *in situ*.

“All stores of coal and material for upkeep of permanent way, signals, and repair shops, shall be left *in situ* and kept in an efficient state by Germany, so far as the working of the means of communication on the left bank of the Rhine is concerned.

“XI. Sick and wounded who can not be removed from territory evacuated by the German forces shall be cared for by German personnel, who will be left on the spot with the necessary material.

“ANNEX 2

“CONDITIONS RELATING TO THE MEANS OF COMMUNICATION (RAILWAYS, WATERWAYS, ROADS, RIVER AND SEA PORTS, AND TELEGRAPHIC AND TELEPHONIC COMMUNICATIONS).

“I. All lines of communication as far as the Rhine, inclusive, or comprised, on the right bank of this river, within the bridgeheads occupied by the allied armies will be placed under the supreme and absolute authority of the commander in chief of the allied armies, who will have the right to take any measure he may think necessary to assure their occupation and use. All documents relative to communications shall be held ready for transmission to him.

PART V: ARTICLE 212

Note to V, 212—Continued

“II. All the material and all the civil and military personnel at present employed for the maintenance and working of all lines of communication are to be maintained in their entirety upon these lines in all territories evacuated by the German troops.

“All supplementary material necessary for the upkeep of these lines of communication in the districts on the left bank of the Rhine will be supplied by the German Government throughout the duration of the armistice.

“V. *Telegraphic and telephonic communications.* All telegraphs, telephones, and fixed wireless telegraph stations are to be handed over to the allied armies, with all the civil and military personnel and all their material, including all stores on the left bank of the Rhine.

“Supplementary stores necessary for the upkeep of the system are to be supplied throughout the duration of the armistice by the German Government, as and when required.

“The commander in chief of the allied armies will place this system under military supervision and will insure its control, and will make all changes and substitutions in personnel which he may think necessary.

“He will send back to the German Army all the military personnel who are not in his judgment necessary for the working and upkeep of the system.

“All plans of the German telegraphic and telephonic systems shall be handed over to the commander in chief of the allied armies.

“PROTOCOL

“Article 16 of the armistice of November 11, 1918, imposes on Germany the obligation of allowing the passage of allied forces via Danzig, and, in consequence, according to the view of the Allies, that of General Haller's troops.

“The German Government has proposed new means of transportation, viz:

- “1. From Stettin, via Kreuz toward Posen and Warsaw.
- “2. From Pillau-Königsberg and Memel, via Korschen-Lyck-Grajewo.
- “3. By Coblenz-Giessen-Cassel-Halle-Eilenburg and by Frankfurt-on-the-Main-Bebra-Erfurt-Leipzig-Eilenburg, thence by Kottbus, Lissa, and Kalisch.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, 212—Continued

“The German Government guarantees the absolute security of these methods of transportation. In addition, measures will be taken to insure that the troops passing through German territory avoid everything which might provoke unrest among the population.

“The transportation of the troops will commence about April 15, and will continue for about two months.

“The Polish troops which are to be transported are destined for the maintenance of order in accordance with article 16 of the armistice of November 11, 1918.

“The execution of the transportation will be carried out as shown in the annex to this protocol [not reprinted here].

“In the event of the employment of these new methods of transportation proposed by the German Government leading to serious difficulties, which the German Government after having been warned by the Allied and Associated Governments, was not in a position to overcome, Marshal Foch, commanding in chief the Allied armies, reserves the right of having recourse to the transportation allowed for in article 16 of the armistice of November 11, 1918, under conditions and guaranties to be fixed by the permanent International Armistice Commission at Spa.”

Pursuant to this article and articles 3 and 10 of the agreement with regard to the military occupation of the territories of the Rhine signed at Versailles June 28, 1919, the Inter-Allied High Commission established the Inter-Allied Rhineland Navigation Commission by its Ordinance No. 17, Coblenz, April 1, 1920 (Inter-Allied Rhineland High Commission, *Official Gazette*, 1920, parts IV and V, p. 27).

ARTICLE 213.

So long as the present Treaty remains in force, Germany undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary.

Note to V, 213

The Council of the League of Nations adopted a scheme of organization with a view to the exercise of the right conferred upon it by article 213 on September 27, 1924 (League of Nations, *Official Journal*, 1924, pp. 1592, 1658). This scheme was prepared in preparation for the assumption of duties anticipated by the dissolution of the Naval Inter-Allied Commission of Control, article 209 of the treaty, which occurred on September 30, 1924.

PART V: ARTICLE 213

Note to V, 213—Continued

By the scheme of organization, which applied equally to the similar duties under the treaties of peace with Austria, Bulgaria, and Hungary, any individual member of the Council and any government member of the League of Nations could communicate to the Secretary-General, for consideration by the Council, any problems or information which called for exercise of the right of investigation. The Permanent Advisory Committee for Military, Naval, and Air Questions, provided for in article 9 of the Covenant of the League of Nations and which consisted of active officers designated by the states members of the Council, was made responsible for preparing the organization of any investigations which the Council might decide upon. This commission was charged with submitting to the Council for approval each year a program of the investigations it recommended. A commission of investigation appointed from a list of experts qualified for the particular purpose was to undertake any inquiry decided upon. Any local investigation was to be carried out by at least three experts of different nationalities. By a resolution of March 14, 1925 commissions of investigation were invested with extensive rights of entry and search and with full diplomatic privileges and immunities for the discharge of their duties (*ibid.*, 1925, p. 610). On June 10, 1925 the Council addressed to the Austrian, Bulgarian, Hungarian, and German Governments a letter expressing its confidence that they would afford facilities for any investigation found to be necessary (*ibid.*, p. 863); but the Governments did not vouchsafe the desired assent.

In the meantime, the European *rapprochement* which culminated in the Locarno arrangements of October 1925 was under way and the final decisions as to the exercise of the right of investigation by the Council were successively postponed, until December 1926, after Germany had been elected a member of the Council. The Council of the League on December 11, 1926 (*ibid.*, 1927, p. 162) adopted explanations of the regulations.

On December 12, 1926 representatives of the Governments of Germany, Belgium, France, Great Britain, Italy, and Japan dealt in a protocol at Geneva with questions still pending between the Inter-Allied Military Control Commission and the Conference of Ambassadors. Out of more than a hundred questions which had confronted them in June 1925 regarding the naval and air, as well as the military, clauses of the treaty of peace, more than half had then been settled by agreement. It was decided that diplomatic negotiations would be continued before the Conference of Ambassadors on the questions

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to V, 213—Continued

of fortifications and war materials. Work on fortifications was to cease pending the settlement; see article 180. The Inter-Allied Military Control Commission was to be withdrawn on January 31, 1927, on which date article 213 of the treaty of peace was to become applicable.

The only case to come before the Council of the League under the rules of investigation was under the corresponding article 143 of the treaty of peace with Hungary. On January 1, 1928 five carloads of machine-gun parts, falsely declared as "machine parts", from Italy were seized by Austrian customs officials at the joint Austro-Hungarian frontier station of Szent-Gotthard. The Czechoslovak, Rumanian, and Yugoslav Governments asked the Council to intervene. Sale of the material was halted but the Council was unable to determine its final destination. The Council resolution of June 7, 1928 (*ibid.*, 1928, p. 918) regretted that Hungary had not taken its obligation to prohibit trade in arms into account in its handling of the matter.

The right of investigation was not exercised with respect to Germany, which as a member of the League of Nations participated in the Conference for Reduction and Limitation of Armaments from its beginning on February 2, 1932 until October 14, 1933. Thereafter, for a year negotiations on the armament question and a series of *pourparlers* looking to arranging for an "eastern Locarno" additionally drew attention away from the execution of the treaty of peace. National Socialist Germany was insistent upon the position of "equality" which had been accorded to the German Government in December 1932.

Part V of the treaty had in such conditions become only a single factor among many affecting political action with respect to armament. Several events accentuated the trend.

On March 16, 1935 Germany promulgated the law introducing universal military service; the Council of the League of Nations adopted a resolution condemning that violative action but took no further action. The military clauses of section I were thereby rendered inoperative. On June 18, 1935 the United Kingdom concluded the agreement with Germany fixing a 35 : 100 ratio between the German and British fleets; the naval clauses of section II thereby became obsolete. On March 7, 1936 Germany introduced troops into the demilitarized zone and announced an intention to rearm in the air. This violation of article 43 of the treaty and of section III put part V into desuetude.

PART VI

Note to V, 213—Continued

The military, naval, and air clauses were kept in force except in the case of Bulgaria. The Balkan Entente on July 31, 1938 (195 League of Nations Treaty Series, p. 371) agreed with Bulgaria, "so far as they are concerned, to dispense with the carrying out of the provisions contained in Part IV (Military, Naval and Air Clauses) of the Treaty of Neuilly". By an exchange of notes on August 12 and November 24, 1938, the United Kingdom assured Bulgaria that that Government did not "intend in future to rely on" those provisions.

PART VI.

PRISONERS OF WAR AND GRAVES.

[The vertical rule indicates treaty text.]

Notes to Part VI, Articles 214 to 226

On May 10 the German delegation proposed the creation of a special commission to settle various difficulties, such as the unconditional repatriation of German prisoners "undergoing punishment for offences other than breaches of discipline" (*Foreign Relations*, The Paris Peace Conference, 1919, v, 574). The delegation also complained that the provisions of the treaty regarding the surrender of personal property, the search for missing objects, and the care of graves were one-sided, and it asked for reciprocity. Germany, in view of its economic position, asked if the Allies would be able to provide German prisoners with new clothing before their return.

The Allies, in a note of May 20, declined to release prisoners guilty of crimes or misdemeanors committed on Allied territory (*ibid.*, p. 749). They declared that they had observed the laws of war and satisfied the demand of humanity in their treatment of prisoners, and would continue to do so. Reciprocity was impossible because of the treatment of Allied prisoners of war by the German Government. There was no surplus clothing available for German prisoners. Commissions to deal with the problems of prisoners could not be estab-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Notes to Part VI, Articles 214 to 226—Continued

lished until the Allies “shall have been advised that the plenipotentiaries of the German Empire intend to sign the peace”.

In the “observations” of May 29 the German delegation attempted to reopen the question of prisoners, including a demand that Germany should be responsible for the expenses of prisoners only after they had left the territory of the enemy power (*ibid.*, VI, p. 874). The Allies replied that they had nothing to add to their note of May 20 (*ibid.*, p. 957).

The treaty restoring friendly relations between the United States and Germany signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates that “Germany undertakes to accord to the United States and the United States shall have and enjoy . . . all the rights and advantages” stipulated for its benefit by this part of this treaty, “notwithstanding the fact that such treaty has not been ratified by the United States”. The rights and advantages of nationals of the United States specified in the joint resolution of Congress, approved July 2, 1921 (p. 18), were specifically mentioned in an understanding included in the Senate’s resolution of advice and consent to ratification of October 18, 1921. The Senate in that resolution made a further condition “that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation.”

This part is, *ipsisssimis verbis*, an annex, technically a schedule, of the treaty restoring friendly relations as printed by the Department of State in Treaty Series 658, but not as printed in 42 Stat. 1939.

SECTION I.—*Prisoners of War.*

ARTICLE 214.

The repatriation of prisoners of war and interned civilians shall take place as soon as possible after the coming into force of the present Treaty and shall be carried out with the greatest rapidity.

ARTICLE 215.

The repatriation of German prisoners of war and interned civilians shall, in accordance with Article 214, be carried out by a Com-

PART VI: ARTICLES 214 TO 218

mission composed of representatives of the Allied and Associated Powers on the one part and of the German Government on the other part.

For each of the Allied and Associated Powers a Sub-Commission, composed exclusively of Representatives of the interested Power and of Delegates of the German Government, shall regulate the details of carrying into effect the repatriation of the prisoners of war.

ARTICLE 216.

From the time of their delivery into the hands of the German authorities the prisoners of war and interned civilians are to be returned without delay to their homes by the said authorities.

Those amongst them who before the war were habitually resident in territory occupied by the troops of the Allied and Associated Powers are likewise to be sent to their homes, subject to the consent and control of the military authorities of the Allied and Associated armies of occupation.

ARTICLE 217.

The whole cost of repatriation from the moment of starting shall be borne by the German Government who shall also provide the land and sea transport and staff considered necessary by the Commission referred to in Article 215.

Note to VI, 217

By article 8A(b) of the Finance Ministers' Agreement of January 14, 1925 Germany was credited with the expenses of repatriation of prisoners of war, and the following gold-mark credits were made: France, 3,311.69; Great Britain, 29,884,758.81; Italy, 119,881.81; Belgium, 655,972.38; Serb-Croat-Slovene State, 110,445.74. Two claims by Rumania were submitted to arbitration under article 26 of the agreement of January 14, 1925. Walter P. Cooke, the arbitrator, decided that Rumania was entitled to a credit for repatriation under the armistice with Germany and before the entrance into force of the treaty of peace with Germany, but was not entitled to credit for repatriation in virtue of the treaty of Bucharest.

ARTICLE 218.

Prisoners of war and interned civilians awaiting disposal or undergoing sentence for offences against discipline shall be re-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

patriated irrespective of the completion of their sentence or of the proceedings pending against them.

This stipulation shall not apply to prisoners of war and interned civilians punished for offences committed subsequent to May 1, 1919.

During the period pending their repatriation all prisoners of war and interned civilians shall remain subject to the existing regulations, more especially as regards work and discipline.

ARTICLE 219.

Prisoners of war and interned civilians who are awaiting disposal or undergoing sentence for offences other than those against discipline may be detained.

ARTICLE 220.

The German Government undertakes to admit to its territory without distinction all persons liable to repatriation.

Prisoners of war or other German nationals who do not desire to be repatriated may be excluded from repatriation; but the Allied and Associated Governments reserve to themselves the right either to repatriate them or to take them to a neutral country or to allow them to reside in their own territories.

The German Government undertakes not to institute any exceptional proceedings against these persons or their families nor to take any repressive or vexatious measures of any kind whatsoever against them on this account.

ARTICLE 221.

The Allied and Associated Governments reserve the right to make the repatriation of German prisoners of war or German nationals in their hands conditional upon the immediate notification and release by the German Government of any prisoners of war who are nationals of the Allied and Associated Powers and may still be in Germany.

ARTICLE 222.

Germany undertakes:

(1) To give every facility to Commissions to enquire into the cases of those who cannot be traced; to furnish such Commissions with all necessary means of transport; to allow them access to camps, prisons, hospitals and all other places; and to place at their

PART VI: ARTICLES 219 TO 225

disposal all documents, whether public or private, which would facilitate their enquiries;

(2) To impose penalties upon any German officials or private persons who have concealed the presence of any nationals of any of the Allied and Associated Powers or have neglected to reveal the presence of any such after it had come to their knowledge.

Note to VI, 222

Germany was credited on reparation account with expenses entailed by these provisions.

ARTICLE 223.

Germany undertakes to restore without delay from the date of the coming into force of the present Treaty all articles, money, securities and documents which have belonged to nationals of the Allied and Associated Powers and which have been retained by the German authorities.

ARTICLE 224.

The High Contracting Parties waive reciprocally all repayment of sums due for the maintenance of prisoners of war in their respective territories.

SECTION II.—Graves.

ARTICLE 225.

The Allied and Associated Governments and the German Government will cause to be respected and maintained the graves of the soldiers and sailors buried in their respective territories.

They agree to recognise any Commission appointed by an Allied or Associated Government for the purpose of identifying, registering, caring for or erecting suitable memorials over the said graves and to facilitate the discharge of its duties.

Furthermore they agree to afford, so far as the provisions of their laws and the requirements of public health allow, every facility for giving effect to requests that the bodies of their soldiers and sailors may be transferred to their own country.

Note to VI, 225

An agreement between France and Great Britain signed at Paris November 26, 1918 (111 *British and Foreign State Papers*, p. 254) made provision for the care of British war graves. France recog-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

nized the Imperial War Graves Commission, constituted by royal charter of May 10, 1917, as the sole official body for the care of British military graves. The commission was granted extensive rights with regard to the repatriation of corpses, exhuming bodies from isolated graves, and burying them in cemeteries acquired by arrangement with local French authorities. Provision was made for common cemeteries and for the care of British cemeteries. Commemorative monuments were erected after agreement with the French authorities. An Anglo-French Mixed Committee, 4 honorary and 12 technical members, was constituted by the commission as its active organ. In consideration of the lump sum of one franc, the immovable properties of which the Governments of the United Kingdom, Canada, Australia, New Zealand, and Newfoundland, military units, or private individuals had become possessed by deed or gift with a view to the erection of commemorative monuments were transferred to the French Ministry of National Defense and War by a convention concluded at Paris December 28, 1938 (United Kingdom, Treaty Series No. 24 (1939), Cmd. 6003). The supervision and maintenance of the monuments on the 43 plots mentioned remained with the Imperial War Graves Commission.

The Government of the United States, represented by the chairman of the American Battle Monuments Commission, concluded with the French Government on August 29, 1927 an agreement for the acquisition of sites for monuments (Treaty Series 757). The commission was created by act of Congress approved March 4, 1923. The French Government acquired the real estate of which the commission had become proprietor and undertook to acquire other sites which the commission required for the erection of memorials at the expense of the commission. In no case were the debts so incurred to "be susceptible of cancellation against any debt whatever of the French Government towards the Government of the United States".

In the eight American military cemeteries in Europe 30,540 bodies were buried, while a total of 46,214 bodies were returned to the United States.

ARTICLE 226.

The graves of prisoners of war and interned civilians who are nationals of the different belligerent States and have died in captivity shall be properly maintained in accordance with Article 225 of the present Treaty.

The Allied and Associated Governments on the one part and the

PART VII: ARTICLES 226 TO 227

German Government on the other part reciprocally undertake also to furnish to each other:

(1) A complete list of those who have died together with all information useful for identification;

(2) All information as to the number and position of the graves of all those who have been buried without identification.

PART VII.

PENALTIES.

[The vertical rule indicates treaty text.]

ARTICLE 227.

The Allied and Associated Powers publicly arraign William II of Hohenzollern, formerly German Emperor, for a supreme offence against international morality and the sanctity of treaties.

A special tribunal will be constituted to try the accused, thereby assuring him the guarantees essential to the right of defence. It will be composed of five judges, one appointed by each of the following Powers: namely, the United States of America, Great Britain, France, Italy and Japan.

In its decision the tribunal will be guided by the highest motives of international policy, with a view to vindicating the solemn obligations of international undertakings and the validity of international morality. It will be its duty to fix the punishment which it considers should be imposed.

The Allied and Associated Powers will address a request to the Government of the Netherlands for the surrender to them of the ex-Emperor in order that he may be put on trial.

Notes to Part VII, Articles 227 to 230

The German delegation declined to recognize the competence of the special tribunal to be established for the trial of William II or any legal basis for the prosecution. Germany could not admit that "a German should be brought before a foreign special tribunal

Notes to Part VII, Articles 227 to 230—Continued

in virtue of a special law enacted by foreign Powers to apply to him alone and framed not on principles of right but on those of politics, and that he should be punished for an act which, when it was committed, was subject to no penalty". The German Government also refused to agree to the demand which the Allies would make upon the Netherlands Government for the surrender of the ex-Emperor. Likewise the German code forbade the surrender of the persons referred to in article 228 (*Foreign Relations*, The Paris Peace Conference, 1919, vi, 874).

Germany, however, was prepared to see that violations of international law were punished with full severity and to submit the question whether an offense against the laws and customs of war had been committed to an international tribunal of neutrals competent to judge all violations by nationals of all the signatories, Germany to have an equal part in the formation of the tribunal and meting out of punishment to be left to national courts.

The German delegation linked this issue of penalties to the question of responsibility for the war. On May 13 it protested against article 231 (part VIII), stating that "the German people did not will the war and would never have undertaken a war of aggression" and that the delegation did not consider the former German Government as "the party which was solely or chiefly to blame for this war". The Allies were asked to communicate a report made by a commission set up by them to determine the responsibility of the authors of the war (*ibid.*, v, 727). This request was refused by the Allies on May 20 (*ibid.*, p. 742), but somehow the report got into the press, and the German delegation appointed a special committee to consider it. On May 28 the "observations" of this special committee were transmitted to the Allies; the document laid the blame for the war primarily on Tsarist Russia and represented Germany as fighting a war of defense (*ibid.*, vi, 781).

The Allied reply to the German contentions dealt first with the responsibility of Germany for the war and rejected the German argument *in toto*; "the Allied and Associated Powers are satisfied that the series of events which caused the war was deliberately plotted and executed by those who wielded the supreme power in Vienna, Budapest, and Berlin". The Allies did not stop there, however, but declared that for decades Germany, under the inspiration of Prussia, had been "the champion of force and violence, deception, intrigue and cruelty in international affairs" and had "stood athwart

PART VII

Notes to Part VII, Articles 227 to 230—Continued

the whole current of democratic progress and international friendships throughout the world”.

For these reasons the Allies refused to accept the arguments of the German delegation against the trial of William II. The punishment of those responsible for the war was “essential on the score of justice” and might be “a deterrent to others who, at some later date, may be tempted to follow their example” (*ibid.*, p. 957). The ex-Emperor was “arraigned as a matter of high international policy, or the minimum of what [was] demanded for a supreme offence against international morality, the sanctity of treaties and the essential rules of justice”. The tribunals against which the German delegation complained would “represent the deliberate judgment of the greater part of the civilised world”; neutrality would not be admitted, for the arraignment of the ex-Emperor would be judicial only in form, not as to substance.

On June 22, 1919 the German delegation addressed to the President of the peace conference a note sent under instructions from the Reich Minister of Foreign Affairs in which it was stated that “the Government of the German Republic engages to fulfill the conditions of peace imposed upon Germany”, with the exception of articles 227 and 231.

The eleven hundred words of the note watered down that engagement considerably, but the note ended with this formal declaration:

“The Government of the German Republic is ready to sign the treaty of peace without . . . undertaking any responsibility for delivering persons in accordance with Articles 227 to 230 of the treaty of peace.”

This declaration was signed “Bauer, President of the Reich Ministry.”

The reply of even date stated that the Allied and Associated Governments could “accept or acknowledge no qualification or reservations and must require of the German representatives an unequivocal decision as to their purpose to sign and accept as a whole, or not to sign and accept the treaty as finally formulated.

“After the signature the Allied and Associated Powers must hold Germany responsible for the execution of every stipulation of the treaty.”

The unconditional acceptance by the German Government on June 23 is a formal record of the fact that Germany lost the war of 1914–18. The note read:

Notes to Part VII, Articles 227 to 230—Continued

“The Government of the German Republic has seen with consternation from the last communication of the Allied and Associated Governments that the latter are resolved to wrest from Germany by sheer force even the acceptance of those conditions of peace which, though devoid of material significance, pursue the object of taking away its honour from the German people. The honour of the German people will remain untouched by any act of violence. The German people, after the frightful sufferings of the last few years, lacks all means of defending its honour by external action [*against the outside world*]. Yielding to overpowering force, but without on that account abandoning its view in regard to the unheard-of conditions of peace, the Government of the German Republic therefore declares that it is ready to accept and to sign the conditions of peace imposed by the Allied and Associated Governments”.

Wilhelm II of Hohenzollern had abdicated as emperor of Germany, but not as king of Prussia, by decree on November 9, 1918; he was across the Netherlands border by the time the decree was public. For an account of an attempt to kidnap him in January 1919, see *Foreign Relations, The Paris Peace Conference, 1919*, II, 85. He remained in his internment until his death on June 4, 1941. In the interval of nearly 23 years he had no political, and but little personal, influence upon the course of affairs in Germany.

As stipulated in article 227, paragraph 4, the president of the peace conference addressed to the Netherlands Minister of Affairs on June 28, 1919, date of the signing of the treaty of peace, a note concerning the rendition of the German ex-Emperor. The note stated that the person under notice represented the military party of Germany and that his being at large would revive their hopes and menace the peace obtained at great cost and not yet fully assured. The Allied and Associated Governments suggested to the Netherlands Government that guarding the ex-Emperor involved a heavy responsibility, which neutral Netherlands did not seek and which entailed an ungrateful task that the Allies and Associates were disposed to assume.

The Netherlands Minister of Affairs replied succinctly on July 7:

“The Royal Government is conscious of its international obligations; it is likewise conscious of not having failed in fulfilling them.

“With reference to the matter raised by the communication of the Powers, it must reserve to itself the free exercise of its sovereignty

PART VII

Notes to Part VII, Articles 227 to 230—Continued

with respect to the rights which appertain to it and to the duties incumbent upon it.”

The president of the peace conference addressed a second note to the Netherlands Government on January 16, 1920, within a week after the treaty of peace had entered into force. The Netherlands Government was informed that the powers had decided to execute article 227 without delay. “In consequence, the Powers address to the Government of the Netherlands the official demand to deliver into their hands William of Hohenzollern, ex-Emperor of Germany, in order that he may be judged.” After reviewing the acts for which the government that he headed was responsible, the note defined the special character of the arraignment in virtue of article 227. “They have”, the note said, “the duty of insuring the execution of article 227 without permitting delay by arguments because there is not in question the circumstance of a public accusation basically of a juridic character but an act of high international policy imposed by the universal conscience, in which the forms of law have been introduced solely in order to assure the accused such a body of guarantees as public law has never known.”

In his reply of January 23, the Netherlands Minister for Foreign Affairs repudiated the implication that it had a duty of rendition similar to that incumbent upon Germany as a result of article 228. The Netherlands Government energetically rejected any suspicion of a desire to “cover with its sovereign law and its moral authority violations of the essential principles of solidarity of nations, but it cannot recognize an international duty of associating itself with the act of high international policy of the powers. If, in the future there was instituted by the League of Nations an international jurisdiction competent to judge, in case of a war, acts that are qualified as crimes and submitted to sanction by a prior statute, the Netherlands would properly associate itself with this new regime.” As things were, the Government admitted a duty only under the laws of the kingdom and the national tradition which was that at all times the country was a “land of refuge for vanquished in international conflicts”.

The general arguments of the reply on February 14, 1920 did not shake the position of the Netherlands, which was reiterated in that Government’s note of March 2.

The correspondence closed with a note of March 24 from the British Prime Minister in the name of the Allies, which recorded

Notes to Part VII, Articles 227 to 230—Continued

knowledge of the issuance by the Netherlands Government of a royal decree assigning a definite place of internment to the ex-Emperor in the province of Utrecht. This decree was supplemented by an undertaking of the Netherlands Government to assume complete responsibility for the custody of the ex-Emperor, the control of his correspondence and his relations with the outside world. The Allied Governments, the despatch said, "take note of this undertaking as indicating the serious intentions of the Dutch Government to mitigate the perils that may result from the presence of the ex-Emperor on their soil." The note closed with a warning that, if the person in question should become a center of reactionary propaganda and a menace to peace, "the Netherlands Government cannot escape the exclusive responsibility, both for the event and for its consequences, which they have thus deliberately chosen to assume".

The note of the Supreme Council dated May 5, 1921 found Germany in default as regarded fulfilment of article 227, and the German Government on May 11 stated its resolve to execute the unfulfilled portions of the treaty.

ARTICLE 228.

The German Government recognises the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law. This provision will apply notwithstanding any proceedings or prosecution before a tribunal in Germany or in the territory of her allies.

Text of May 7:

The German Government recognizes the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by military law. This provision will apply notwithstanding any proceedings or prosecution before a tribunal in Germany or in the territory of her allies.

The German Government shall hand over to the Allied and Associated Powers, or to such one of them as shall so request, all persons accused of having committed an act in violation of the laws and

PART VII: ARTICLE 228

customs of war, who are specified either by name or by the rank, office or employment which they held under the German authorities.

Note to VII, 228

The German delegation declared that violation of international law by individuals should be punished (*Foreign Relations, The Paris Peace Conference, 1919, VI, 900*). On the other hand other violations committed by nationals of both parties under the strain of war should be forgotten, and an amnesty had usually been included in treaties of peace. In the lack of such provision, Germany proposed that each state grant an amnesty to nationals of the other party for punishable acts committed under stress of war, provided they were not contrary to the laws and usages of war. Since the treaty provided for the reexamination of German court decisions in civil cases by the mixed arbitral tribunal, the same privilege should be extended to criminal cases. Finally, Germany protested against the treatment at the hands of occupation officials of persons in Alsace-Lorraine and the Palatinate whose actions were covered by German laws in force.

The president of the peace conference on February 3, 1920 transmitted to the German Peace Delegation lists of "the persons whose responsibility appears to be the most seriously involved" which had been drawn up by the British, French, Italian, Belgian, Polish, Rumanian, and Serb-Croat-Slovene Governments. The list contained the names of over nine hundred persons and included the names of political, military, and naval leaders.

The Germans then represented that the first reply to this communication succeeded in modifying the treaty. That reply, of Freiherr von Lersner, of even date (*United Kingdom, Protocols and Correspondence between the Supreme Council and the Conference of Ambassadors and the German Government and the German Peace Delegation between January 10, 1920, and July 17, 1920, Respecting the Execution of the Treaty of Versailles of June 28, 1919, No. 32, Cmd. 1325*), said:

"This evening your Excellency transmitted to me a note containing the names of those Germans whose extradition is claimed by the Allied Powers. In the course of the last three months, I have most solemnly laid before the representatives of the Allied and Associated Governments, ten times in writing and thirteen times orally, the reasons which make it impossible to comply with such a claim, whatever the attitude adopted by the accused and whatever their names.

"I must remind your Excellency of my constantly repeated statement that no German official would be prepared to assist in any way

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VII, 228—Continued

in the execution of the claim for extradition. It would constitute such assistance, were I to forward your Excellency's note to the German Government. I am therefore returning it to you herewith.

"I have informed my Government that I can no longer fulfil my office and shall leave Paris by the next train."

On this, when the list was sent to the German Chancellor on February 7, the president of the peace conference commented "that M. de Lersner's act was an individual manifestation, which did not bind the responsibility of the German Government". Nevertheless, in the further note of February 13 the Supreme Allied Council found a German proposal to commence final proceedings against German nationals in the Supreme Court at Leipzig "consistent with the execution of Article 228 . . . and expressly provided for at the end of the first paragraph". They would "see whether the German Government . . . is really prepared to try them itself" and reserved "the right to estimate by [its] actions the good faith of Germany". This constituted a tacit acceptance of the German proposal.

The Allied Council transmitted to the German delegation on May 7, 1920 a revised list of 45 persons who were to stand trial which had been prepared by an Inter-Allied Mixed Commission charged with collecting, publishing, and communicating to Germany details of the accusations against each of the accused persons. The German Government had stated in its letter of March 7 that it was prepared at once to institute penal proceedings before a supreme court at Leipzig, secured by most complete guaranties and distinct from the application of all previous judgments, proceedings, or decisions by German civil and military tribunals against all Germans whose surrender the Allied Governments intended to demand. The Allies regarded this offer as compatible with the execution of Article 228.

The protocol concluded at Spa on July 9, 1920 provided formally for this procedure. The protocol reads (United Kingdom, *op. cit.*, Misc. No. 15, Cmd. 1325) :

"The Conference decided, with the unanimous agreement of the plenipotentiaries representing the Governments of Belgium, France, Great Britain, Italy and Japan of the one part, and of Germany of the other part, that it is desirable, on the basis of the letter of the 7th May last addressed by the President of the Supreme Council of the Allies to the German Government, to proceed with the preparation of the case for the prosecution and the institution of proceedings

Note to VII, 228—Continued

in the cases submitted to the judgment of the court of Leipzig in conformity with the said letter.

“In order to hasten the preparation of the prosecution in these cases and to obtain all the definite data required, the Attorney-General of the Court of Leipzig shall send direct and as need arises to the Attorney-General of England, or to the Ministers of Justice of the other Allied Powers, as the case may be, any request he may have to make for information or judicial enquiry by interrogatories or in any other way. Such request shall be given effect to with the least possible delay, and the information collected shall be transmitted directly to the Attorney-General of the Court of Leipzig.”

Trials at Leipzig began on May 23, 1920. They were hampered by difficulties in bringing the accused to court and in securing evidence. Of six persons brought to trial at the instance of the British Government, five were convicted and given short sentences which included periods of detention while awaiting trial. Of six persons on the Belgian and French lists, one was convicted of shooting prisoners of war and sentenced to two years' imprisonment. On January 15, 1922 a commission of Allied jurists, appointed to inquire into the Leipzig trials, reported unanimously that it was useless to proceed with further cases and held that some of those acquitted should have been condemned and that the sentences of those condemned were not adequate. The commission recommended that the remaining accused should be handed over to the Allied Governments for trial. No attempt was made to give effect to the recommendation.

See generally, United Kingdom, *German War Trials; Report of Proceedings before the Supreme Court in Leipzig* (Cmd. 1450).

ARTICLE 229.

Persons guilty of criminal acts against the nationals of one of the Allied and Associated Powers will be brought before the military tribunals of that Power.

Persons guilty of criminal acts against the nationals of more than one of the Allied and Associated Powers will be brought before military tribunals composed of members of the military tribunals of the Powers concerned.

In every case the accused will be entitled to name his own counsel.

ARTICLE 230.

The German Government undertakes to furnish all documents and information of every kind, the production of which may be considered necessary to ensure the full knowledge of the incriminating acts, the discovery of offenders and the just appreciation of responsibility.

PART VIII.

REPARATION.

[The vertical rule indicates treaty text.]

Notes to Part VIII, Articles 231 to 247

The treaty restoring friendly relations between the United States and Germany signed at Berlin, August 25, 1921, and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates that "Germany undertakes to accord to the United States and the United States shall have and enjoy . . . all the rights and advantages" stipulated for its benefit by this part of this treaty, "notwithstanding the fact that such treaty has not been ratified by the United States". The rights and advantages of nationals of the United States specified in the joint resolution of Congress, approved July 2, 1921 (p. 18), were specifically mentioned in an understanding included in the Senate's resolution of advice and consent to ratification of October 18, 1921. The Senate in that resolution made a further condition "that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation".

This part is, *ipsissimis verbis*, an annex, technically a schedule, of the treaty restoring friendly relations as printed by the Department of State in Treaty Series 658, but not as printed in 42 Stat. 1939.

Data on the various phases of reparation, for the most part in addition to officially published material, have been drawn from file

PART VIII

Notes to Part VIII, Articles 231 to 247—Continued

462.00 R 29/1314, /3815, /4185, /4362, and /4370. Specific use has been made of 462.00 R 29/828 and 462.00 R 29/4403.

CHANGES IN THE SYSTEM

The immediate application of the provisions of part VIII extended from the establishment of the Organization Committee of the Reparation Commission in July 1919 until the entrance of the Experts' (Dawes) Plan into force on September 1, 1924. The results of that period are summarily accounted for in the notes to articles 231-47 and annexes I-VII.

In the earlier years the period was dominated by collection of the immense amount of material to which reparation was applicable, determination of procedures and methods of evaluation, the appraisal of claims, the development of systematic schemes for handling types of continuing deliveries, laying the legal bases of the whole vast network of deliveries, receipts, and credits, and the fixation of the Schedule of Payments of May 5, 1921. Germany accepted the Schedule of Payments while the sanction of a second default—additional occupation in the Ruhr—was being enforced and in the face of a decision to apply the same sanction to a third default (see annex II, par. 17).

The modification of annex II by the addition of paragraph 12A as an incident of elaborating a feasible Schedule of Payments introduced a new piece of reparation machinery in the Committee of Guarantees, which immediately encountered the difficulties raised by Germany in making cash payments. The additional difficulties attendant upon the creation of a system of deliveries in kind were evolving into the Wiesbaden agreement which gave that series of problems its early workable form. Promise of progressive adjustment was halted by the timber default found on December 26, 1922, leading to the occupation of the Ruhr and attended by the German inflation of 1923-24. This circumstance marked the cessation of the operation of the reparation system which had prevailed, as the accounts show. It was succeeded by the orderly period of the Experts' (Dawes) Plan.

In order to round out the picture a running narrative is here set down of the governmental steps that were taken from the relaxation due to the moratorium of 1922 until the elaboration of the Lausanne settlement in 1932. As these steps were taken by the governments

Notes to Part VIII, Articles 231 to 247—Continued

concerned and by the United States, they were outside of the terms of the treaty of peace itself.

THE EXPERTS' (DAWES) PLAN AND ITS OPERATION

While the Reparation Commission, with the assistance of the Committee of Guarantees, was arranging the 1922 modification of German payments (see art. 241), the creditor governments were considering measures for "securing payment of reparation, both by restoring order to German finance under effective supervision and by enabling Germany to pay off part of the capital of her debt by the issue of foreign loans". As a step in this direction the finance ministers of Belgium, France, Great Britain, Italy, and Japan on March 11, 1922 concluded at Paris an agreement which dealt with the distribution of receipts, limited armies of occupation costs, and provided for the allocation of deliveries in kind (United Kingdom, *Reparation, Financial Agreement . . . Signed at Paris, March 11, 1922*, Cmd. 1616, printed *post*, p. 870).

The five governments participated in a conference at London from August 7 to 14, 1922 (United Kingdom, Misc. No. 16 (1924), Cmd. 2258) in which "their points of view were irreconcilable". No decision was reached upon a German demand for a moratorium in respect of all cash payments up to December 31, 1924. On August 1 Great Britain had offered its war debtors relief in proportion as the United States granted relief (see p. 397), and delegates were at the time in the United States with a view to learning whether that proposal would be discussed. Uncertainty as to the outcome of that mission contributed to the failure of the conference.

On November 7, 1922 international financial experts, summoned by the German Government to advise it on the financial situation, made their report on the stabilization of the mark, which was then at 7000 to the dollar. The Belgian, British, French, and Italian premiers met at London on December 9 and 10, 1922 to consider a formal request from Germany for a final fixation of Germany's liability and a moratorium from all payments for three or four years, except restoration of the devastated regions. The German plan submitted was rejected (United Kingdom, *Inter-Allied Conferences on Reparation and Inter-Allied Debts*, Misc. No. 3 (1923), Cmd. 1812). The Belgo-French occupation of the Ruhr began on January 11, 1923 (see annex II, par. 17).

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Notes to Part VIII, Articles 231 to 247—Continued

On May 2, 1923 a German memorandum proposed a total obligation of 30,000,000,000 gold marks raised before July 1, 1930 "by a bond issue at normal rates of interest on the international money market" (*Foreign Relations*, 1923, II, 57). On June 7, 1923 Germany asked for a conference to determine its capacity to pay, which "depends on the character of the settlement as a whole", and included limited proposals. The note declared that "Germany acknowledges her liability to make reparation" (*ibid.*, p. 62). There followed an extensive production and exchange of analyses and proposals (United Kingdom, *Correspondence with the Allied Governments respecting Reparation Payments by Germany*, Misc. No. 5, Cmd. 1943).

The United States Government was not oblivious of these developments. On October 17, 1922 the Secretary of State suggested to the Ambassador in France "that the question of German reparation should be considered immediately by a committee of business men with approval of the Governments." But "any suggestion looking to a discussion of debts would cause violent opposition here and render a conference futile" (*Foreign Relations*, 1922, II, 169). The French Premier was "characteristically non-committal". On December 27, 1922 the President wrote to the chairman of the Senate Committee on Foreign Relations that a proposed amendment to the pending naval bill requesting him to call an economic conference to deal with conditions in the war-torn nations of Europe was "undesirable". He regarded a conference as futile until it was understood that it would be welcomed "within the limits of discussion which the expressed will of Congress compels this Government to impose" (*Congressional Record*, Dec. 28, 1922, p. 982).

He specified:

1. That Congress had not given its consent to the United States being represented on the Reparation Commission, as the reservation to the treaty restoring friendly relations required;

2. That the first practical step to facilitate the United States really dealing with the European situation was to free the hands of the Executive, the explicit terms for rates of interest and ultimate time of payment of intergovernmental debts being cited as hampering restrictions created by law;

3. That the United States could not assume to say what reparation should be paid or accepted, though adjustment of reparation was "quite generally accepted" as underlying any economic rehabilitation of Europe;

Notes to Part VIII, Articles 231 to 247—Continued

4. That it was inconsistent for the United States to initiate a conference in which foreign governments would insist that European debts to the United States and reparation were connected and the United States was denied all authority by act of Congress to negotiate on that contention.

The Secretary of State on December 29, 1922 delivered an address before the American Historical Association which was telegraphed to Paris, London, Brussels, Rome, Lausanne, and Berlin (*Foreign Relations*, 1922, II, 199). After reviewing the economic situation in Europe, on which statesmen were not agreed, he asked:

“Why should they not invite men of the highest authority in finance in their respective countries—men of such prestige, experience and honor that their agreement upon the amount to be paid, and upon a financial plan for working out the payments, would be accepted throughout the world as the most authoritative expression obtainable?” . . .

He commented that “I have no doubt that distinguished Americans would be willing to serve in such a commission”.

“The extremely critical economic position that has arisen in Europe owing to the failure to discover any solution to the reparation problem” actuated a resumption of correspondence in October 1923 (*ibid.*, 1923, II, 68 ff.). Beginning in conversations between the British Embassy at Washington and the Secretary of State on October 13 and 15, the negotiations culminated in the adoption by the Reparation Commission on November 30 of the following resolution (Reparation Commission, *Official Documents*, XIV, 1):

“In order to consider, in accordance with the provisions of Article 234 of the Treaty of Versailles, the resources and capacity of Germany, and after giving her representatives a just opportunity to be heard, the Reparation Commission decided to create two Committees of Experts belonging to the Allied and Associated countries.

“One of these Committees would be entrusted with considering the means of balancing the Budget and the measures to be taken to stabilise the currency.

“The other would consider the means of estimating the amount of exported capital and of bringing it back into Germany.”

The two committees sat from January 14 to April 9, 1924. Charles G. Dawes, a national of the United States, was chairman

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Notes to Part VIII, Articles 231 to 247—Continued

of the First Committee, and its report came to be known indifferently as the Dawes Plan and the Experts' Plan. Reginald McKenna, United Kingdom, was chairman of the Second Committee, consisting, as its sister body, of nationals of the United States, United Kingdom, France, Italy, and Belgium. Both reports were published by the Reparation Commission in its *Official Documents*, xiv.

The Dawes Plan confined its recommendations to the means of balancing the budget and the measures to be taken to stabilize the currency. Approaching these questions from the standpoint of business, the committee found itself under the necessity of determining the foreign debt obligation of the German Government and of devising means of recovering the required annual amounts from the German economy; of providing for the transfer of payments to the creditors; of devising methods of financial and currency reconstruction; and of insuring economic guaranties for the continuance of the payments stipulated, consistent with German financial autonomy. The plan provided for—

1. The establishment of a new Reichsbank and new currency, with the aid of an external gold loan;¹

2. The fixation of annuities, the payment of which was to “comprise all amounts for which Germany may be liable to the Allied and Associated Powers for the costs arising out of the War, including reparation, restitution, all costs of all armies of occupation, clearing house operations, to the extent of those balances which the Reparation Commission decide must legitimately remain a definitive charge on the German Government, commissions of control and supervision, etc.;

3. The assumption by the creditors of any exchange hazard. Payment in German currency into the Reichsbank to the credit of the Agent-General for Reparation Payments was “the definitive act of the German Government in meeting its financial obligations under the plan”;

4. The sources of the annuities were defined. One half of a standard annuity of 2,500,000,000 gold marks was to come ultimately

¹The general bond of the 800,000,000 gold marks German loan of October 10, 1924 is printed in Reparation Commission, *Documents*, xiv, 318. It met the greater part of the first annuity of 1,000,000,000 gold marks.

The four additional annuities, in gold marks, were: September 1924–August 1925, 1,220,000,000; September 1925–August 1926, 1,200,000,000; September 1926–August 1927, 1,750,000,000; September 1927–August 1928, 2,500,000,000.

Notes to Part VIII, Articles 231 to 247—Continued

from the German budget, this payment being collaterally secured by the produce of certain assigned revenues subject to control by a commissioner appointed by the creditors. A second portion of the annuity was a specified amount from a direct tax on transport. A third amount was raised by transferring the German Government railway system to the German Railway Company, which transferred its own bonds to a commissioner appointed by the creditors. A final portion of the annuity consisted of debt service on "industrial debentures". Under complicated processes a debt liability was accepted by industrial corporations, and against this obligation as security were issued industrial debenture bonds in favor of the commissioner of the creditors;

5. The dependence of the reparation payments on the service of the German railway and the industrial debenture bonds created a basis for "commercializing" a part of the reparation debt;

6. In behalf of the creditors a Transfer Committee was established to manage the transfer of payments across the exchanges;

7. The whole system was supervised by the Agent-General for Reparation Payments, S. Parker Gilbert, Jr., whose very efficient organization contributed materially to coordinating the system into a smoothly running machine with benefits to the German fiscal system and advantages to the creditors;

8. The entire system being specific and fully worked out, the Dawes Plan indicated, and the agreements of the London conference provided in detail for, the smoothing out of all friction concerning it by appropriate arbitral methods, 19 separate types of jurisdiction being provided. The most important of these was the Arbitral Tribunal of Interpretation between the Reparation Commission and the German Government;

9. The Reparation Commission, while continued in existence, was substantially superseded, except for its functions with regard to Austrian, Bulgarian, and Hungarian reparation.

The Second Committee of Experts also made a report on April 9, 1924 that allayed concern over the two subjects with which it dealt. The report analyzed the conditions which attend the migration of capital and found that its so-called flight in the German instance "was in the main the result of the usual factors". Speculation had been markedly a contributing factor. The committee reported that the normal remedies for the situation were the only ones that were applicable to Germany, namely, the attainment of stability and the restoration of confidence.

PART VIII

Notes to Part VIII, Articles 231 to 247—Continued

The results under the Experts' (Dawes) Plan were gratifying. The Agent-General for Reparation Payments, S. Parker Gilbert, Jr., the commissioners for railway and industrial debentures, and the Transfer Committee performed their assigned functions efficiently and their semi-annual reports gave evidence that the objectives of the Plan were being realized. The annuity under the Plan increased yearly and for the year beginning September 1, 1929 reached its intended level of 2,500,000,000 gold marks, the only change thereafter to be by application of the "prosperity index". The Plan itself put no term to the annuities unless they were to cease upon the full liquidation of the A, B and C bonds of the Schedule of Payments. Their original total of 132,000,000,000 gold marks was, however, deemed unreal even in 1921 as a realizable joint claim upon all four of the reparation debtors and the C bonds, amounting to 82,000,000,000 gold marks, required a fresh decision to become an active obligation, except for cancellation by credits of capital transfers or of Austrian, Bulgarian, and Hungarian payments. Minor liquidations from those four sources were not expected to reduce the outstanding total of those bonds to any notable extent. On the other hand, the creditors, in view of their own claims and their obligations for intergovernmental debts to the United States, were not willing to contemplate the full payment of the A and B issued bonds, 50,000,000,000 gold marks, as automatically liquidating reparation at some future date.

The Agent-General for Reparation Payments raised the question of a final settlement in his report of December 10, 1927 where he wrote:

"As time goes on and practical experience accumulates, it becomes always clearer that neither the reparation problem nor the other problems depending upon it will be finally solved until Germany has been given a definite task to perform on her own responsibility without foreign supervision and without transfer protection."

In his report of June 7, 1928 (Reparation Commission, *Official Documents*, xvii, 108), he stated that "fundamentally, what the Plan has done is to re-establish confidence and to permit Germany's reconstruction as a going concern. In so doing it has marked the turning point in the reconstruction of Europe, and it has also achieved its primary object, by securing from the very beginning the expected reparation payments and transfers to the creditor powers." He continued by calling attention to the fact that the Plan was not an

Notes to Part VIII, Articles 231 to 247—Continued

end in itself, and added: "The fundamental problem which remains is the final determination of Germany's reparation liabilities, and . . . it will be in the best interests of the creditor powers and of Germany alike to reach a final settlement by mutual agreement 'as soon', to use the concluding words of the Experts, 'as circumstances make this possible'."

The United States participated in the receipts from Germany under the Dawes Plan in virtue of an agreement regarding the distribution of the Dawes annuities signed at Paris January 14, 1925 on behalf of the Governments of Belgium, France, Great Britain, Italy, Japan, United States, Brazil, Greece, Poland, Portugal, Rumania, Serb-Croat-Slovene State, and Czecho-Slovakia (*Foreign Relations*, 1925, II, 145).

This instrument, popularly known as the Finance Ministers' Agreement, effected a settlement of past accounts and a precise allocation of the annuities to meet all requirements and to eliminate many miscellaneous claims. In addition to 12 percent of the special amount allocated for the reimbursement of the Belgian war debt as defined in article 232 of the treaty, the United States was to receive:

A. 55,000,000 gold marks per annum beginning September 1, 1926, "in reimbursement of the costs of the United States Army of Occupation," this provision being deemed to supersede the agreement with France, Great Britain, Italy, and Belgium of May 25, 1923" (*ibid.*, 1923, II, 180);

B. In satisfaction of awards under the Mixed Claims Commission established in pursuance of the agreement between the United States and Germany, August 10, 1922, "2¼ percent of all receipts from Germany on account of the Dawes annuities available for distribution as reparation."

In virtue of these provisions, the report of the Agent-General for Reparation Payments, May 21, 1930, shows that 300,430,667.80 gold marks were transferred to the United States of America.

ADOPTION OF THE NEW (YOUNG) PLAN

On September 16, 1928 the representatives of Germany, Belgium, France, Great Britain, Italy, and Japan, in attendance at Geneva on the ninth ordinary session of the Assembly of the League of Nations, announced that in concluding a series of three conversations

PART VIII

Notes to Part VIII, Articles 231 to 247—Continued

they had reached agreement upon (1) opening negotiations for complete evacuation of the Rhineland; (2) constituting a committee of financial experts for the settlement of the reparation problem; and (3) constituting "a committee of verification and conciliation" as a result of negotiations.

The six governments defined the committee's terms of reference on December 22, 1928 as follows:

"The Belgian, British, French, German, Italian and Japanese Governments, in pursuance of the decision reached at Geneva on September 16, 1928, whereby it was agreed to set up a committee of independent financial experts, hereby intrust to the committee the task of drawing up proposals for a complete and final settlement of the reparation problem. These proposals shall include a settlement of the obligations resulting from the existing treaties and agreements between Germany and the creditor powers. The committee shall address its report to the Governments which took part in the Geneva decision and also to the Reparation Commission."

This mandate was preceded on December 17, 1928 (*Foreign Relations*, 1928, II, 878) by an agreement between France and Germany which set forth that the Belgian, French, British, Italian, and Japanese experts should be nominated by their Governments and appointed by the Reparation Commission, the German experts should be appointed by the German Government, and that "citizens of the United States should also take part in the work". The six governments approached the American Government on this latter point and on December 24 the Secretary of State announced that "the United States will have no objection" to Americans serving. The six governments joined in inviting Owen D. Young and J. P. Morgan to be the American members, with the approval of the United States Government. The Committee of Experts convened on February 11, when it chose Mr. Young as chairman, and dated its report June 7, 1929.

From March 3 onward, Mr. Young at the request of the Secretary of State forwarded statements on the program of the work for the attention of the President of the United States (*ibid.*, 1929, II, 1029 ff.). In the ensuing correspondence by or through the Secretary of State the chairman of the Committee of Financial Experts appointed by Belgium, France, Germany, Great Britain, Italy, and Japan was informed, in a memorandum by the Secretary of the

Notes to Part VIII, Articles 231 to 247—Continued

Treasury, that “under no circumstances” would any official of the Federal Reserve System “be permitted to serve as a director of the International Bank or to name a director” and “that our Government would consider it most unfortunate . . . if the proposed payments by Germany are divided into categories, one of which is to be made to correspond exactly to payments by the allied governments to this country” (*ibid.*, p. 1040). It was subsequently confirmed that this memorandum was “neither an official communication to the Committee of Experts through us, nor . . . an instruction to us” (*ibid.*, pp. 1043, 1059). The direct interest of the United States in the effect of the “final settlement” upon payment of army costs of occupation and mixed claims was the subject of a separate agreement signed on June 23, 1930 pursuant to act of Congress of June 5, 1930 (46 Stat. 500) and is in *Annual Report of the Secretary of the Treasury*, 1930, p. 341, and 106 League of Nations Treaties Series, p. 121.

The report of the committee of June 7, 1929 added two essential elements to the solution of the reparation problem:

(1) It fixed the number and reduced the amount of the annuities that were to be paid by Germany “on her own untrammelled responsibility”.

(2) It removed the German reparation debt “from the sphere of inter-governmental relations” by making adequate provision for its liquidation in accordance with economic principles and, further, by its partial “commercialization”.

The plan incidentally provided for several important developments:

(1) It called for the establishment of the Bank for International Settlements to “provide additional facilities for the international movement of funds” in connection with reparation payments and otherwise, and “to afford a ready instrument for promoting international financial relations”;

(2) It finally removed from Germany all politico-economic controls and assimilated the entire future mechanism of reparation payments to normal financial and economic principles;

(3) It abolished all organs invented specifically for the collection and distribution of reparation, including the Reparation Commission, the Agent-General for Reparation Payments, and foreign com-

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missioners supervising pledges representing security for Germany's liability;

(4) It abolished the joint liability of Germany for any Austrian, Bulgarian, or Hungarian indebtedness;

(5) It contemplated the eventual cessation of deliveries in kind, thus doing away with an artificial form of trade;

(6) It abolished the "index of prosperity" which under the Dawes Plan would have in the future increased or diminished the annuities;

(7) It established an equitable agreement between debtor and creditor groups by reduction "in the face value of payments due". In doing this the committee definitely based its decision upon the conviction that the best "basis of security" was "the solemn undertaking of the German Government, to which no further guaranty could add anything whatsoever". On the other hand, the creditors were to obtain "improvements in intrinsic and available values which arose from the practicability and certainty of commercialization and mobilization within a reasonable period and in its attendant financial and economic psychology".

The Report of the Committee of Experts on Reparations (United Kingdom, Cmd. 3343) required acceptance by the governments, the enactment of its recommendations into treaty form, the settlement of collateral or dependent questions between the parties, and the ratification of all these. Effect was given to the report in a conference at The Hague August 6–31, 1929 and January 3–20, 1930. The conference was attended by delegates of Germany, Belgium, Great Britain, Canada, Australia, Union of South Africa, New Zealand, India, France, Greece, Italy, Japan, Poland, Rumania, Yugoslavia, Czechoslovakia, and the United States "in the capacity of observer and with specifically limited powers".

The proceedings were delayed by difficulties put forward by the British Labor Government which had come into office on June 5. The New (Young) Plan had departed from the Spa percentages and, instead of 23.05 percent, gave the British Empire 19.494 percent of the total German payments in 37 years. The new Chancellor of the Exchequer set out to recover the remission of his predecessor. In a broadcast on September 2, 1929 he told how an increase of some £2,000,000 a year had been obtained by various assignments in the general scheme.

The first session of the conference reached the settlement on the evacuation of the Rhineland (104 League of Nations Treaty Series,

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p. 473) and an agreement on Locarno commissions of conciliation (*ibid.*, p. 487) on August 30, 1929 and on the 31st approved a protocol covering transitional details (file 462.00 R 296/3396). This protocol provided for interim committees which met as follows:

Organization Committee of the Bank for International Settlements, Baden-Baden, October 3 – November 13, 1929;

Committee on delivery in kind, Paris, September 16 – November 30, 1929;

Committee on ceded properties, liberation debts, and final settlement under the treaties of St. Germain, Trianon, and Neuilly, Paris, September 16 – November 30, 1929;

Committee on liquidation of the past, Paris, September 16 – November 22, 1929;

Adaptation of the system of controlled revenues to the New Plan, Annex I to the final protocol signed at London, August, 16, 1924; report submitted November 10, 1929;

Adaptation of the German law on the Reichsbank of August 30, 1924; report submitted November 12, 1929;

Adaptation of the German law concerning the German Railway Company of August 30, 1924; report submitted November 19, 1929.

While these committees were sitting the German Nationalist Party sought to defeat the government's policy by initiating a petition for passage of legislation asserting that "no further financial burdens or obligations based on the war guilt acknowledgement shall be assumed". That section was defeated in the Reichstag on November 30 by a vote of 317 to 82 (*Verhandlungen der deutschen Nationalversammlung*, band 426, 3374). There followed an attempt to pass the proposal by plebiscite which failed on December 22, the favorable vote being 13.8 percent out of a required 50 percent.

At the second session of the conference Austria, Bulgaria, and Hungary had representatives. The whole business was brought to a conclusion on January 20, 1930 when the following instruments were signed:

With Germany:

Agreement of January 20, 1930 on the final acceptance of the Plan of the Committee of Experts of June 7, 1929; with 12 annexes:

Exchange of declarations;

Measures of transition;

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Debt certificate of the German Reich;

Certificate of the Deutsche Reichsbahn-Gesellschaft;

Revision of the German bank law;

Amendment of the law and statutes of the Deutsche Reichsbahn-Gesellschaft;

Assignment by way of collateral guaranty of revenues of the Reich to meet service on the German external loan, 1924¹;

Form of Trust Agreement;

Regulations for deliveries in kind;

Agreement of Berlin, January 2, 1930, for amending administration of the British Reparation Recovery Act and agreement of The Hague, January 18, 1930, for amending administration of the French Réparation Recovery Act;

Securities for the German external loan, 1924;

Arbitration rules of procedure.

Arrangement relating to the concurrent memorandum accompanying the Experts' report, January 20, 1930, with concurrent memorandum annexed.

Convention respecting the Bank for International Settlements; Constituent Charter and Statutes annexed.

Arrangement as to the financial mobilization of the German annuities.

Transitory provisions.

Financial agreement with Belgium, Brussels, July 13, 1929.

Agreement on the amnesty evacuation, Coblenz, October 5, 1929.

German-American debt agreement as initialed December 28, 1929; finally signed June 23, 1930.

Liquidation agreements on property, rights, and interests: with Belgium (Berlin, July 13, 1929, and Brussels, January 16, 1930); with Poland (Warsaw, October 31, 1929); with Great Britain and Northern Ireland (London, December 28, 1929); with France (Paris, December 31, 1929); with Canada (The Hague, January 14, 1930); with Australia (The Hague, January 17, 1930); with New Zealand (The Hague, January 17, 1930); with Italy (The Hague, January 20, 1930).

¹ The international agreement in regard to the German 5½-percent loan, 1930, was signed at Paris June 10, 1930 and determined the text of the general bond between Germany and the Bank for International Settlements (United Kingdom, Foreign Office, Treaty Series No. 7 (1931), Cmd. 3761).

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Agreement between the creditor states respecting Germany, January 20, 1930.

With others:

Agreement with Austria, January 20, 1930.

Agreement with Bulgaria, January 20, 1930.

Agreement with Hungary, with annexes embodying general agreement relating to the Agrarian Fund "A" and fund "B", etc.; put in final form at Paris April 28, 1930.

Agreement with Czechoslovakia, January 20, 1930.

Arrangement between the creditors respecting Austria, Hungary, Bulgaria, and liberation debts, January 20, 1930.

The German laws for carrying out the treaties of the Hague conference of 1929 and 1930, to amend the bank and Reichsbahn laws, and to give effect to the German-American debt agreement were enacted on March 13, 1930 (*Reichsgesetzblatt*, 1930, II, No. 7).

The New (Young) Plan entered into force on May 17, 1930 with retroactive effect to September 1, 1929. It superseded the provisions of part VIII of the treaty of peace. The Reparation Commission, with respect to its functions under all four treaties, was in liquidation.

In the view of the United States Government, the New (Young) Plan jeopardized the priority which it had obtained for its special claims to payment. The "unofficial observer" informed the Agent-General for Reparation Payments (Reparation Commission, Annex 4142A) that "the United States of America reserves all of its rights under existing treaties and the Paris Agreement of January 14, 1925" and that acceptance of payments would not "indicate an acceptance by this Government of the Young schedule of payments or the waiving of the priority which the United States enjoys at present in respect of army cost payments."

The Agent-General notified the Reparation Commission on May 15, 1930 of this statement. The agreement between Germany and the United States of June 23, 1930 (see p. 942) reconciled American interests with the New (Young) Plan.

INTERGOVERNMENTAL DEBTS AND REPARATION

An important feature of the New (Young) Plan was the inclusion in the annuities of "out-payments" which consolidated the overlapping debts and credits of the various creditors of Germany. The Committee of Experts made provision for these "out-payments" in

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a "concurrent memorandum" issued simultaneously with, but not a part of, their main report. The governments of Belgium, France, Great Britain and Northern Ireland, Greece, Italy, Portugal, Rumania, and Yugoslavia concluded an arrangement on January 20, 1930 (104 League of Nations Treaty Series, p. 421) with the German Government to carry out the recommendations of the memorandum.

The memorandum and arrangement recognized that there was a network of intergovernmental indebtedness in existence as a consequence of the war of 1914-18, and that the ability of the states creditors of Germany to pay the debts of their governments was related to their receipts from Germany and its former allies on the reparation account. Further, the experts were aware that the service of intergovernmental debts involved payments across the international exchanges which were not offset by commercial transactions and which consequently created a constant abnormal strain upon the international exchange system. The memorandum and arrangement constituted a first effective step of debtors to the United States Government to connect their obligations to pay the United States with the German obligation to pay them.

The President of the United States on June 22, 1921 submitted to the chairmen of the Ways and Means Committee of the House of Representatives and of the Finance Committee of the Senate a draft proposal for settlement of intergovernmental debts prepared by the Treasury (S.2135, 67th Cong., 1st sess.) which read:

An Act To enable the refunding of obligations of foreign governments owing to the United States of America, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, with the approval of the President, is hereby authorized from time to time to refund or convert, and to extend the time of payment of the principal or the interest, or both, of any obligation of any foreign Government now owing to the United States of America, or any obligation of any foreign Government hereafter received by the United States of America (including obligations held by the United States Grain Corporation), arising out of the European War, into bonds or other obligations of such, or of any other, foreign Government, and from time to time to receive bonds and obligations of any foreign Government in substitution for those now or hereafter held by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America, and to adjust and settle any and all claims, not now represented by bonds or obligations, which the

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United States of America now has or hereafter may have against any foreign Government and to accept securities therefor.”

This bill was reported to the Senate by the Committee on Finance (S. Rept. 264, pts. 1 and 2, 67th Cong., 1st sess., serial 7918) on August 20, 1921. The committee's majority approved the proposal “as affording the best and most practicable method of handling the matter”. It noted that in proposing to accept obligations of countries other than the debtor countries, the Treasury did not intend “to accept any German bonds unless it becomes necessary or desirable to do so in some now unforeseen special cases”. A minority of six Senators said the bill ought not to pass. “Considerable misunderstanding” existed as to the purpose of the legislation as a consequence of the ensuing debate, which resulted in the introduction of H. R. 8762 in the general form of the legislation realized. “The popular belief,” said the report from the Committee on Ways and Means upon that proposal (H. Rept. 421, 67th Cong., 1st sess., serial 7921) dated October 20, 1921, “seems to be that authority is sought by the Secretary either to exchange the obligations of one country for the obligations of some other country or to cancel a portion or all of the principal and interest due”. A minority again argued for legislative rather than executive action.

The legislation which was eventually approved on February 9, 1922 (42 Stat. 363) differed materially from the original proposal. It created the World War Foreign Debt Commission, the members of which, except the Secretary of the Treasury, as chairman, were to be appointed by the President by and with the advice and consent of the Senate. The commission was authorized within three years to refund or convert obligations of foreign governments held by the United States (including obligations held by the United States Grain Corporation, the War Department, the Navy Department or the American Relief Administration) arising out of the war of 1914–18, into bonds or other obligations of such foreign governments “in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America: *Provided*, that nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States of America by any foreign government beyond June 15, 1947, or to fix the rate of interest at less than 4¼ per centum per annum.”

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Section 3 of the Act prohibited "the exchange of bonds or other obligations of any foreign government for those of any other foreign government, or cancellation of any part of such indebtedness except through payment thereof." The authority of the commission was to cease with the refunding or conversion of obligations and the commission was to transmit to the Congress copies of refunding agreements entered into, with the approval of the President.

The passage of the American law had a reaction on August 1, 1922 when the British Foreign Office addressed a despatch to the representatives of France, Italy, Serb-Croat-Slovene State, Rumania, Portugal, and Greece, which together owed £3,400,000,000 to the United Kingdom, which in turn owed the United States £850,000,000.

The Balfour note (United Kingdom, Misc. No. 5 (1922), Cmd. 1737) reverted to this "unexampled situation" because recent events left "little choice in the matter". The United States Government was exercising undoubted rights in requiring the United Kingdom to pay the accrued interest, to convert an unfunded into a funded debt and to pay it by a sinking fund in 25 years. This debt was not an isolated incident but was one of a connected series of transactions and "if our undoubted obligations as a debtor are to be enforced, our not less undoubted rights as a creditor cannot be left wholly in abeyance". The debts were incurred and the loans made "not for the separate advantage of particular states, but for a great purpose common to them all." Among the current economic ills "must certainly be reckoned the weight of international indebtedness, with all its unhappy effects upon credit and exchange, upon national production and international trade." Though also a creditor on balance, "the policy favored by His Majesty is . . . that of surrendering their share of German reparation, and writing off, through one great transaction, the whole body of inter-allied indebtedness."

The British note stated that "half the £2,000,000,000 advanced to allies were provided, not by means of foreign loans, but by internal borrowing and war taxation." With reference to the arrangement with the United States, it was asserted "that, though our Allies were to spend the money, it was only on our security that [the United States] were prepared to lend it." The role assigned to Great Britain in the "cooperative effort . . . of infinite value" was scarcely "one of special privilege or advantage".

A copy of this despatch was transmitted to the Department of State (file 800.51 W 89/28), and communicated to the Treasury Department.

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The World War Foreign Debt Commission concluded with the Government of the United Kingdom a draft funding agreement covering a principal sum of \$4,600,000,000, representing the face value of demand notes and accrued interest thereon at 5 per cent, repayable in 62 years by a sinking fund, with the outstanding principal bearing an average of 3.306 per cent interest. As this agreement did not meet the conditions of the provisos of section 2 and section 3 of the act of February 9, 1922 as to maturity and interest, it was submitted to Congress, which adopted it as an amendment to that law by an act approved February 28, 1923 (42 Stat. 1325). A funding agreement followed. Subsequent funding agreements of its general character were submitted to the Congress as Senate documents, and separate acts embodied the terms reached. With respect to the debts to the United States affected by the contention of the debtors that they were part of a total war obligation, settlements were made as follows:

Country	Agreement with debtor	Act of Congress	Principal funded
Great Britain	June 19, 1923	Feb. 28, 1923 (42 Stat. 1325)	\$4,600,000,000
France	April 29, 1926	Dec. 18, 1929 (46 Stat. 48)	4,025,000,000
Italy	Nov. 14, 1925	April 28, 1926 (44 Stat. 329)	2,042,000,000
Belgium	Aug. 18, 1925	April 30, 1926 (44 Stat. 376)	171,780,000 (417,780,000)
Yugoslavia	May 3, 1926	March 30, 1928 (45 Stat. 399)	62,850,000
Rumania	Dec. 4, 1925	May 3, 1926 (44 Stat. 385)	44,590,000
Greece	Jan. 18, 1928	Feb. 14, 1929 (45 Stat. 1176)	(30,292,000) 18,125,000

From the point of view of the creditors of Germany, the rigidity of their agreements with the United States imposed upon them the burden of providing much larger and more complicated exchange payments than they regarded as otherwise necessary. Being creditors of Germany they were desirous of using their receipts from that government to pay their other indebtedness.

With these considerations in mind, and taking into account the insistence of the creditors that their requirements from Germany were dependent upon their own obligations to make out-payments, the Committee of Experts incorporated in the New Plan an annuity

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system designed to meet the situation. The fixed condition which they faced was the requirement in the agreements made by the United States Government with its debtors that payments should extend over a period of 62 years from 1923 or thereabouts. The annuities that Germany was to meet were, therefore, to continue from September 1, 1929 until March 31, 1988, a period of 59 years. This period was divided into two parts. The first period of 37 years, extending until March 31, 1966, during which Germany was to pay on both reparation and out-payments accounts, was determined by the time required for amortization at one percent per annum. The further period of 22 years from April 3, 1966 to March 31, 1988, during which Germany's obligations were for out-payments only, was determined by the life of the United States debt agreements.

The out-payments annuities, which excluded Germany's obligations under its separate agreement with the United States, constituted the bulk of the requirements in the first 37 years. Up to March 31, 1966 Germany was obligated to pay 79,483,300,000 Reichsmarks of which 50,738,100,000 Reichsmarks was to be devoted to out-payments and only 28,745,200,000 Reichsmarks (32.9 percent) to reparation. In the subsequent period until March 31, 1988 out-payments were to amount to 34,422,600,000 Reichsmarks, with no payments on reparation account. Of the total of 113,907,700,000 Reichsmarks payable in 62 years, 84,548,700,000 Reichsmarks (74.2 percent) was assigned to out-payments.

The arrangement of January 20, 1930 made the amount of the stipulated out-payments contingent upon any modification of obligations from which the creditors might effectively benefit. In the first 37 years Germany was to benefit from any remission to the extent of two thirds of the net relief available, the other one third to be retained by the creditors of Germany as an advance payment on Germany's outstanding obligations. In the last 22 years the whole of any remission was to be applied to the reduction of Germany's liabilities. The inter-Allied debts which were taken into consideration in calculating out-payment annuities were stated in the arrangement of January 20, 1930 to be the following:

1. To the United States of America
Great Britain: Agreement of June 19, 1923
France: Agreement of April 29, 1926
Italy: Agreement of November 14, 1925

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- Belgium: Agreement of August 18, 1925
- Yugoslavia: Agreement of May 3, 1926
- Rumania: Agreement of December 4, 1925
- Greece: Agreement of January 18, 1928
- 2. To Great Britain
 - France: Agreement of July 12, 1926
 - Italy: Agreement of January 27, 1926
 - Rumania: Agreement of October 19, 1925
 - Yugoslavia: Agreement of August 9, 1927
 - Portugal: Agreement of December 31, 1926
 - Greece: Agreement of April 9, 1927
- 3. To France
 - Rumania: Agreement of January 17, 1930
 - Yugoslavia: Agreement of January 20, 1930
 - Greece: Agreement of January 20, 1930 dealing with the war debt (provisions relating to the pre-armistice debt—*tranche A*).

THE "HOOVER MORATORIUM"

After a period of severe world-wide depression, on June 20, 1931 the President of the United States issued a statement in which he said: "The American Government proposes the postponement during one year of all payments on intergovernmental debts, reparations and relief debts, both principal and interest, of course, not including obligations of Governments held by private parties. Subject to confirmation by Congress, the American Government will postpone all payments upon the debts of foreign governments to the American Government payable through the fiscal year beginning July 1 next, conditional on a like postponement for one year of all payments of intergovernmental debts owing the important creditor powers" (Department of State, *Press Releases*, June 20, 1931, p. 482).

The proposal of this "Hoover moratorium" that the payment of intergovernmental debts should be suspended for the year ending on June 30, 1932 affected the pattern of international indebtedness in several respects:

1. It would suspend payments on the funded debts owing to the United States on account both of wartime (pre-armistice) and of supply and relief (post-armistice) loans. Nine tenths of the value of the 15 funded debts was in the pre-armistice obligations of four states, Great Britain, France, Greece, and Italy. War and supply

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debts were funded with Belgium, Czechoslovakia, France, Rumania, and Yugoslavia, while supply and relief accounts existed with Austria, Estonia, Finland, Latvia, Lithuania, and Poland.

2. Suspension of payments under the New (Young) Plan would involve adjustments with regard to (a) the out-payments which constituted the bulk of the annuity and which were ear-marked for servicing, among others, the pre-armistice debts to the United States of Great Britain, France, Italy, Belgium, Greece, Rumania, and Yugoslavia; and (b) the suspension of the non-postponable portion of the annuity, amounting to 673,800,000 gold marks.

3. Suspension of other debts, those included in the "out-payments" as defined by the arrangement of January 20, 1930 relating to the "concurrent memorandum", and those not so linked with German obligations, as well as non-German obligations.

The concern of France in preserving the continuance in principle of the non-postponable (or unconditional) annuity under the New (Young) Plan and in adjusting arrangements with respect to deliveries in kind was relieved by the conclusion at Paris on July 6, 1931 of an agreement between the French and United States Governments (Department of State, *Press Releases*, July 6, 1931, p. 41; file 462.00 R 296/4524). This agreement embodied observations by France on a number of points which did not directly concern the United States. One of these was provision for convening a committee of experts of the interested states which should "reconcile the material necessities with the spirit of President Hoover's proposal".

This International Committee of Experts was appointed by Germany, Belgium, the United Kingdom, France, Italy, and Japan. Its report of August 11, 1931 was accompanied by a protocol concerning Germany signed, in addition to the governments named, on behalf of Canada, Australia, New Zealand, the Union of South Africa, India, Greece, Poland, Portugal, Rumania, Czechoslovakia, and Yugoslavia. Annexes provided in detail (a) for continued payment of the unconditional annuity under the New (Young) Plan in monthly instalments, which were to be immediately loaned to the German Railway Company after deduction of service of the German Government International 5½ percent Loan, 1930, and (b) for limited continuance of deliveries in kind. Further protocols concerned Czechoslovakia and the French, Belgian, Rumanian, Portuguese, Greek, and Italian war debts and Hague annuities due to

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the United Kingdom (*Report of the International Committee of Experts*, Misc. No. 19 (1931), Cmd. 3947).

These arrangements for carrying out the Hoover moratorium did not effect a fundamental improvement in the economic situation. German banks had been closed from July 13 to 15 and foreign-exchange restrictions multiplied thereafter. The London experts on July 23 asked the Bank for International Settlements "to set up without delay a committee of representatives nominated by the governors of the central banks interested to inquire into the immediate further credit needs of Germany and to study the possibilities of converting a portion of the short term credits into long term credits". This committee, which was nominated by the governors of the nine principal central banks and the Federal Reserve Bank of New York, met at Basel August 8 and concluded its report on August 18. (Bank for International Settlements, *Report of the Committee appointed on the Recommendation of the London Conference, 1931.*) The committee, of which Albert H. Wiggin of New York was chairman, urged "most earnestly upon all governments concerned that they lose no time in taking the necessary measures for bringing about such conditions as will allow financial operations to bring to Germany—and thereby to the world—sorely-needed assistance." It found that during the seven years 1924–30 Germany's foreign indebtedness grew faster than its foreign assets by 18,200,000,000 Reichsmarks. The total of foreign investments in Germany was given at 25,500,000,000 Reichsmarks, with German investments abroad of 9,700,000,000 Reichsmarks, leaving the net debt to foreigners at 15,800,000,000 Reichsmarks. The influx of capital and receipts for services amounting to 21,200,000,000 Reichsmarks during 1924–30 enabled Germany to pay 10,300,000,000 Reichsmarks as reparation and to pay for 6,300,000,000 Reichsmarks of imports over and above exports which included deliveries in kind, with 4,600,000,000 Reichsmarks for interest and foreign *devisen*.

The Standstill Agreement, which provided for the delayed realization of private foreign accounts, was first concluded on September 17. On September 21 the United Kingdom suspended the gold standard, and 14 other countries had followed that example or introduced exchange restrictions by the end of October.

On November 19, 1931 the German Government made the request provided for in the second sentence of section 119 of the New (Young) Plan, which reads:

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“Upon the declaration of any postponement the Bank for International Settlements shall convene the Special Advisory Committee. At any other time when the German Government declare to the creditor Governments and to the Bank for International Settlements that they have come to the conclusion in good faith that Germany’s exchange and economic life may be seriously endangered by the transfer in part or in full of the postponable portion of the annuities, the committee shall also be convened.”

The Bank for International Settlements convoked the Special Advisory Committee which, under the chairmanship of Alberto Beneduce of Italy, made a report signed at Basel on December 23, 1931. This committee gave credence to the claim that Germany’s “exchange and economic life may be seriously endangered by the transfer in part or in full of the postponable portion of the annuities.” With reference to the larger question the report said:

“Again, the adjustment of all inter-governmental debts (reparations and other war debts) to the existing troubled situation of the world—and this adjustment should take place without delay if new disasters are to be avoided—is the only lasting step capable of re-establishing confidence which is the very condition of economic stability and real peace” (Bank for International Settlements, *Report of the Special Advisory Committee, December 1931*).

On December 16, 1931 it was reported by the Secretary of State to the Congress of the United States that the President’s proposal had been accepted, subject to legislative approval, by Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Estonia, Finland, France, Germany, Greece, Hungary, India, Italy, Japan, Latvia, Lithuania, New Zealand, Poland, Portugal, Rumania, South Africa, United Kingdom (Department of State, *Press Releases*, Dec. 16, 1931, p. 582). On December 23, the President approved a joint resolution of Congress (47 Stat. 3) providing for postponement with Austria, Belgium, Czechoslovakia, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, Italy, Latvia, Lithuania, Poland, Rumania, and Yugoslavia. Agreements with the debtors of the United States were concluded in May, June, and September 1932 to give this moratorium effect.

This law stipulated that each agreement “on behalf of the United States shall provide for the payment of the postponed amounts, with interest at the rate of 4 per centum per annum beginning July

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1, 1933, in ten equal annuities.” Article 3 of the London protocol of August 11, 1931 provided for the payment of the reparation tax due by the German Railway Company in 10 equal annuities from July 1, 1933 at the rate of 3 percent. The joint resolution of Congress had further stipulated “that no such agreement shall be made with the government of any country unless it appears to the satisfaction of the President that such government has made . . . an agreement in respect of [its] debt substantially similar to the agreement authorized by this joint resolution.” In view of this condition the 16 governments which joined in the protocol of August 11, 1931 signed at Berlin on June 6, 1932 (Martens, *Nouveau recueil général de traités*, 3^e série, xxvii, 16) a protocol which raised the interest on the German Railway Company obligations from 3 percent to 4 percent, making the annuity 123,315,115 Reichsmarks instead of 117,831,000.

THE LAUSANNE SETTLEMENT, 1932

The governments of Germany, Belgium, France, United Kingdom, Italy, and Japan at Geneva on February 13, 1932 announced their intention of convoking a conference at Lausanne “to agree to a lasting settlement of the questions raised in the report of the Basel Experts on the measures necessary to solve the other difficulties which are responsible for, and may prolong, present world crises.”

Gathering on June 16 at Lausanne, Switzerland, the governments of the United Kingdom, France, Italy, Belgium, and Japan signed a declaration that “the execution of the payments due to the Powers participating in the conference in respect of reparations and war debts should be reserved during the period of the conference.” This declaration carried forward the “Hoover moratorium” beyond its original term, and made continued relief from what the Bank for International Settlements called “the growing financial paralysis of the world” by extension of the moratorium the basic assumption of the agreement reached at Lausanne. Failure to realize that assumption accounted in part for the inability to make the Lausanne agreement effective.

In addition to Germany and the states signing the Declaration of June 16, Australia, Canada, Greece, India, New Zealand, Poland, Portugal, Rumania, Czechoslovakia, Union of South Africa, and Yugoslavia at the close of the conference signed on July 9, 1932 an agreement which was calculated to put an end to reparation (United Kingdom, *Final Act of the Lausanne Conference*, Misc. No. 7 (1932), Cmd. 4126).

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Notes to Part VIII, Articles 231 to 247—Continued

Article 1 of this agreement reads:

“The German Government shall deliver to the Bank for International Settlements German Government 5 per cent redeemable bonds, to the amount of three milliard reichsmarks gold of the present standard of weight and fineness, to be negotiated under the following arrangements:—

“(1) The Bank for International Settlements shall hold the bonds as trustee.

“(2) The Bonds shall not be negotiated by the Bank for International Settlements before the expiry of three years from the signature of the present Agreement. Fifteen years after the date of the said signature the Bonds which the Bank for International Settlements has not been able to negotiate shall be cancelled.

“(3) After the above period of three years the Bank for International Settlements shall negotiate the Bonds by means of public issues on the markets as and when possible, in such amounts as it thinks fit, provided that no issue shall be made at a rate below 90 per cent.

“The German Government shall have the right at any time to redeem at par, in whole or in part, the Bonds not yet issued by the Bank for International Settlements. In determining the terms of issue of the Bonds, the Bank for International Settlements shall take into account the desirability of giving to the German Government the right to redeem the Bonds after a reasonable period.

“(4) The Bonds shall carry interest at 5 per cent. and sinking fund at 1 per cent. as from the date on which they are negotiated. They shall be free of all German taxes, present and future.

“(5) The proceeds of the Bonds, as and when issued, shall be placed to a special account, the allocation of which shall be settled by a further agreement in due course between the Governments, other than Germany, signatory to the present Agreement.

“(6) If any foreign loan is issued by the German Government, or with its guarantee, at any time after the coming into force of the present Agreement, the German Government shall offer to apply up to the equivalent of one-third of the net cash proceeds of the loan raised to the purchase of Bonds held by the Bank for International Settlements. The purchase price shall be such that the net yield on the Bonds so purchased would be the same as the net yield of the loan so raised. This paragraph does not refer to loans for a period of not more than twelve months.

Notes to Part VIII, Articles 231 to 247—Continued

“(7) If, after five years from the signature of the present Agreement, the Bank for International Settlements considers that the credit of the German Government is restored, but the quotations of its loans remain none the less below the minimum price of issue fixed under paragraph (3) above, the minimum price may be varied by a decision of the Board of the Bank for International Settlements, which decision shall require a two-thirds majority.

“Further, at the request of the German Government, the rate of interest may be reduced below 5 per cent. if issues can be made at par.

“(8) The Bank for International Settlements shall have power to settle all questions as to the currency and denomination of bonds issued, and also all questions as to charges and costs of issue, which it shall have the right to deduct from the proceeds of the issue. In considering any questions relating to the issue of Bonds, the Board of the Bank for International Settlements shall take the advice of the President of the Reichsbank, but decisions may be made by a majority vote.”

The Lausanne agreement of July 9, 1932 was to put an end to and be substituted for the reparation regime provided for in (1) the agreement on the final acceptance of the plan of the Committee of Experts of January 20, 1930 (104 League of Nations Treaty Series, p. 243); (2) the agreement of August 11, 1931 (Department of State, *Press Releases*, Aug. 14, 1931, p. 151; London, United Kingdom, *Report of International Committee of Experts*, Misc. No. 19 (1931), Cmd. 3947); and (3) the agreement signed at Berlin on June 6, 1932. The Lausanne obligations would “completely replace the former obligations of Germany comprised in the annuities of the New Plan”. The 1932 agreement was to come into force when the ratifications of Germany, Belgium, France, the United Kingdom, Italy, and Japan were deposited in Paris. Such a deposit did not occur. The obligations of the agreement of January 20, 1930 were therefore not abrogated, and the debt certificate evidencing obligations under the New Plan was not returned to the German Government.

The non-ratification of the Lausanne agreement was due to the failure to obtain reconsideration of other intergovernmental debts. By the procès-verbal, initialed on July 2, 1932, on behalf of Belgium, Great Britain, France, and Italy, and communicated to Germany, this interrelation was asserted. The procès-verbal reads (*Further Documents relating to the Settlement reached at the Lausanne Con-*

PART VIII

Notes to Part VIII, Articles 231 to 247—Continued

ference, Lausanne, June 16–July 9, 1932; Misc. No. 8 (1932), Cmd. 4129):

“The Lausanne Agreement will not come into final effect until after certification as provided for in the Agreement. So far as the Creditor Governments on whose behalf this procès-verbal is initialled are concerned, ratification will not be effected until a satisfactory settlement has been reached between them and their own creditors. It will be open to them to explain the position to their respective Parliaments, but no specific reference to it will appear in the text of the agreement with Germany. Subsequently, if a satisfactory settlement about their own debts is reached, the aforesaid Creditor Governments will ratify and the agreement with Germany will come into full effect. But if no such settlement can be obtained, the agreement with Germany will not be ratified; a new situation will have arisen and the Governments interested will have to consult together as to what should be done. In that event, the legal position, as between all the Governments, would revert to that which existed before the Hoover Moratorium.

“The German Government will be notified of this arrangement.”

At the plenary meeting on July 9 the British, French, and Italian Government spokesmen put on record the following declaration:

“The effect of the Declaration of the Conference signed on the 16th June, 1932, is extended to cover the suspension of payments due in respect of such War Debts until the Lausanne Agreement with Germany which we are signing today has come into force or until a decision has been notified that it will not be possible to ratify that Agreement.”

The Department of State issued a statement on July 9, in which it was said (*Press Releases*, July 9, 1932, p. 30):

“The American Government is pleased that, in reaching an agreement on the question of reparations, the nations assembled in Lausanne have made a great step forward in the stabilization of the economic situation in Europe.

“On the question of war debts owing to the United States by European Governments there is no change in the attitude of the American Government . . .”

Attached to the Final Act of the Lausanne Conference was a resolution inviting the League of Nations to convoke at a con-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Notes to Part VIII, Articles 231 to 247—Continued

venient date a conference on monetary and economic questions, the United States to be represented in the preparatory committee on the same basis as the principal inviting states. The resolution included an agenda for the contemplated conference. The Council convened a Preparatory Commission of Experts which drew up a *Draft Annotated Agenda* (League of Nations, Doc. C.48.M.18.1934. II.Spec.1.) which on its publication January 19, 1933 was accepted as a sound analysis of the critical monetary and economic problems confronting the world.

The President of the United States, since March 4 Franklin D. Roosevelt, held personal exchanges of views with 53 countries in advance of the conference (Department of State, *Press Releases*, May 27, 1933, p. 386).

The conference convened at London on June 12, 1933 and adjourned on July 27, without reaching conclusions on the essential phases of the economic problem (League of Nations, *Official Journal*, 1933, p. 1470). Inability to adjust differences of view with respect to monetary and credit policy and international exchanges was the chief reason for lack of results. Before the conference the United States passed an act "to relieve the existing national emergency", approved May 12, 1933, sec. 43 (b) (2) of which authorized changing the metallic content of the dollar (48 Stat. 31, 52).

Great Britain made an agreement on July 4, 1934 with the German Reich for the continuance of the service of German Government loans with sterling funds (168 League of Nations Treaty Series, p. 79; 177 *ibid.*, p. 477; 181 *ibid.*, p. 434; 185 *ibid.*, p. 437). These arrangements were modified and superseded by a transfer agreement signed at London, July 1, 1938 (194 *ibid.*, p. 235) with a supplementary agreement on August 13, 1938 (*ibid.*, p. 257). The 1938 agreements made provision for Germany's servicing foreign obligations of the Austrian Federal Republic but "without admission of legal liability".

TABLES

Payments Credited to Germany

Credited by Reparation Commission:	Reichsmarks
Value of ceded property	2,553,905,000.00
Payments, 1920 and 1921	3,970,835,000.00
Payments, 1922	1,402,686,000.00
Ruhr period, Jan. 11, 1923 - Aug. 31, 1924	894,231,000.00
Payments and adjustments, Sept. 1, 1924 - Jan. 20, 1930	1,604,060,401.59
Total	10,425,717,401.59

PART VIII

Notes to Part VIII, Articles 231 to 247—Continued

Payments Credited to Germany—Continued

	Reichsmarks
Transfer under Dawes Plan, Sept. 1, 1924—May 17, 1930:	
1st annuity year, 1924-25	893,241,499.40
2d annuity year, 1925-26	1,175,876,966.72
3d annuity year, 1926-27	1,382,088,379.35
4th annuity year, 1927-28	1,739,297,195.41
5th annuity year, 1928-29	2,452,842,213.37
Sept. 1, 1929—May 17, 1930	305,642,494.38
Total discount on advance payments of service of rail- way bonds and industrial debentures	29,278,031.48
Total	7,978,266,780.11
Transfers by Trustee (Bank for International Settlements): ¹	
May 17, 1930—Mar. 31, 1931	1,312,026,920.10
Apr. 1, 1931—Mar. 31, 1932	961,294,221.99
Apr. 1, 1932—Mar. 31, 1933	299,365,265.74
Apr. 1, 1933—Mar. 31, 1934	102,224,750.80
Apr. 1, 1934—Mar. 31, 1935	23,060,374.86
Apr. 1, 1935—Mar. 31, 1936 (including balances)	125,774,503.56
Total	2,823,746,037.05
Held ² as at Mar. 31, 1937	220,744,930.00
Grand total	21,448,475,148.75

The Reparation Commission utilized payments effected by Germany outside of the Dawes Plan from November 11, 1918 to January 20, 1930 amounting to 10,425,717,401.59 gold marks, of which 537,921,670.97 gold marks canceled "C" bonds. By categories the amount was distributed as follows:

¹ Does not include servicing of Austrian Government International Loan 1930, and Czechoslovak, Bulgarian, and Hungarian accounts. The German External Loan 1924 was not serviced in July 1934 and thereafter through the Bank for International Settlements. The German Government International 5½-percent Loan 1930 was not fully serviced by Germany after July 1933. Transfer arrangements with respect to loans were later made by several governments with Germany.

² In Swiss gold francs, consisted of annuity Trust Account Deposits, 153,157,500; German Government Deposit, 76,578,750; French Government Guarantee Fund, 42,818,835.73.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Notes to Part VIII, Articles 231 to 247—Continued

Cash	2,345,061,818.98
Deliveries:	
Reparation Recovery Act	372,625,524.74
Armistice and treaty	3,490,326,281.99
Against "C" bonds	432,037,816.32
Total	4,294,989,623.05
Cessions and public debt	3,006,742,166.45
Army of occupation costs	778,923,731.11
Grand total	10,425,717,401.59

German borrowings abroad have frequently been connected with discussions of the payments of reparation. Undoubtedly the foreign exchange acquired from external German loans was extensively used in effecting reparation payments. According to the Foreign Bondholders' Protective Council, Inc., *Annual Report, 1940*, there were 62 issues of German dollar bonds guaranteed by the government and 68 issues without government guaranty of a total value of \$1,524,655,000 and outstanding value of \$840,389,113, all of which were in default as a result of the German moratorium of June 9, 1933 and subsequent action.

German external obligations in 1940 were held to include loans negotiated by Austria before March 13, 1938. The Austrian loans were issued in 13 currencies in addition to dollars and were nearly half of the amount outstanding in 1940. The combined German and Austrian obligations in 1940 in currencies other than dollars were—

1939	Issued	Outstanding	Total in U.S. dollar equivalents ¹	
			Issued	Outstanding
£ Sterling	67,758,100	51,407,388	\$300,507,173	\$227,991,766
Swiss francs	337,279,000	270,103,270	75,887,775	60,773,236
Swedish kronor	154,366,800	129,761,406	36,893,665	31,012,977
Lire	644,250,000	522,994,015	33,501,000	27,195,689
Francs	3,250,029,500	2,759,101,740	81,250,737	68,977,542
Florins	82,020,000	67,874,052	43,470,600	35,973,248
Belgas	43,003,000	37,803,907	7,246,005	6,369,958
Belgian francs	10,000,000	6,239,500	333,000	207,775
Reichsmarks	36,000,000	31,905,685	14,400,000	12,762,274
£ Egyptian	200,000	138,770	957,600	664,431
Drachmai	2,000,000	503,600	36,400	9,166

PART VIII

Notes to Part VIII, Articles 231 to 247—Continued

1939	Issued	Outstanding	Total in U.S. dollar equivalents ¹	
			Issued	Outstanding
Austrian schillings	50,000,000	41,576,000	9,450,000	7,857,864
Czech crowns	364,612,000	359,313,000	12,615,575	12,432,230
Pesetas	33,940,500	33,940,500	3,607,875	3,607,875
		Total	\$620,157,405	\$495,836,031

¹ Dollar equivalent at average exchange rate for 1939, according to Federal Reserve Board, *Banking and Monetary Statistics*. Exchange rates employed were £ sterling (\$4.435); Swiss francs (\$.225); Swedish kronor (\$.239); lire (\$.052); francs (\$.025); florins (\$.53); belgas (\$.1685); Belgian francs (\$.0333); Reichsmarks (\$.40); £ Egyptian (\$4.788); drachmai (\$.0182); Austrian schillings (\$.189); Czech crowns (\$.0346); pesetas (\$.1063).

According to article 231 of the treaty of Versailles, article 177 of that of Saint-Germain-en-Laye, and article 161 of that of Trianon, Germany, Austria, and Hungary were jointly responsible for reparation.

Payments and deliveries to January 20, 1930 were credited to other ex-enemy states as follows:

	Gold crowns
Austria	8,379,227.54
Hungary	65,246,778.00
	Gold francs
Bulgaria	42,965,168.03
Property cessions	23,460,000.00

Property cessions by Austria-Hungary raised difficult questions of evaluation on account of the organization of the former Dual Monarchy. The property involved was state property such as public buildings and railroads and public debts. Czechoslovakia, Italy, Poland, Rumania, and Yugoslavia each was entitled to receive credits in these categories, but the property had been variously held by the Empire of Austria, the Kingdom of Hungary, and the Austro-Hungarian Monarchy in common. The problem of evaluation involved credits for delivery to each of these three political entities (including division of the common holdings) and credits on account of shipping and rolling stock of divers ownership; all of which was to be allocated among five cessionary states. In the Committee on Ceded Properties of the Reparation Commission three groups had arrived at minimum and maximum evaluations by January 20, 1930. The three minimum evaluations were:

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Notes to Part VIII, Articles 231 to 247—Continued

	Gold crowns
French and British members	8,210,797,478
Italian members	11,936,680,754
Common delegation (Czechoslovak, Pole, Rumanian, and Yugoslav)	4,109,881,125

An estimate of non-German reparation by the Portuguese delegation put the total at 15,000,000,000 gold marks.

*Conspectus of All Payments To Be Made Under the
New (Young) Plan, 1930-66*

Annuity Year	Year ending March 31	Germany (Reichsmarks)			Bulgaria (Gold francs)	Hungary (Gold crowns)	Czecho- slovakia (Reichs- marks)
		Young annuity	United States	Belgium			
1	1930	676.9	65.9	16.2	5.0	7.0	10.0
2	1931	1,641.6	66.3	21.5	10.0	8.0	10.0
3	1932	1,618.9	66.1	21.5	10.0	9.0	10.0
4	1933	1,672.1	66.1	21.5	10.0	10.0	10.0
5	1934	1,744.9	59.4	26.0	10.0	11.0	10.0
6	1935	1,807.5	59.4	26.0	10.0	12.0	10.0
7	1936	1,833.5	59.4	26.0	10.0	13.0	10.0
8	1937	1,880.3	59.4	26.0	10.0	13.0	10.0
9	1938	1,919.8	57.2	26.0	10.0	13.0	10.0
10	1939	1,938.1	57.2	26.0	10.0	13.0	10.0
11	1940	1,983.4	59.4	26.0	10.0	13.0	10.0
12	1941	2,096.1	59.4	26.0	11.5	13.0	10.0
13	1942	2,114.6	66.1	20.1	11.5	14.0	10.0
14	1943	2,131.9	66.1	20.1	11.5	14.0	10.0
15	1944	2,128.2	66.1	20.1	11.5	13.5	10.0
16	1945	2,141.4	66.1	20.1	11.5	13.5	10.0
17	1946	2,137.7	66.1	20.1	11.5	13.5	10.0
18	1947	2,133.4	66.1	20.1	11.5	13.5	10.0
19	1948	2,149.1	66.1	20.1	11.5	13.5	10.0
20	1949	2,143.9	66.1	20.1	11.5	13.5	10.0
21	1950	2,240.7	76.1	9.3	11.5	13.5	10.0
22	1951	2,283.1	76.1	9.3	12.5	13.5	10.0
23	1952	2,267.1	76.1	9.3	12.5	13.5	10.0
24	1953	2,270.1	76.1	9.3	12.5	13.5	10.0
25	1954	2,277.2	76.1	9.3	12.5	13.5	10.0
26	1955	2,286.5	76.1	9.3	12.5	13.5	10.0
27	1956	2,283.7	76.1	9.3	12.5	13.5	10.0
28	1957	2,278.1	76.1	9.3	12.5	13.5	10.0
29	1958	2,285.7	76.1	9.3	12.5	13.5	10.0
30	1959	2,317.7	76.1	9.3	12.5	13.5	10.0
31	1960	2,294.5	76.1	9.3	12.5	13.5	10.0
32	1961	2,304.4	76.1	9.3	12.5	13.5	10.0
33	1962	2,322.2	76.1	9.3	12.5	13.5	10.0
34	1963	2,314.1	76.1	9.3	12.5	13.5	10.0
35	1964	2,326.5	76.1	9.3	12.5	13.5	10.0
36	1965	2,326.0	76.1	9.3	12.5	13.5	10.0
37	1966	2,352.7	76.1	9.3	12.5	13.5	10.0
Totals . .		76,925.6	2,557.7	607.6	420.2	473.5	370.0

SECTION I.—General Provisions.

ARTICLE 231.

The Allied and Associated Governments affirm and Germany accepts the responsibility of Germany and her Allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.

Note to VIII, 231

Owing to the German policy of interpreting this article as the "war-guilt article" and the immense literature produced around that thesis, the evolution of the language in the final text is given.

The Commission on Reparation of Damage of the preliminary peace conference submitted to the representatives of the United States, France, Great Britain, and Italy a paragraph reading as follows:

"The Allied and Associated Powers require that the Enemy States at whatever cost to themselves make compensation for all damages done to the civilian population of the Allied and Associated Powers, and to their property by the aggression of the Enemy States by land, by sea, and from the air, and also for all damages resulting from permanent injury to the health of any of their nationals and for all damages resulting from the acts of the enemy in violation of formal engagements and of the law of nations."

This proposal had been evolved from memoranda submitted to the commission in February 1919, on behalf of the United States, Great Britain, France, Italy, Poland, and Serbia, none of which envisaged reparation for intangible damages. At the Council of Four meeting on April 5, 1919 (*Foreign Relations*, The Paris Peace Conference, 1919, v, 22) the paragraph was adopted after discussion with two changes. The sentence now began: "The Allied and Associated Powers require and the Enemy States accept that", etc. The last clause, "and for all damages" etc., was omitted as being inconsistent with the thesis of dealing only with material damages.

The reparation clauses adopted on the 5th were revised by Thomas W. Lamont, John Maynard Keynes, and Louis Loucheur for consideration by the Council of Four on April 7. At that meeting the language of what became articles 231 and 232 was discussed together and clause 1 was approved in this form:

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 231—Continued

“The Allied and Associated Governments affirm and the Enemy States accept the responsibility of the Enemy States for causing all the loss and damage [to] which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of the Enemy States” (*ibid.*, p. 44).

This language closely corresponds with that of the pre-armistice note of November 5, 1918. It was perfectly clear from the discussion that this form was chosen simply to establish the potential extent of responsibility in clause 1 (art. 231) and to define its limitations in clause 2 (art. 232), which was put in “to justify to the French and British peoples their acceptance of less than the whole cost of the war”. On April 23 the Council of Four went over the reparation decisions with special reference to their incorporation in the treaty of peace with Germany. A last change eliminating the phrase “Enemy States” and substituting “Germany” or “Germany and her Allies” was then made (*ibid.*, p. 165). This final text was carried over literally into the treaties of peace with Austria and Hungary.

The German position in the peace negotiations was that the Allied and Associated Powers had undertaken to grant them a peace on the basis of the 14 points of President Wilson of January 8, 1918 and the subsequent elucidations of February 11, July 4, and September 27. In the last note to the Germans before the granting of the armistice, that of November 5, 1918 (*Foreign Relations*, 1918, Supp. 1, 1, 469), Germany was told that the Allied Governments understood “that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea and from the air.”

Article 231 was regarded by the victors as establishing that basis for the assessment of reparation. The question of responsibility for the war, as distinguished from the damage resulting from it, was considered elsewhere in the peace conference and the conclusions were exhibited in part VII, Penalties, of the treaty. Those provisions were narrowed down to the responsibility of individuals and afforded slight ground for argument on the broad question. Article 231 was a general statement, modified by article 232.

Notwithstanding its origin in the note of November 5, 1918 the German Observations on the Conditions of Peace found in the article an interpretation for what came to be known by the Germans as the “Schuldartikel”, the article on guilt. How this came about is trace-

Note to VIII, 231—Continued

able. The Conditions of Peace were handed to the Germans on May 7, 1919 in French and English official texts. The German delegation produced a German version of article 231 for the intimate study of their specialists and for extensive distribution at home, though the peace conference did not release that draft text for publication among their own people. That German version was in general highly accurate. The German text of article 231, however, read as follows:

“Die alliierten und assoziierten Regierungen erklären, und Deutschland erkennt an, dass Deutschland und seine Verbündeten *als Urheber* [italics added] für alle Verluste und Schäden verantwortlich sind, die die alliierten und assoziierten Regierungen und ihre Staatsangehörigen infolge des ihnen durch den Angriff Deutschlands und seiner Verbündeten aufgezwungenen Krieges erlitten haben.” (*Reichsgesetzblatt*, 1919, 687, at 985.)

This version reflects the German view in the phrase “als Urheber für alle Verluste und Schäden verantwortlich” (as author responsible for all losses and damages), which in the official English reads “responsibility . . . for causing all the loss and damage” and in the official French: “responsables, pour les avoir causés, de toutes les pertes et tous les dommages”.

The true significance of the language used is, however, not to be found exclusively in a particular phrase. The meaning is in the whole sentence, read as a unit, and that meaning, as indicated by the intention of its originators, is confirmed by the use of the identical wording, *mutatis mutandis*, in the Austrian and Hungarian treaties of peace. The official German version of article 177 of the Austrian treaty (*Staatsgesetzblatt*, 1920, 1080) follows that of Germany as quoted. The Hungarian version (Márkus Dezső, *Magyar Törvénytár Alaptotta*, 239) of article 161 of the Hungarian treaty varies slightly; Hungary acknowledges “Hungary and its allies as the causers of the losses and damages”. Neither the Austrian nor Hungarian Governments nor peoples found “guilt” instead of “responsibility” in the obligation assumed. The “guilt” interpretation was peculiar to Germany and the Germans.

The German version reflected a preoccupation with “war guilt” and a disposition to combat the conclusions of the Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties, whose report had been published in Germany. Article 231 was clearly intended by the Allied and Associated Powers to state

Note to VIII, 231—Continued

the legal responsibility for reparation, the actual extent of which was indicated by article 232.

On May 13 the German delegation protested against article 231 on the ground that the obligation to pay reparation depended on the German acceptance of the "Lansing Note" of November 5, 1918, "independently of the question of responsibility for the war" (*Foreign Relations, The Paris Peace Conference, 1919*, v, 727). To this the Allies replied on May 20 that in the Lansing note the obligation to make reparation was based on "Germany's aggression by land, sea and air" and that Germany had not at the time objected to this statement, which it thereby recognized as "well founded" (*ibid.*, p. 742).

In the "Observations" of May 29 the German Delegation accepted the obligation to pay for damages sustained by the civilian population in occupied parts of Belgium and France on the ground that Germany had brought the terrors of war on these areas by the violation of Belgian neutrality, but denied any obligation as regards Italy, Montenegro, Serbia, Roumania, and Poland, for there was "no question of an attack by Germany contrary to International Law" (*ibid.*, vi, 849). Germany also accepted responsibility for Belgian loans from the Allies, but asserted that the Allied claims went beyond the categories set forth in the Lansing note, especially the losses to civilians outside the occupied territories, to the states themselves, to military persons, and the damage done by Germany's allies. If the Allies insisted on these terms, Germany would present counter-claims and an impartial International Court of Arbitration would become necessary.

The Allied and Associated Powers did not repudiate the German interpretation of article 231, because they did not regard it as important, significant, or politically wise to deny an implication which they believed to be true, even though not intended.

The German Government, having identified for itself a clause which imputed "war guilt" to them, confirmed the identification by its note of June 22, 1919 accepting the treaty with certain exceptions. The note transmitted a declaration, to become an "integral part of the treaty", which stated that Germany would sign the treaty "without, however, recognizing thereby that the German people was the author of the war, and without undertaking any responsibility for delivering persons in accordance with Articles 227 to 230." This formal draft of declaration did not mention article 231 but the full note contained this paragraph:

PART VIII: ARTICLE 231

Note to VIII, 231—Continued

“Germany further lays the greatest emphasis on the declaration that she cannot accept Article 231 of the Treaty of Peace, which requires Germany to admit herself to be the sole and only author of the war, and she does not cover this article by her signature. It consequently follows without further argument that Germany must also decline to recognize that the burden should be placed upon her on the score of the responsibility for the war which has unjustly been laid at her door.”

However the proposed declaration was phrased, the Germans were taking articles 227 to 231 very seriously as “points of honor”. The cabinet on June 18 had voted 8 to 6 for accepting them and resigned on the 19th in consequence of adverse opinion in the parties. On June 20 the parties of the National Assembly expressed their opinions. The German National Assembly heard the new premier on June 22 and voted approval of signing the treaty with the reservation by 237 to 138 (*Verhandlungen der verfassunggebenden deutschen Nationalversammlung*, 327, 1115C, 1135A), after which the cabinet received a vote of confidence, 235 to 89.

The Allied and Associated Powers promptly informed the German representative that they “must require of the German representatives an unequivocal decision as to their purpose to sign and accept as a whole, or not to sign and accept, the Treaty as finally formulated.”

The National Assembly met at 2:56 p.m., June 23, to hear that note read. Herr Bauer, the premier, was applauded when he told the deputies that Germany was defenseless but not without honor (*wehrlos ist aber nicht ehrlos*), and then he added that they must sign. He had attributed to the Allied and Associated Powers the intention of exacting from Germany a verbal recognition of guilt (*Die Entente . . . will uns das Schuldbekenntnis auf die Zunge zwingen*). On the understanding that the decision would not affect the vote of the 22d, the National Assembly by a “great majority” found that the Government “after as before” the present debate remained empowered to sign (*ibid.*, 1141 B). The National Assembly recessed from 3:15 to 4:15 p.m., in which interval the government sent to Paris the following note:

“It is apparent to the Government of the German Republic, in consternation at the last communication of the Allied and Associated Governments, that these Governments have decided to wrest from Germany by force acceptance of the peace conditions, even those

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Note to VIII, 231—Continued

which, without presenting any material significance, aim at divesting the German people of their honor. No act of violence can touch the honor of the German people. The German people, after frightful suffering in these last years, have no means of defending themselves by external action. Yielding to superior force, and without renouncing in the meantime its own view of the unheard-of-injustice of the peace conditions, the Government of the German Republic declares that it is ready to accept and sign the peace conditions imposed."

Whatever the situation was before, after this episode the German mind was set on the matter of "war guilt" and its association with article 231. The article itself was identic in the treaties of peace with Austria and Hungary, which were jointly liable under it; neither of their governments or peoples laid stress on the German interpretation. Nor did any of the three governments employ the interpretation to avoid responsibility for reparation obligations.

Following the luncheon at Thoíry of Aristide Briand, Premier of France, and Gustav Stresemann, Foreign Minister of Germany, in September 1927, the high hopes for an increasing friendliness between their two countries were dashed by an address of Stresemann to the German residents at Geneva in which he reiterated the "war-guilt" complaint in such terms that the impression was given that the *rapprochement* was incidental to the satisfaction of German sensibilities on that matter.

In November 1929, while the negotiations for putting the New (Young) Plan into force were under way, the Nationalist Party obtained sufficient signatures to a petition to bring before the Reichstag a bill calling upon the German Government to notify all foreign states "that the extorted acknowledgement of war guilt in the treaty of Versailles is contrary to historical truth, is based on false premises and is not binding in international law." The Reichstag on November 30 rejected the proposal by a vote of 317 to 82 (*Verhandlungen des Reichstags*, iv. Wahlperiode 1928, 426, 3374; Anlage nr. 1429, *ibid.*, 438). The party thereupon sought to validate the proposal by a plebiscite, which failed on December 22. Only 13.8 percent of the registered voters voted. Of the 5,828,082 who did vote only 337,320 were recorded as opposed. Nevertheless, the government statement opposing passage of the bill had said: "Every German Government has rejected the unilateral guilt sentence (*Schuldsspruch*) of the treaty of Versailles in formal declarations and with progressive successes has used the available possibilities of setting the world

PART VIII: ARTICLE 231

Note to VIII, 231—Continued

straight concerning the true causes of the war” (Anlage nr. 1429, *ibid.*, 438).

On January 30, 1937 the Chancellor and Führer expressed himself as follows:

“Fourth: Above all I solemnly withdraw the German signature from that declaration which was extracted under duress from a weak Government, acting against its better judgment—namely, the declaration that Germany was responsible for the war.”

The Mixed Claims Commission, United States and Germany, in its Administrative Decision No. 2, November 1, 1923 stated:

“Article 231 of the Versailles Treaty at most amounts to no more than an acceptance by Germany of the affirmance by the Allied and Associated Governments of Germany’s responsibility for all loss and damage suffered as a consequence of the war—a *moral responsibility*. Germany’s *financial responsibility* for losses occurring during belligerency is limited and clearly defined in the succeeding Article and the Annex pertaining thereto and other provisions of the Treaty.”

JOINT LIABILITY

The joint liability resulting from “the responsibility of Germany and her Allies” was apportioned by articles 1 and 2 of the Spa agreement of July 16, 1920 (Appendix, p. 851). Receipts from Germany were to be distributed by percentages of the total (see art. 237).

Article 2 of the Spa agreement of July 16, 1920 provided:

“The aggregate amount received under the head of reparation from Austria, Bulgaria and Hungary, together with the sums received from Italy, the Czecho-Slovak State, Roumania and the Serb-Croat-Slovene State under the agreements made on September 10 and December 8, 1919, shall be divided as follows:—

“(a) One-half shall be divided between the Allied Governments mentioned in article 1 in the proportion fixed by the said article.

“(b) Of the other half, Italy shall receive 40 per cent., and 60 per cent. is reserved for Greece, Roumania, the Serb-Croat-Slovene State, and for other Powers entitled to reparation which are not signatories of this agreement.”

The report of the Committee of Experts of June 7, 1929 in section 145 states:

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Note to VIII, 231—Continued

“The acceptance of this plan necessarily involves the dissolution of the joint liability of Germany on the one side with Austria, Hungary and Bulgaria on the other side for reparation, and therefore finally abolishes every obligation present or future in either direction which may result between these powers from this joint liability.”

Article I of the agreement with Germany of January 20, 1930 (104 League of Nations Treaty Series, p. 243) provides that the report of June 7, 1929, the agreement itself, and the transitional protocol of August 31, 1929, all of which constituted the New Plan, were “definitely accepted as a complete and final settlement, so far as Germany is concerned, of the financial questions resulting from the War.”

It remained to cancel the joint liability of Austria, Bulgaria, and Hungary with Germany under the articles of their treaties of peace identic with article 231 of the treaty with Germany. Agreements of January 20, 1930 with each of the three, one with Czechoslovakia, and one relating to the liberation debt (ceded properties) of Austria, Bulgaria, and Hungary, effected the desired cancelation.

Liberation debt. An international agreement relating to the liberation debt between Belgium, the United Kingdom, Canada, Australia, New Zealand, the Union of South Africa, India, France, Greece, Italy, Japan, Poland, Portugal, Czechoslovakia, Rumania, and Yugoslavia was signed at The Hague on January 20, 1930 and all ratifications were deposited on May 11, 1932 (United Kingdom, Treaty Series No. 25 (1932), Cmd. 4146). This agreement was a final and complete discharge of the liabilities of the signatories which were debtors in respect of properties ceded in virtue of the treaties of peace with Austria, Bulgaria, and Hungary and of liberation debts arising out of the agreements of September 10 and December 8, 1919 (see part II, Nos. 5 and 6). The 10,000,000 gold marks annuity payable by Czechoslovakia was to be distributed as follows:

	Gold Marks
France	3,187,854
Great Britain	1,384,519
Italy	3,146,632
Belgium	418,816
Japan	51,920
Portugal	51,920
Greece	1,758,339

Note to VIII, 231—Continued

Yugoslavia was to receive the net payments currently due from Hungary and Greece, the liquid assets in hand from the Bulgarian account, plus 5,000,000 gold francs paid on April 1, 1930. After these adjustments Bulgarian and Hungarian payments were to be distributed up to 1943 as follows: Greece, 76.73 percent; Rumania, 13 percent; Czechoslovakia, 1 percent; Yugoslavia, 5 percent (Bulgarian) and 2 percent (Hungarian); other Spa agreement creditors, 4.27 percent (Bulgarian) and 7.27 percent (Hungarian).

Austria. The agreement between Austria, Belgium, Great Britain, Canada, Australia, New Zealand, the Union of South Africa, India, France, Greece, Italy, Japan, Poland, Portugal, Rumania, Czechoslovakia, and Yugoslavia, which entered into force June 28, 1930 (104 League of Nations Treaty Series, p. 413), finally discharged all Austrian financial obligations arising under the armistice or the treaty of peace by reason of the payments, deliveries, and cessions made after that date, subject to the execution of any arrangements then in force.

The first charge on Austrian assets and revenues created by article 197 of the treaty of peace (German art. 248) ceased to be operative. Relations with the Reparation Commission terminated and all outstanding claims and counterclaims were reciprocally waived.

Bulgaria. The agreement between Bulgaria and the same states entered into force December 27, 1930 (112 League of Nations Treaty Series, p. 361). Creditors waived payments under *tranche* B of the agreement of March 21, 1923 (117 *British and Foreign State Papers*, p. 534). The United Kingdom, France, and Italy, the creditor parties to that agreement, waived outstanding claims for armies of occupation costs. *Tranche* A of the 1923 agreement called for payments of 2,255,766,800 gold francs from October 1, 1923 to April 1, 1933, of which some 56,000,000 gold francs had been paid according to schedule. *Tranche* A of the 1923 agreement was superseded by a Schedule of Payments requiring total service of 420,200,000 gold francs in graduated annuities from April 1, 1930 to March 31, 1966 (see table, p. 412). Claims of various kinds under the treaty of peace were waived or canceled. The trust agreement between the Bank for International Settlements and the creditor governments came into force on April 28, 1931. A protocol of January 21, 1932 (United Kingdom, Bulgaria No. 1 (1932), Cmd. 4071) caused the payments from the instalment due on September 30, 1931 to be reserved under the Hoover moratorium; further, part III of the Lausanne agreement of July 7, 1932 recommended setting up a

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Note to VIII, 231—Continued

committee to bring “non-German reparations” and cognate questions into a general settlement. Pending the work of the committee for such a settlement, execution of payments was reserved until December 15, 1932 and by successive extensions until June 15, 1936.

Hungary. Hungarian reparation in 1930 was being met within the terms of decision 2797, February 21, 1924, of the Reparation Commission which (1) excepted specified assets in view of the Hungarian reconstruction loan of 250,000,000 gold crowns issued under League of Nations auspices in virtue of the protocols of March 24, 1924 (25 League of Nations Treaty Series, pp. 423, 427) and (2) laid down the charges under article 180 of the treaty of peace for 20 years. According to this schedule Hungary made payments equivalent to 880 tons of coal per working day for 1924–26 and annual payments thereafter beginning at 5,000,000 gold crowns in 1927 and scaling up to 14,000,000 for 1942 and 1943, a total of 179,000,000 gold crowns. The sum due in 1930 was 7,000,000 gold crowns (League of Nations, *The Financial Reconstruction of Hungary*, doc. C.583.M221.1926,II.54, p. 197).

Hungarian payments under this decision of the Reparation Commission were credited as follows by a procès-verbal fixing the final accounts agreed to on March 5, 1930 (Annex 4075B; file 464.00 R 29/93) :

	Gold crowns
1924	8,164,639.76
1925	7,070,630.24
1926	5,728,901.58
1927	4,393,991.37
1928	906,165.87
1929	5,268,384.65
1930 (Jan.–June)	8,520,164.22
	<hr/>
	40,052,877.69
Due July 1930–Dec. 31, 1943	159,947,122.31

The four “inseparably connected” agreements between Hungary and the same 16 creditor states were initialed at The Hague on January 20, 1930, signed at Paris on April 28, 1930, and entered into force April 9, 1931 (121 League of Nations Treaty Series, p. 69). Except for obligations in respect of pre-war public debts, judgments by the Mixed Arbitral Tribunals, and article 186 of the treaty of peace, the annuities were to be a “complete and final settlement of the charges incumbent” on Hungary, which waived any claims it might have. The annuities varied in 1930–43 but were constant

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Note to VIII, 231—Continued

at 13,500,000 gold crowns from January 1, 1944 to 1966 inclusive, aggregating 475,500,000 gold crowns (see table p. 412). The trust agreement between the Bank for International Settlements and the creditors came into force on May 6, 1931, and the instalments due through June 30, 1931 were paid. The London protocol of January 21, 1932 (United Kingdom, Hungary No. 1 (1932), Cmd. 4052) suspended the payments under the Hoover moratorium, and part III of the Lausanne agreement of July 7, 1932 operated to reserve the execution of payments until December 15, 1932 and afterward.

Agreements II and III dealt with the establishment and use of the Agrarian Fund "A", which met a special situation. Article 250 of the treaty of peace with Hungary provided that "the property, rights and interests of Hungarian nationals or companies controlled by them situated in the territories which formed part of the former Austro-Hungarian Monarchy", shall be restored to their owners with some exceptions, freed from any measure "of retention or liquidation" or "of transfer, compulsory administration or sequestration". The system of Magyar estates which the succession states of Czechoslovakia, Rumania, and Yugoslavia found on their newly acquired territory was subjected to breaking up in accordance with salutary policies of agrarian reform, which, however, were quite divergent in character in the three states. Between Hungarian present and former owners and the three states very complicated relations resulted. In Agreement II all claims of this kind by Hungarian nationals pending before the Mixed Arbitral Tribunals were to be pursued against Agrarian Fund "A" instead of against Czechoslovakia, Rumania, or Yugoslavia. The agreement provided in detail for the handling of claims and set time-limits upon filing them. The Mixed Arbitral Tribunals, as organized for the purpose, were not to interpret article 250, on which the four states nearly concerned reserved their legal positions.

Agreement III concerned the organization and working of Fund "A", the capital of which was fixed at 219,500,000 gold crowns (.304878 grams of fine gold). Annual contributions to the fund in the early period (1931-44) were for Rumania, 500,000 gold crowns and for Yugoslavia, 1,000,000 gold crowns. Czechoslovak agrarian reform was well advanced, and its contributions were to be at the rate of 226 gold crowns per cadastral jugar of the land for which indemnity was due, of which a gross 726,000 jugars in four categories were distinguished. Payments by Hungary were to constitute the shares of Belgium, the British Empire, France, Italy,

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 231—Continued

Japan, and Portugal under Agreement I. Belgium, the British Empire, France, and Italy were to contribute annuities equal to their receipts from Bulgaria. Further, the British Empire, France, and Italy were to contribute 800,000 gold crowns in 1931 and 1932 and 3,600,000 gold crowns thereafter until 1944.

Agreement IV, between France, the United Kingdom, Italy, Czechoslovakia, Rumania, and Yugoslavia, concerned the constitution of Fund "B", which was to liquidate claims with respect to Hungarian nationals arising out of nationality provisions (art. 63), state property (art. 191), and private property (art. 250) of the Hungarian treaty of peace. The capital of the fund was to be contributed up to December 31, 1943 by Great Britain, 600,000 gold crowns; France and Italy, 1,200,000 gold crowns each; for the 23 years 1944-66 Hungary was to pay into it out of its annuity debt 7,400,000 gold crowns annually. Surpluses in Fund "A" would cause transfers to Fund "B", increased capital in which would be distributed between Czechoslovakia, Rumania, and Yugoslavia.

Both funds were to be administered by Managing Committees. They were established as juridical personalities at Basel under Swiss law by international conventions concluded at Bern August 21, 1931 and in force for 15 years from December 28, 1931 (United Kingdom, Treaty Series No. 8 (1932), Cmd. 4037). With Switzerland, the United Kingdom, France, Hungary, and Italy were parties to the conventions establishing Fund "A"; the United Kingdom, France, Italy, Czechoslovakia, Rumania, and Yugoslavia were parties to the convention on Fund "B".

Czechoslovakia, Rumania, and Yugoslavia signed an agreement regarding the allocation of Fund "B" at Paris on April 25, 1930 and brought it into force by exchange of ratifications on February 8, 1932 (121 League of Nations Treaty Series, p. 149). The three states of the Little Entente agreed to divide the fund into three equal parts, transfers due to the initiative of each remaining its exclusive property. General transfers were to be divided equally and any share not taken by one was to go to the other two. Any undivided balance was to be paid to France, Great Britain, and Italy.

Czechoslovakia. The agreement between Czechoslovakia and the same creditor states, signed at The Hague on January 20, 1930, entered into force on July 11, 1930 (113 League of Nations Treaty Series, p. 389). It was a complete and final settlement of the Czechoslovak debt arising out of the agreement of September 10,

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Note to VIII, 231—Continued

1919 (see p. 808) to the states having a credit in reparation under the treaties of peace. The final instalment of 37 annuities of 10,000,000 gold marks was payable January 1, 1966 (see table, p. 412).

The trust agreement between the Bank for International Settlements and the creditors came into force on August 1, 1931. The Hoover moratorium suspended payments in accordance with the London protocol of August 11, 1931.

ARTICLE 232.

The Allied and Associated Governments recognize that the resources of Germany are not adequate, after taking into account permanent diminutions of such resources which will result from other provisions of the present Treaty, to make complete reparation for all such loss and damage.

The Allied and Associated Governments, however, require, and Germany undertakes, that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany by such aggression by land, by sea and from the air, and in general all damage as defined in Annex I hereto.

In accordance with Germany's pledges, already given, as to complete restoration for Belgium, Germany undertakes, in addition to the compensation for damage elsewhere in this Part provided for, as a consequence of the violation of the Treaty of 1839, to make reimbursement of all sums which Belgium has borrowed from the Allied and Associated Governments up to November 11, 1918, together with interest at the rate of five per cent. (5%) per annum on such sums. This amount shall be determined by the Reparation Commission, and the German Government undertakes thereupon forthwith to make a special issue of bearer bonds to an equivalent amount payable in marks gold, on May 1, 1926, or, at the option of the German Government, on the 1st of May in any year up to 1926. Subject to the foregoing, the form of such bonds shall be determined by the Reparation Commission. Such bonds shall be handed over to the Reparation Commission, which has authority to take and acknowledge receipt thereof on behalf of Belgium.

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DETERMINATION OF DATES OF BELLIGERENCY,
INCLUDING THOSE DETERMINED BY
THE REPARATION COMMISSION

Country	Date of commencement	Special findings
America, United States of.....	Apr. 6, 1917	
Australia	Aug. 4, 1914	
Belgium	Aug. 4, 1914	
Bolivia	Apr. 13, 1917	(breach of relations); no period of belligerency found by Reparation Commission
Brazil	Oct. 26, 1917	
Canada	Aug. 4, 1914	
China	Aug. 14, 1917	
Cuba	Apr. 7, 1917	
Czechoslovakia	Oct. 28, 1918	(Reparation Commission)
Ecuador	Dec. 9, 1917	(breach of relations)
France	Aug. 3, 1914	
Great Britain	Aug. 4, 1914	
Greece	June 27, 1917	(Reparation Commission)
Guatemala	Apr. 30, 1918	
Haiti		no period found by Reparation Commission; by the Haitian Government, July 12, 1918
Honduras	June 19, 1918	
India	Aug. 4, 1914	
Italy	May 24, 1915	(Austria-Hungary)
	Aug. 28, 1916	(Germany)
Japan	Aug. 23, 1914	
Liberia	Aug. 4, 1917	
New Zealand	Aug. 4, 1914	
Nicaragua	May 8, 1918	
Panama	Apr. 10, 1917	
Peru	Oct. 8, 1917	(breach of relations); no period of belligerency found by Reparation Commission
Poland		no period found by Reparation Commission; see art. 87
Portugal	Mar. 9, 1916	(Reparation Commission)
Rumania	Aug. 28, 1916	
Russia	Aug. 1, 1914	
Serbia (Serb-Croat-Slovene State)	Aug. 6, 1914	
Siam	July 22, 1917	
South Africa, Union of	Aug. 4, 1914	
Uruguay	Oct. 7, 1917	(breach of relations)

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Note to VIII, 232—Continued

The Belgian war debt incurred up to November 11, 1918 was fixed by the Reparation Commission as of May 1, 1921, at the equivalent of 5,612,385,422.54 gold marks. The reimbursement of this debt was allocated in execution of article 4 of the Finance Ministers' Agreement of January 14, 1925 as follows: France 45.891 percent; Great Britain 39.407 percent; Belgium, on account of its debt to the United States, 14.702 percent.

The United States was a party to the 1925 agreement which laid the ground for the conclusion of its debt-funding agreement with Belgium on August 18, 1925, approved by an act of Congress April 30, 1926. In it the pre-armistice indebtedness of Belgium to the United States was funded at \$171,780,000 payable in annual instalments without interest over a period of 62 years, the first payment falling due June 15, 1926. The annuities fluctuated between \$1,000,000 and \$2,900,000 per annum. The debt-funding agreement also provided for Belgium's direct payment of post-armistice indebtedness which was funded at \$246,000,000 with interest at 3 to 3½ percent over the 62-year period. The agreement was subject to the moratorium of June 10, 1932 and payments on both parts of it went into default from December 15, 1932. This debt was included in the agreement, relating to the "concurrent memorandum", signed at The Hague January 20, 1930 (see p. 399).

At the closing of accounts, January 20, 1930, the Reparation Commission had credited Belgium with receipts of 2,228,247,533 gold marks. Belgium's priority, in addition to its 8 percent of receipts under article 237, was defined by article 5 of the agreement between Belgium, France, Great Britain, Italy, Japan, and Portugal for the settlement of certain questions as to the application of the treaties of peace and complementary agreements with Germany, Austria, Hungary, and Bulgaria, signed at Spa, July 16, 1920 (United Kingdom, *Reparation, Agreement between the Allies for the Settlement of Certain Questions* . . . 1922, Cmd. 1615); it was redefined by article 6 of the Finance Ministers' Agreement of January 14, 1925, which envisaged the cessation of the priority except for the war-debt service. As a result of these arrangements Belgium received up to June 30, 1923 nearly a third of the sums distributed, 1,730,126,000 gold marks out of 5,494,782,000 gold marks.

During the German occupation of Belgium, the German authorities issued marks for circulation as currency in Belgium and after the resumption of Belgian control and the withdrawal of the marks by the Belgian Government, their value remained a charge on that

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 232—Continued

government. The question of German reimbursement was handled independently of reparation and the Belgian and German Governments attempted repeatedly after 1920 to reach a settlement. Throughout part of these negotiations the German Government attempted to secure a credit for the renunciation of Eupen and Malmédy. Against the obligation, which was set by the Belgians at 390,000,000 marks, a final settlement of claims was effected by an agreement between Belgium and Germany, signed on July 13, 1929 (104 League of Nations Treaty Series, p. 201), made in consequence of the report of the Committee of Experts, June 7, 1929 (Young Plan) respecting reparation. By this arrangement Germany was to pay annuities to Belgium amounting to 607,600,000 Reichsmarks from 1930 to 1966.

ARTICLE 233.

The amount of the above damage for which compensation is to be made by Germany shall be determined by an Inter-Allied Commission, to be called the *Reparation Commission* and constituted in the form and with the powers set forth hereunder and in Annexes II to VII inclusive hereto.

This Commission shall consider the claims and give to the German Government a just opportunity to be heard.

The findings of the Commission as to the amount of damage defined as above shall be concluded and notified to the German Government on or before May 1, 1921, as representing the extent of that Government's obligations.

The Commission shall concurrently draw up a schedule of payments prescribing the time and manner for securing and discharging the entire obligation within a period of thirty years from May 1, 1921. If, however, within the period mentioned Germany fails to discharge her obligations, any balance remaining unpaid may, within the discretion of the Commission, be postponed for settlement in subsequent years, or may be handled otherwise in such manner as the Allied and Associated Governments, acting in accordance with the procedure laid down in this Part of the present Treaty, shall determine.

Note to VIII, 233

In the covering letter to the comments by the German delegation on the Conditions of Peace of May 29, 1919, the president of the delegation stated: "Germany is ready to make the payments in-

PART VIII: ARTICLE 233

Note to VIII, 233—Continued

cumbent upon her according to the peace program agreed upon, up to the maximum sum of 100,000,000,000 marks gold, of which 20,000,000,000 marks gold are to be paid by May 1, 1926, the other 80,000,000,000 marks gold in annual sums without interest."

A total amount payable by Germany was, however, not stated in the treaty. This was due to disagreement at Paris among the creditors as to the amount, and to the contention that the total should be fixed with relation to the damage, then undetermined, for which reparation was claimed.

An early function of the Reparation Commission was therefore to secure the data upon which to determine the amount. The commission was not permitted to pursue this duty entirely on its own initiative. While the treaty did not set a total figure, section 12 (*e*), annex II, of part V, forecast the eventual issuance of bonds in the amount of 100,000,000,000 marks in three series of 20, 40, and 40 billion marks respectively. At a conference held at Boulogne-sur-Mer in June 1920 the Allied premiers tentatively agreed to ask for 269,000,000,000 gold marks, which with interest was calculated to involve an eventual payment by Germany of 400,000,000,000 gold marks. The Germans were entitled to be heard by the Reparation Commission and established at Paris a body known as the *Kriegslastenkommission*, one of whose initial activities was to figure out the present value of the proposals coming to their attention from Allied sources. For several months there was a lively competitive trade in divers present values of reparation proposals. On the same offer the Germans, French, and British invariably found different present values. One result of this debate on present values was that the creditors did not themselves reach an agreement as to the amount to be demanded from Germany.

Belgium, France, Great Britain, Italy, and Japan sent delegates to a conference at Paris from January 25 to 29, 1921 at which they reverted to their Boulogne plan and on the 29th signed an agreement which called for 42 (instead of 30) annuities beginning at 2,000,000,000 gold marks and rising to 6,000,000,000 from May 1, 1932 to May 1, 1963. Further occupation of German territory was contemplated as a sanction. The French Chamber of Deputies approved ratification of the agreement by a vote of 395 to 83 on February 9.

Meantime the Reparation Commission was engaged in securing claims from the creditors and in determining the standards by which claims were to be judged fit for acceptance. The commission closed its receipt of claims on February 12, 1921. On the basis of the ex-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 233—Continued

change of that day, the claims submitted by France, Great Britain, Italy, Belgium, Japan, Serb-Croat-Slovene State, Rumania, Portugal, Greece, Brazil, Czechoslovakia, Siam, Bolivia, Peru, Haiti, Liberia, Cuba, Poland, and the European Commission of the Danube represented a total of 266,000,000,000 marks. The German Government contested some amounts. On April 27, 1921 the Reparation Commission unanimously decided that "the amount of damages for which reparation is due" was 132,000,000,000 gold marks.

The creditor states and Germany met in conference at London on March 1 to 7, 1921 and the creditors continued in session there until after the Reparation Commission adopted the Schedule of Payments on May 5. At the March conference the German representatives made counterproposals to the January agreement, without result. On March 3 the president of the conference announced that it "must act upon the assumption that the German Government are not merely in default, but deliberately in default; and unless we hear by Monday [March 7] that Germany is either prepared to accept the Paris decisions or to submit proposals which will in other ways be an equally satisfactory discharge of her obligations", the conference would take the following course:

1. To occupy the towns of Duisburg, Ruhrort, and Düsseldorf on the right bank of the Rhine;
2. To require their nationals to pay a certain proportion of all payments due to Germany on German goods to their several governments, on account of reparation;
3. To acquire the duties collected by the German customs on the external frontiers of occupied territories.

Germany failed to meet the terms and was thus in default. The military occupation, which continued until September 30, began on March 8, the troops in occupation of Düsseldorf, Duisburg, and Ruhrort consisting of 10,000 French and 5000 Belgian infantry and two squadrons of British cavalry. On March 12 the German Reichstag approved the foreign minister's protest against this action by a vote of 268 to 49; on March 17 the Chamber of Deputies gave the French Prime Minister a vote of confidence, 491 to 66.

The special customs regime included the occupied zones and territory west of a line described as follows:

"(1) The Rhine from its entry into Holland up to Lohausen (north of Düsseldorf) including the ports of Schwelgen, Ruhrort and Duisburg;

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“(2) A bridgehead around Düsseldorf, bounded by Lohausen, Ratingen, and Hubbelrath and Erkrath both inclusive;

“(3) The bridgehead of Cologne;

“(4) The Rhine between the two bridgeheads of Cologne and Coblenz;

“(5) The bridgeheads of Coblenz and Mainz joined between Diez and Walsdorf by following the North Eastern boundaries of the Kreise of Diez and Langenschwalbach;

“(6) The Rhine from the Mainz bridgehead to the Alsatian frontier.”

The legislation took the pattern of the German Reparation (Recovery) Act (11 & 12 Geo. V, c. 5), March 24, 1921, which, after a Treasury Minute of May 17, 1921, authorized retention of 26 per cent of the value of German goods consigned from Germany to the United Kingdom.

The Conference of Ambassadors on April 7 instructed the Inter-Allied Rhineland High Commission to take appropriate measures to make the decision effective. The principal ordinances issued by the commission were—

No. 77, regarding the making of special regulations, Coblenz, March 8, 1921, *Official Gazette*, 1921, p. 65;

No. 81, regulating the customs organization of the occupied territories, Coblenz, April 8, 1921, *ibid.*, p. 83;

No. 82, regarding the establishment in the occupied territories of special regulations for imports and exports, Coblenz, April 8, 1921, *ibid.*, p. 101.

These and Ordinances Nos. 84, 86, 87, 88, 89, and 91 of the same series were repealed by Ordinance No. 98, Coblenz, September 29, 1921 (*ibid.*, p. 223). The powers of the Customs Managing Board set up by article 8 of Ordinance No. 81 were continued and were conferred upon the commission by Ordinance No. 113, Coblenz, May 3, 1922 (*ibid.*, 1922, p. 81). Ordinance No. 98 was issued in virtue of a resolution of the Supreme Council dated August 13, 1921 to which the German Government signified its assent.

With that sanction in operation, the Supreme Council continued its deliberations at London, again being confronted with differences concerning values of offers as much as concerning other phases of the German obligation. The Reparation Commission would not fix the amount of recognized claims against Germany until April

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Note to VIII, 233—Continued

27 and the Supreme Council was still trying to determine the amount of the German obligation in lieu of the commission. Germany attempted to enlist the help of the United States, which was at the moment holding its "unofficial observers" aloof from both the Supreme Council and the Reparation Commission.

The German Ministry of Foreign Affairs on March 23 sought the intervention of the United States by an informal memorandum submitted to the Commissioner at Berlin (*Foreign Relations*, 1921, II, 37). The Secretary of State on March 29 informed the Commissioner that the United States Government "stands with the governments of the Allies in holding Germany responsible for the war and therefore morally bound to make reparation, so far as may be possible." In April the anticipation that Germany would refuse to assume the debt exercised the French Parliament. The French Premier on April 12 told the Chamber: "We have in hand a promissory note duly signed and if the debtor refuses to pay, we must coerce him by all means of coercion we have in our power. In full agreement with our Allies we have a rendezvous with Germany on May 1."

On April 20 the German Cabinet petitioned "the President of the United States of America to mediate the reparation question and to fix the sum to be paid by Germany to the allied powers." The Secretary of State on April 21 informed the Germans that: "This Government could not agree to mediate the question of reparation with a view to acting as umpire in its settlement." He assured the German Government that if negotiations were immediately resumed and proposals proper as a basis for discussion were formulated by it, "this Government will consider bringing the matter to the attention of the allied governments in a manner acceptable to them".

On April 24 (*ibid.*, p. 46) Germany sent a proposal to the United States, the tenor of which was a German undertaking to assume a total capital liability of 50,000,000,000 gold marks, which it was also prepared to see distributed in annuities that would entail payments of an ultimate total of 200,000,000,000 gold marks.

The British, French, Italian, and Japanese ambassadors at Washington were shown this offer by the Secretary of State on April 25 and were informed that, if it were unacceptable, "they would not find the United States athwart their path". The Secretary of State on May 2 informed the German Government that the United States "finds itself unable to reach the conclusion that the proposals afford a basis for discussion acceptable to the allied governments." He advised the German Government "at once to make directly to the

PART VIII: ARTICLE 233

Note to VIII, 233—Continued

allied governments clear, definite, and adequate proposals which would in all respects meet its just obligations.”

The Supreme Council of the Allies, which had been in session in London since March 1, was also engaged in considering various questions connected with the treaty of peace. Its members, not having themselves reached a conclusion as to the amount of reparation which they should receive from Germany, allowed the Reparation Commission to proceed with that task. Germany had failed to make a satisfactory offer, but the Reparation Commission, in accordance with the duty assigned to it by article 233, had on April 27 established its findings “representing the extent” of Germany’s obligations at 132,000,000,000 gold marks. On May 1, however, Germany was obligated by article 235 to have completed payments to the amount of 20,000,000,000 gold marks. No such sum showed to Germany’s credit on the books of the Reparation Commission (see art. 235); in effect, there was a technical German default.

The Reparation Commission on April 27, 1921 arrived at the following decision:

“The Reparation Commission, in pursuance of the stipulations of Article 233 of the Treaty of Versailles decided unanimously to fix at 132 milliard marks gold the amount of the damage for which reparation was due from Germany under Article 232, paragraph 2, and Annex I of Part VIII of the said Treaty.

“In fixing this figure the Commission had left out of account that amount of damages in respect of which restitution had been or was to be made in execution of Article 238, and no credit would consequently be due to Germany on account of such restitutions.

“The Commission did not include in the above figure the sum representing the further obligation incumbent on Germany in terms of the third paragraph of Article 232, ‘to make reimbursement of all sums which Belgium had borrowed from the Allied and Associated Governments up to 11th November, 1918, together with interest at the rate of 5 per cent. per annum of such sums’ ”.

On May 1, 1921 no notification of the amount of damages or the payments to be made by Germany was ready. The schedule was, however, not far from being ready. By May 3 the Reparation Commission had definitely been entrusted with drawing up the schedule of payments and had produced a draft calling for three series of bonds totaling 135,000,000,000 gold marks, which envisaged the amendment finally enacted as paragraph 12A of annex II. In

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 233—Continued

the revised Schedule of Payments of May 5 Series C bonds were reduced from 85 to 82 milliard gold marks. The inclusion of Series A bonds at 12 milliard gave the Supreme Council a basis for maintaining the existence of a default under article 235.

The Supreme Council decided to make its scheduled settlement with Germany as complete and definite as possible. Its deliberations over two months had revealed several defaults in German obligations and the sanctions in force since March 7 afforded a background for insisting upon their correction. An ultimatum in which satisfaction of the reparation debt was only one of the demands was presented to the German delegation on May 5 (*Foreign Relations*, 1921, II, 57). In this note the Supreme Council found defaults in Germany's fulfilment of the treaty with respect to (1) disarmament; (2) the trial of war criminals as provided for by the notes of February 13 and May 7, 1920 (art. 227); and (3) questions arising under articles 264-7, 269, 273, 321, 322, and 327. The note informed Germany that the Allies had decided:

“(a) To proceed forthwith with such preliminary measures as may be required for the occupation of the Ruhr Valley by the Allied forces on the Rhine in the contingency provided for in paragraph (d) of this note.

“(b) In accordance with Article 233 of the treaty to invite the Reparation Commission to prescribe to the German Government without delay the time and manner for securing and discharging the entire obligation incumbent upon that Government and to announce their decision on this point to the German Government at latest on May 6.

“(c) To call upon the German Government within a period of six days from the receipt of the above decision categorically to declare its resolve:

- (1) To carry out without reserve or condition their obligations as defined by the Reparation Commission.
- (2) To accept and provide without reserve or condition the guarantees in respect of those obligations demanded by the Reparation Commission.
- (3) To carry out without reserve or delay the measures of military, naval and aerial disarmament notified to the German Government by the Allied Powers in their note of January 29, 1921, those overdue being completed at once, and the remainder by prescribed dates.

Note to VIII, 233—Continued

(4) To carry out without reserve or delay the trial of war criminals and other unfulfilled portions of the treaty referred to in the first paragraph of this note.

“(d) Failing fulfilment by the German Government of the above conditions by May 12, to proceed to occupy the Valley of Ruhr and to take all other military and naval measures that may be required. Such occupation will continue so long as Germany fails to comply with the conditions summarized in paragraph (c).”

To this note the German Government replied on May 11:

“The German Government is resolved

“(1) To carry out without reserve or condition their obligations as defined by the Reparation Commission,

“(2) To accept and to carry out without reserve or condition the guarantees in respect of these obligations prescribed by the Reparation Commission,

“(3) To carry out without reserve or delay the measures of military, naval and aerial disarmament, notified to the German Government by the Allied Powers in their note of January 29, 1921, those overdue being completed at once and the remainder by the prescribed dates,

“(4) To carry out without reserve or delay the trial of the war criminals and to execute the other unfulfilled portions of the treaty referred to in the first paragraph of the note of the Allied Governments of May 5.”

The German Government which sent this note received in the Reichstag on June 4, 1921 a vote of confidence of 213 to 77.

The creditor states accepted the determination of the German obligation by the Reparation Commission only indirectly by means of the invitation, referred to in paragraph (b) of the note of May 5, to the Commission to proceed with prescribing how the German Government should execute its obligation. The Reparation Commission proceeded to establish the Schedule of Payments by which Germany delivered bonds to the Reparation Commission as follows:

A. On July 1, 1921 coupon bonds for 12,000,000,000 gold marks, against which 6 percent annually (720,000,000 gold marks) “shall be paid”, of which amount 5 percent interest on outstanding bonds is payable, “and the balance to sinking fund for the redemption of the bonds by annual drawings at par.” (Amortization would require some 37 years.)

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 233—Continued

B. On November 1, 1921, coupon bonds for 38,000,000,000 gold marks, against which 6 percent annually (2,280,000,000 gold marks) "shall be paid," of which amount 5 percent interest on outstanding bonds is payable, "and the balance to sinking fund for the redemption of the bonds by annual drawings at par." (Amortization would require some 37 years.)

C. On November 1, 1921, bonds, without coupons attached, "for 82,000,000,000 gold marks, subject to such subsequent adjustment by creation or cancellation of bonds as may be required under Art. 1," which specifies the additions and deductions noted above. These bonds "shall be issued by the commission as and when it is satisfied that the payments which Germany undertakes to make in pursuance of this agreement are sufficient to provide for the payment of interest and sinking fund on such bonds", which would presumably amount to 4,920,000,000 gold marks.

Note to VIII, 233, par. 2

The Reparation Commission did not receive any claims for reparation from the United States, Ecuador, Guatemala, Hedjaz, Honduras, Nicaragua, Panama, and Uruguay, and for sundry reasons did not admit the claims to reparation by Bolivia, China, Haiti, Peru, and Poland.

On May 19, 1921 the commission notified the following states that they were entitled to receive reparation and to appoint delegates or delegate assessors to the Reparation Commission: the British Empire, France, Italy, Japan, Belgium, Brazil (not awarded a given percentage), Cuba, Greece, Liberia, Portugal, Rumania, Serb-Croat-Slovene State, Siam, and Czechoslovakia.

Dates of the commencement of belligerency for certain states were determined by the Reparation Commission as follows:

Poland—none (see art. 87)
Czechoslovakia—October 28, 1918
Italy—May 24, 1915
Greece—June 27, 1917
Portugal—March 9, 1916
Bolivia—None
Haiti—None
Peru—None

Note to VIII, 233, par. 4

The Schedule of Payments of May 5, 1921 fixed a total amount of reparation payable by Germany at:

PART VIII: ARTICLE 233

Note to VIII, 233 (3)—Continued

1. 132,000,000,000 gold marks less—
 - a.* Amount already paid on account of reparation;
 - b.* Sums to be credited to Germany in respect of state properties, ceded territories, etc.; and,
 - c.* Sums received from other enemy or ex-enemy states; and,
2. The amount of the Belgian debt to the Allies (5,612,385,422.54 gold marks).

Payments and deliveries effected by Germany were credited to reparation account as follows:

A. Deliveries on capital or annuity account made before or after May 1, 1921:

- a.* Deliveries in kind in virtue of part VIII, annex II, paragraph 9;
- b.* Deliveries in kind (art. 235);
 1. Annex III;
 2. Annex IV;
 3. Annex V;
 4. Annex VI;
 5. Annex VII;
 6. Article 247 (Louvain);
 7. Various receipts of Allied origin, including Reparation Recovery Acts;
 8. Articles 339–357;
 9. Material of non-military character delivered in execution of the armistice;

B. Deliveries credited to reparation capital debt:

1. Share capital of State Bank of Morocco (art. 145);
2. Shantung (art. 156);
3. German credits on Austria, etc.;
4. Saar mines;
5. Cessions in China (art. 134);
6. Balances due under art. 297;
7. Sums to be credited to Germany in virtue of articles 254 and 256, including rolling stock, article 371;
8. All sums paid over by the Bureau for Liquidation of German War Material (B.L.M.G.);

C. Recovery of all sums taken over by the German Government and its agents between March 1 and November 5, 1920, except those turned over to B.L.M.G.;

D. The value of deliveries in virtue of article 260;

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 233 (3)—Continued

E. The allocation of the receipts from customs duties in occupied territories.

ARTICLE 234.

The Reparation Commission shall after May 1, 1921, from time to time, consider the resources and capacity of Germany, and, after giving her representatives a just opportunity to be heard, shall have discretion to extend the date, and to modify the form of payments, such as are to be provided for in accordance with Article 233; but not to cancel any part, except with the specific authority of the several Governments represented upon the Commission.

ARTICLE 235.

In order to enable the Allied and Associated Powers to proceed at once to the restoration of their industrial and economic life, pending the full determination of their claims, Germany shall pay in such instalments and in such manner (whether in gold, commodities, ships, securities or otherwise) as the Reparation Commission may fix, during 1919, 1920 and the first four months of 1921, the equivalent of 20,000,000,000 gold marks. Out of this sum the expenses of the armies of occupation subsequent to the Armistice of November 11, 1918, shall first be met, and such supplies of food and raw materials as may be judged by the Governments of the Principal Allied and Associated Powers to be essential to enable Germany to meet her obligations for reparation may also, with the approval of the said Governments, be paid for out of the above sum. The balance shall be reckoned towards liquidation of the amounts due for reparation. Germany shall further deposit bonds as prescribed in paragraph 12 (*c*) of Annex II hereto.

Note to VIII, 235

The requirement of this article created the first attempt to revise the arrangements of part VIII. Repeated complaints of the German Government caused the Allied Governments to hold conferences at London, February–March 1920, at Hythe, May 15–16, at Boulogne, June 21–22, 1920, at Spa, July 5–17, 1920, in the endeavor “to find a reparation settlement along lines other than those laid down by the treaty of Versailles, and consequently outside the Reparation Commission”. The failure of those consultations and of a conference of experts at Brussels in December 1920 to reach “a general solution which would have circumvented the difficulties attending the execu-

Note to VIII, 235—Continued

tion of article 235" (*Report on the Work of the Reparation Commission from the Years 1920 to 1922*, p. 14) put the Reparation Commission on notice that it might have "to fulfil its strict treaty duties".

The German Government on January 20, 1921 submitted a memorandum in which it summarized its valuations of deliveries effected which in its opinion were to be credited on reparation account. The total amounted to over 21,000,000,000 gold marks. On February 26, 1921 the Reparation Commission denied the propriety of including five items which together amounted to 15,355,000,000 gold marks, and informed the Germans "that the final account under Article 235 could not, in present conditions, fail to reveal a deficit of at least 12 milliards". The German Government's persistence in its contention was held by the Reparation Commission to be a refusal to meet its obligation.

The Supreme Council convened at London on March 1 for a lengthy meeting which ended only when Germany accepted the Schedule of Payments as drawn up by the Reparation Commission on May 5.

Series "A" bonds of that instrument corresponded in value with the deficit found by the commission to exist in the pre-May 1 payments. The pre-May 1 deliveries and payments were determined retrospectively on October 26, 1921 (annex 538/9) as having approximately amounted to 7,539,000,000 gold marks.

The difference between the Reparation Commission and the German Government hinged on the liquidity of the deliveries claimed. Without passing upon the correctness of the German valuations of other items, the commission informed Germany that three items did not represent assets which were either liquid or which were capable of being made liquid in the near future. These were: capital value of Saar mines, 1,056,947,000 gold marks; value of property in ceded territories, 4,481,552,938; and value of five surrendered railroad bridges, 8,582,350. The value of property in ceded territory which could be realized before May 1, 1921 in liquid form was insignificant. Two items, merchant marine, valued at 7,310,302,824 gold marks, and abandoned property, 2,497,790,000 gold marks, would not yield more than 1,000,000,000 gold marks, but the commission doubled that figure in its finding that Germany would be short by 12,000,000,000 gold marks in the May 1 payment.

The first definite experience with payment in cash resulted from the requirement of article 5 of the Schedule of Payments of May 5, 1921, which stipulated payment by Germany in 25 days of one billion

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 235—Continued

gold marks "in gold or approved foreign currency or approved foreign bills or in drafts of 3 months on the German Treasury endorsed by approved German banks and payable in pounds sterling in London, in francs in Paris, in dollars in New York or any currency in any other place designated by the Commission."

The United States Treasury took a keen interest in the outcome of this transaction since it was effected through American financial channels. The variety of currencies drawn from the German economy to make the payment impressed financial observers. The first payment, for instance, consisted of 150,000,000 gold marks which was available on May 15, 1921 in the following currencies: \$11,675,000; £3,500,000; 22,000,000 French francs; 4,000,000 Swiss francs; 12,000,000 Belgian francs; 2,000,000 Dutch florins; 6,500,000 Danish crowns; 3,500,000 Norwegian crowns; 8,500,000 Spanish pesetas; 10,000,000 gold marks.

ARTICLE 236.

Germany further agrees to the direct application of her economic resources to reparation as specified in Annexes III, IV, V, and VI, relating respectively to merchant shipping, to physical restoration, to coal and derivatives of coal, and to dyestuffs and other chemical products; provided always that the value of the property transferred and any services rendered by her under these Annexes, assessed in the manner therein prescribed, shall be credited to her towards liquidation of her obligations under the above Articles.

Text of May 7:

Germany further agrees to the direct application of her economic resources to reparation as specified in Annexes III, IV, V, and VI, relating respectively to merchant shipping, to physical restoration and to coal and derivatives of coal, and to dyestuffs and other chemical products; provided always that the value of the property transferred and any services rendered by her under these Annexes, assessed in the manner therein prescribed, shall be credited to her towards liquidation of her obligations under the above articles.

ARTICLE 237.

The successive instalments, including the above sum, paid over by Germany in satisfaction of the above claims will be divided by the Allied and Associated Governments in proportions which have been determined upon by them in advance on a basis of general equity and of the rights of each.

For the purposes of this division the value of property transferred

PART VIII: ARTICLES 236 TO 237

and services rendered under Article 243, and under Annexes III, IV, V, VI, and VII, shall be reckoned in the same manner as cash payments effected in that year.

Note to VIII, 237

In execution of this article there were concluded:

Agreement of June 16 [24], 1919 relative to Belgian priority;

Spa agreement, article 1, July 16, 1920; agreement with the Serb-Croat-Slovene State, June 20, 1921; agreement of January 14, 1925, article 6, relative to percentages;

Arrangements of September 10, 1919; article 9 of Spa agreement of July 16, 1920; article 11 of agreement of March 11, 1922, relative to liberation of territories of the Austro-Hungarian Monarchy and Austria.

The original Spa percentages are here given, the percentages in force when the New (Young) Plan was being worked out and those employed in the last distribution of funds by the Reparation Commission.

Article 1 of the Spa agreement of July 16, 1920 provided:

“In pursuance of Article 237 of the Treaty of Versailles, sums received from Germany under the head of reparation shall be divided in the following proportions:

	Per cent
British Empire	22
France	52
Italy	10
Japan . . . . .	.75
Belgium	8
Portugal . . . . .	.75

“6.5 per cent. shall be reserved for Greece, Roumania, the Serb-Croat-Slovene State, and for the other Powers entitled to reparation which are not signatories of this agreement.”

The percentage of the Serb-Croat-Slovene State was determined as 5 per cent by an agreement with France and Great Britain concluded at Paris on June 20, 1921 and confirmed by the Spa signatories. That government did not, however, adhere to the Spa agreement until February 25, 1925 (file 462.00 R 29/3822).

Spa Percentages as revised in 1929

	Percent	Percent
France		54.45
British Empire		23.05
Great Britain, 86.85%	20.01024	
Minor colonies, 0.80%	0.18432	

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 237—Continued

Spa Percentages as revised in 1929—Continued

	Percent	Percent
Canada, 4.35%	1.00224	
Australia, 4.35%	1.00224	
New Zealand, 1.75%	0.40320	
India, 1.20%	0.27648	
South Africa, 0.60%	0.13824	
Newfoundland, 0.10%	0.02304	
Italy		10.00
Yugoslavia		5.00
Belgium		4.50
Rumania		1.10
Portugal		0.75
Japan		0.75
Greece		.040

As modified at final distribution to creditors, April 13, 1931
(Annex 4193 b 3).

United Kingdom	23.58
France	56.14
Italy	8.06
Belgium	5.60
Japan	.66
Yugoslavia	3.92
Portugal	.66
Rumania	1.00
Greece	.35
Poland	.03

Belgium's priority, in addition to its 8 percent of receipts granted by the agreement of June 16, 1919 in virtue of article 237, was defined by article 5 of the agreement between Belgium, France, Great Britain, Italy, Japan, and Portugal for the settlement of certain questions as to the application of the treaties of peace and complementary agreements with Germany, Austria, Hungary, and Bulgaria, signed at Spa, July 16, 1920 (United Kingdom, *Reparation, Agreement between the Allies for the Settlement of Certain Questions* . . . 1922, Cmd. 1615). The priority was redefined by article 6 of the Finance Ministers' Agreement of January 14, 1925 which envisaged the cessation of the priority except for the war-debt service. As a result of these arrangements Belgium received nearly a third of the sums distributed up to June 30, 1923, 1,730,126,000 gold marks out of 5,494,782,000 gold marks. At the closing of accounts, January 20, 1930, the Reparation Commission had credited Belgium with receipts of 2,228,247,533 gold marks.

PART VIII: ARTICLE 238

ARTICLE 238.

In addition to the payments mentioned above Germany shall effect, in accordance with the procedure laid down by the Reparation Commission, restitution in cash of cash taken away, seized or sequestrated, and also restitution of animals, objects of every nature and securities taken away, seized or sequestrated, in the cases in which it proves possible to identify them in territory belonging to Germany or her allies.

Until this procedure is laid down, restitution will continue in accordance with the provisions of the Armistice of November 11, 1918, and its renewals and the Protocols thereto.

Note to VIII, 238

At the beginning of the war of 1914-18, the impression prevailed that the Hague convention respecting the laws and customs of war on land of October 18, 1907 (*Treaties, Conventions, etc.*, 1776-1909, II, 2269) gave valid rules for the conduct of hostilities. At an early stage German action belied this impression. In rectifying the damage resulting from the war, the preliminary peace conference, therefore, made provision for the restitution of property seized improperly according to the standards of the Hague convention and the state of public opinion. Restitution began under the terms of the armistice and was further provided for in the treaty of peace. In neither case were the values involved credited on the reparation account.

Restitution differed from reparation in two respects :

1. It affected only identifiable property which had been seized or sequestrated and which was returnable at Germany's expense in the same or equivalent form ;
2. Restitution of such property was not susceptible of adjustment until article 5 of the Finance Ministers' Agreement of January 14, 1925 was applied under the Dawes Plan.

On the other hand, it was not impossible that seizures for which restitution as such could not be made should also give rise to damage within the categories for which reparation was due (part VIII, annex I).

The Reparation Commission was charged with the duties of effecting restitution and of determining the difference between restitution and reparation.

Procedures of restitution developed promptly from the terms of the armistice, for it was realized that speed in many instances was

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 238—Continued

necessary to secure proper restitution. The final protocol of the Financial Subcommittee of the International Armistice Commission, Spa, December 1, 1918, provided for the restitution of documents, cash, securities, and works of art; one of January 10, 1919, completed by another of February 2, 1919, provided for the restitution of industrial and agricultural material; a further one of March 25, 1919, supplementing the armistice of November 11, 1918, provided for the restitution of stationary railway material. These armistice provisions did not make the distinction established by the treaty of peace between reparation and restitution, and they dealt only with property taken away from the invaded territories of Belgium and France. Moreover, they did not touch livestock, rolling stock, river shipping, and household furniture.

Restitution under the armistice was entrusted by the C.I.P.A. (Commission Interalliée Permanente d'Armistice) to the following inter-Allied or national bodies:

The C.I.R.F. (Commission Interalliée de Récupération de Matériel Fixe de Chemin de Fer) charged with executing protocol 666-T of March 25, 1919 and composed of Belgian, British, French, and United States representatives;

The C.I.R.M. (Commission Interalliée de Récupération de Matériel Roulant de Chemin de Fer) which was charged with receiving the rolling stock deliverable under Clause VII of the Armistice Convention of November 11, 1918, also composed of Belgian, British, French, and United States representatives;

The Restitution Services, being Belgian and French bodies concerned with the restitution by Germany of industrial material under the protocol of February 2, 1919, of agricultural material under the protocol of January 16, 1919, and of furniture, works of art, and securities under the final protocol of the Financial Subcommittee of the International Armistice Commission, Spa, December 1, 1918. Corresponding German services operated at Frankfurt.

The deficits in deliveries at the entry into force of the treaty of peace are set forth in the protocol of January 10, 1920 (see p. 743).

Immediately the treaty of peace was in force, the Organization Committee of the Reparation Commission and the Allied Restitution Services set about the preparation of a complete program to secure the full restitution provided for in article 238. General protocol "A" of restitution was notified to Germany on September 1, 1920 (*Report on the Work of the Reparation Commission from 1920 to 1922*, p. 199). This protocol provided that "the onus of and the responsibility

PART VIII: ARTICLE 238

Note to VIII, 238—Continued

for restitution must be entirely borne by Germany under the terms of Article 238." The Office of the Reparation Commission at Wiesbaden (O.R.C.W.) was set up and the German organ at Frankfurt dealt directly with it. Protocol "A" was supplemented by four others as follows:

- B for livestock, December 20, 1920;
- C for industrial material and rolling stock, January 21, 1921;
- D for cash, securities, works of art, furniture, April 26, 1921 and June 20, and;
- E for river shipping, July 12, 1921.

Under the protocols, National Services were set up by Italy, Poland, Rumania, and the Serb-Croat-Slovene State, in addition to those of France and Belgium, the latter of which looked after the interests of Great Britain. These National Services took over the work undertaken by the inter-Allied bodies, the C.I.R.F. and the C.I.R.M. To them was also entrusted the business arising out of deliveries in kind under part VIII, annex IV. In consequence, this extension of duties resulted in the continuance of the Wiesbaden Office of the Reparation Commission until June 1922, when it was superseded by the Service of Restitution and Reparation in Kind (S.R.R.K.) at Paris. In the meantime, restitution had been completed under the five protocols of September 1920, or had been provided for in agreement with Germany, notably by Belgium and France, by September 1, 1922.

The Arbitral Tribunal of Interpretation on March 24, 1926 decided that identical restitution in virtue of article 238 was not comprised in the annuities under the Experts' (Dawes) Plan.

Under article 5 of the Finance Ministers' Agreement of January 14, 1925 the percentages of annuities assigned to restitution were distributed as follows:

Belgium	30.667
France	61.333
Great Britain	1.383
Poland	1.778
Italy	1.185
Rumania	2.667
Serbia	0.987

The following table shows the restitution obligations of Germany under the armistice, the protocols or substitution contracts:

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 238—Continued

RESTITUTION BY GERMANY UNDER ARMISTICE
AND OTHER OBLIGATIONS

November 11, 1918—September 1, 1922.¹

Country	Material		Bonds, cash, art works, etc. (approximate)	Livestock	Stationary material	Rolling stock	River craft
	Industrial	Agricultural					
France	Tons 273,840,350	1,762 machines 2,000 wagons 209,644 tools	24,488,000 F. frs. (1914)	23,161 horses, 2,399 mules and asses, 3,345 cattle, 4,888 sheep, 6,917 horses, 54 cattle	1,286 tons	11 engines 15,682 trucks	. . . . .
Belgium	94,857,580	714 machines	Cash, 1,700,000,000 p.m. Bonds, 16,706,000 paper B. frs.; Works of Art, 2,103,000 francs (1914)		526 tons	417 engines 34,910 trucks	40 Bayern barges, 41,936 tons; 3 schooner tank barges, 1,475 tons.
Italy	67,195			8,503 horses, 1,021 heifers, 12,408 horses		302 trucks	. . . . .
Poland	4,324,579			4,522 horses		8 engines 2,000 trucks 22 engines 3,884 trucks	. . . . .
Roumania	90		5,361,650 paper frs.			10 engines 409 trucks 7 tenders	2 barges, 1,200 tons.
Serb-Croat-Slovene State	143 tons 1 steam engine	26 machines identified	66,635 paper dinars, 12,900 paper levas.				
Great Britain	5,615		59,000 paper B. frs.; and 503 cases of miscellaneous goods.				17 Drughorn barges, 26,253 tons; 1 Drughorn tug, 600 h.p.

¹ Adapted from the Report on the Work of the Reparation Commission from 1920 to 1922, p. 204.

PART VIII: ARTICLE 238

Note to VIII, 238—Continued

For restitution of property in Germany to nationals of Allied or Associated Powers, see articles 297 (*f*), (*g*), and (*h*), and 300 (*f*).

Germany undertook to facilitate restitution in kind of identifiable items to Poland by no. V of the German-Polish agreements signed at Paris, January 9, 1920. On May 3, 1920 the Reparation Commission safeguarded that right by demanding that Germany prevent the alienation, destruction, or transformation of such objects.

Belgium and Poland in signing a convention concerning certain questions relating to private property, rights, and interests at Brussels, December 30, 1922 regulated the transfers involving their own nationals which resulted from the application of article 238 and the system of part X, section IV, including recognition of awards by Mixed Arbitral Tribunals affecting their nationals in connection with territorial transfers (21 League of Nations Treaty Series, p. 201). The convention entered into force on October 20, 1923, simultaneously with a commercial treaty between Belgium and Luxembourg and Poland (*ibid.*, p. 183).

According to article 238 the Reparation Commission carried on from the situation created by the operation of the series of armistice conventions, protocols, agreements, and notes beginning with the main convention of November 11, 1918. The elaborate German publication is *Der Waffenstillstand, 1918–19; das Dokumenten-Material der Waffenstillstands-Verhandlungen von Compiègne, Spa, Trier and Brüssel; Notenwechsel, Verhandlungsprotokolle, Verträge, Gesamttätigkeitsbericht*, issued in three volumes at Berlin in 1928. It contains most of the instruments, which have not been published as a whole.

A reference list of the instruments follows:

Convention of armistice, November 11, 1918 by the Allied and Associated Powers with Germany (*Treaties, Conventions, etc.*, 1910–23, III, 3307; *Der Waffenstillstand*, I, 74);

Additional declaration on the eventual occupation of Heligoland (*Treaties, Conventions, etc.*, 1910–23, III, 3315; *Der Waffenstillstand*, I, 87);

Annexed note No. 1, on the evacuation of the invaded countries (*Treaties, Conventions, etc.*, 1910–23, III, 3313; *Der Waffenstillstand*, I, 81);

Annexed note No. 2 on conditions affecting ways of communications (*Treaties, Conventions, etc.*, 1910–23, III, 3313; *Der Waffenstillstand*, I, 84);

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 238—Continued

Agreement dated at Spa, December 17, 1918 for execution of clauses on the delivery of railroad material in Note No. 2 (P.I.A.C. 117/T);

Protocol dated at Spa, March 25, 1919 for execution of article IV *b*, Note No. 2 (P.I.A.C., 666 T; *Der Waffenstillstand*, III, 339);

“Industrial” protocol relative to the execution of article VI, paragraph 5, of the convention of armistice and note, signed at Luxembourg, December 25, 1918 (*Der Waffenstillstand*, II, 254);

Final protocol, dated at Spa, December 1, 1918 of the Financial Subcommittee of the Permanent Inter-Allied Armistice Commission, signed by the French, Belgian, and German delegates (*ibid.*, I, 318);

Agreement, dated at Spa, December 17, 1918 for execution of certain articles concerning restitution of art objects (P.I.A.C. 110G and WAKO 3116);

Additional convention for renewal of the armistice, dated at Trier, December 13, 1918 (*Treaties, Conventions, etc.*, 1910–23, III, 3315; *Der Waffenstillstand*, I, 130);

Financial protocol, dated at Trier, December 13, 1918 (*Treaties, Conventions, etc.*, 1910–23, III, 3322; *Der Waffenstillstand*, I, 329);

Additional convention concerning prolongation of the armistice, dated at Trier, January 16, 1919 (*Treaties, Conventions, etc.*, 1910–23, III, 3323; *Der Waffenstillstand*, I, 182);

Protocol dated at Spa, January 30, 1919 regulating conditions of execution of the additional convention (*Der Waffenstillstand*, III, 350);

Agreement dated at Trier, January 17, 1919 relative to measures taken for revictualing of Germany and the use of German tonnage (*ibid.*, II, 37);

Protocol dated at Spa, February 1, 1919 for execution of the armistice clauses relative to the restitution of industrial material (*ibid.*, p. 304);

Protocol of the Spa Conference of February 6–8, 1919 concerning the supplying of Germany with foodstuffs (*ibid.*, III, 239);

Protocol dated at Brussels, March 23, 1919 for execution of the clauses relative to the restitution of industrial material (*ibid.*, II, 317);

Protocol of the Financial Conference, Trier, February 14–16, 1919 (*ibid.*, p. 70);

Additional convention concerning prolongation of the armistice,

PART VIII: ARTICLES 239 TO 240

Note to VIII, 238—Continued

Trier, February 16, 1919 (*Treaties, Conventions, etc.*, 1910–23, III, 3326; *Der Waffenstillstand*, I, 260);

Financial arrangement, dated at Trier, February 16, 1919, for the payment for foodstuffs (*Der Waffenstillstand*, II, 64);

Supplementary agreement dated at Trier, February 16, 1919 concerning the revictualing of Germany (*ibid.*, p. 67);

Protocol of the Brussels Conference March 13–14, 1919 and annexed agreements relative to the revictualing of Germany and delivery of the merchant fleet (*ibid.*, pp. 179–209);

Convention for execution of article III of financial protocol of Trier, December 13, 1918, dated at Kehl, April 12, 1919 (*ibid.*, I, 336);

Protocol dated at Spa, April 4, 1919 applying article XVI of the armistice to passage of Allied troops through Germany, and annex (*Treaties, Conventions, etc.*, 1910–23, III, 3327; *Der Waffenstillstand*, II, 363).

ARTICLE 239.

The German Government undertakes to make forthwith the restitution contemplated by Article 238 and to make the payments and deliveries contemplated by Articles 233, 234, 235 and 236.

ARTICLE 240.

The German Government recognizes the Commission provided for by Article 233 as the same may be constituted by the Allied and Associated Governments in accordance with Annex II, and agrees irrevocably to the possession and exercise by such Commission of the power and authority given to it under the present Treaty.

The German Government will supply to the Commission all the information which the Commission may require relative to the financial situation and operations and to the property, productive capacity, and stocks and current production of raw materials and manufactured articles of Germany and her nationals, and further any information relative to military operations which in the judgment of the Commission may be necessary for the assessment of Germany's liability for reparation as defined in Annex I.

The German Government will accord to the members of the Commission and its authorised agents the same rights and immunities as are enjoyed in Germany by duly accredited diplomatic agents of friendly Powers.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Germany further agrees to provide for the salaries and expenses of the Commission and of such staff as it may employ.

Note to VIII, 240

Paragraph 4 of the protocol of June 28, 1919 provides that the Reparation Commission "cannot require trade secrets or other confidential information to be divulged".

ARTICLE 241.

Germany undertakes to pass, issue and maintain in force any legislation, orders and decrees that may be necessary to give complete effect to these provisions.

Note to VIII, 241

The application of this article by the Reparation Commission was limited by the following statements in the reply of the Allied and Associated Powers to the observations of the German delegation on the conditions of peace dated June 16, 1919:

"The provisions of Article 241, by which the German Government is to invest itself with such powers as may be needed to carry out its obligations, are not to be misconstrued as giving the Commission powers to dictate the domestic legislation of Germany. Nor does paragraph 12 (b) of annex II give the Commission powers to prescribe or enforce taxes or to dictate the character of the German budget.

"It is only to examine the latter for two specified purposes.

"This is necessary in order that it may intelligently and constructively exercise the discretion accorded to it in Germany's interest, particularly by Article 234, with regard to extending the date and modifying the form of payments. . . . It is further to be observed that the power of modification accorded by the said Article 236 is expressly designed to permit of a modification in Germany's interest of a schedule of payments which events may demonstrate to be beyond Germany's reasonable capacity."

Articles 6 and 7 of the Schedule of Payments of May 5, 1921 provided for a special Committee of Guarantees consisting of representatives of the states composing the Reparation Commission, including the representative of the United States if it desired. The United States did designate an unofficial representative.

The committee was provided for in expectation that German bonds would be issued to the public and the committee was conse-

PART VIII: ARTICLE 241

Note to VIII, 241—Continued

quently originally intended to watch over the interests of the creditors with respect to the securities pledged by the debtor. For that reason, the committee was empowered to co-opt three other representatives, nationals of other states, whenever it appeared that such a portion of the bonds was held by nationals of such states as to justify their representation on the committee. The committee was charged with the duty of securing the application of articles 241 and 248 of the treaty, the first of which relates to Germany's obligation to maintain adequate legislation, and the second of which makes reparation the first charge on all German assets and revenues.

The Committee of Guarantees was appointed on May 27, 1921 and was composed of representatives of France, Great Britain, Italy, Belgium, and the United States unofficial observer. It paid a first visit to Berlin in June 1921 and on the 28th sent Germany five notes containing important decisions. A note on general principles dealt with the German resources which were to be devoted to the service of the bonds; a second note was an interpretation of the word "exports" and replacement of the "exports" index; the third dealt with the levy of 25 percent on German exports; the fourth with the assignment of customs receipts as guaranty for the bonds; and the fifth note related to organization of the "contrôle" or supervision (*Official Documents Relative to the Amount of Payments to be Effected by Germany under Reparation Account, May 1, 1921 - July 1, 1922*). In the fifth note the committee announced its intention to maintain a delegation at Berlin and informed Germany that it would exercise rights to require from German officials all information, to enter all administrative premises, and to possess all facilities for gaining a complete knowledge of all parts of the services which it was to supervise.

In June 1921, the Committee of Guarantees found the exchange then current was 14 paper marks to 1 gold mark. On a second visit to Berlin, made from September 23 to October 14, 1921, it found that the rate was 30 paper marks to 1 gold mark, and in consequence undertook a complete review of the situation. The committee found that the German budget was running a net deficit of 96,000,000,000 paper marks. It, therefore, concluded that the methods used to procure foreign bills and the condition of the balance of payments indicated the necessity for the German Government to take special emergency measures to cover the reparation instalments due in January, February, and April of 1922.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, 241—Continued

The Reparation Commission, after examining the second report of the Committee of Guarantees (*ibid.*, p. 25), called upon Germany to inform it of what steps were being taken to ensure payment of the January–February instalments. In a letter of December 14 the German Chancellor informed the commission that it was uncertain as to how those payments could be made, unless through a foreign loan; he requested an extension of the time-limit and stated that similar difficulties would arise in connection with subsequent payments. On March 21, 1922 the Reparation Commission limited Germany's payments in 1922 on account of reparation and armies of occupation to 720 million gold marks in cash, as against 2 billion gold marks called for by article 4 of the Schedule of Payments, and credited against this amount the 281,948,920.49 gold marks already paid in 1922 in kind; the equivalent in goods of 1,450,000,000 gold marks was also to be remitted.

The Chancellor of the German Reich on April 7, 1922 reported that since December 14 "Germany's financial difficulties have exceeded all forecast". The dollar had been at 180 marks on the Berlin exchange in January, had gone to 200 in February, and was then above 300. The cost of living had risen sixty-fold or more, with bread at 25 times the pre-war prices. The German Government asked the Reparation Commission to reconsider its decision of March 21 and to undertake a further examination of Germany's capacity. Nevertheless, it stated that "the German Government cannot consent to any form of supervision incompatible with Germany's independence", adding that no government "could allow a foreign country to exercise any definite influence in the creation and application of legislative measures".

On the 13th the commission informed the German Government that it "had in no way trespassed upon the powers of initiative or the responsibilities in matters of taxation or of expenditure either of the German Government or of the German legislature". It simply insisted on Germany's making adequate provision for meeting its obligations and of putting them in a proper priority with respect to domestic expenditures. It reminded Germany that its government had petitioned for postponement of its obligations and that its intransigent attitude was assumed against proposals made for the purpose of realizing that request. Having been told this, the Chancellor of the Reich by May 9 declared that the German

PART VIII: ARTICLE 242

Note to VIII, 241—Continued

Government was convinced of the necessity of taking immediate steps to prevent further monetary inflation, and expressed "satisfaction that the Reparation Commission recognizes the sovereignty of Germany in questions of public expenditure, taxation and financial policy generally". It undertook to use its best endeavors to comply with the conditions laid down by the commission, though it was not too optimistic concerning its ability to do so. Following the Genoa Conference, a full statement of the budgetary condition was transmitted on May 28, and on May 31 the Reparation Commission on this basis confirmed the provisional postponement granted on March 21 of a portion of payments due for the year 1922.

In view of this decision, the German Government was informed on June 14 that the Committee of Guarantees would consider with it the following subjects:

- (1) Supervision of the receipts and expenditure of the Reich;
- (2) Abusive export of capital;
- (3) Statistics.

The permanent delegation of the Committee of Guarantees was set up at Berlin in June 1922. It divided into five sections and embarked on an arduous task of daily supervision, as the Reparation Commission put it, of "the minutiae of the finances of one of the largest and most complicated of European States". The conclusion of those deliberations was set forth in a body of correspondence dated July 18, 1922 (*Report on the Work of the Reparation Commission from 1920 to 1922*, pp. 267-278).

The French delegation presented to the Reparation Commission a searchingly critical memorandum on Germany's request for a moratorium (Reparation Commission, *Official Documents*, VI).

ARTICLE 242.

The provisions of this Part of the present Treaty do not apply to the property, rights and interests referred to in Sections III and IV of Part X (Economic Clauses) of the present Treaty, nor to the product of their liquidation, except so far as concerns any final balance in favour of Germany under Article 243 (a).

Text of May 7:

The provisions of this Part of the present Treaty do not apply to the property, rights and interests referred to in Sections III and IV

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Text of May 7—Continued

of Part X (Economic clauses) of the present Treaty, except so far as concerns any final balance in favour of Germany under Article 243 (a).

ARTICLE 243.

The following shall be reckoned as credits to Germany in respect of her reparation obligations:

(a) Any final balance in favour of Germany under Section V (Alsace-Lorraine) of Part III (Political Clauses for Europe) and Sections III and IV of Part X (Economic Clauses) of the present Treaty;

(b) Amounts due to Germany in respect of transfers under Section IV (Saar Basin) of Part III (Political Clauses for Europe), Part IX (Financial Clauses), and Part XII (Ports, Waterways and Railways);

Text of May 7:

Amounts due to Germany in respect of transfers under Part IX (Financial Clauses), Part XII (Ports, Waterways and Railways) and Section IV (Saar Basin) of Part III (Political Clauses in Europe).

(c) Amounts which in the judgment of the Reparation Commission should be credited to Germany on account of any other transfers under the present Treaty of property, rights, concessions or other interests.

In no case however shall credit be given for property restored in accordance with Article 238 of the present Part.

Note to VIII, 243

The articles under which credits were given to Germany were:

- a. Articles 53, 58, 59, 66, 73, 74 (part III), 296, 297 (part X);
- b. Articles 50 (part III), 250, 254, 260, 261 (part IX), 339, 352, 357 (part XII);
- c. Articles 107, 124, 125, 130, 134, 145, 156, 157, 169, 184, 192, 202, 254, 256, 297.

Paragraph 2 of the protocol of June 28, 1919 provides that Germany be credited on the reparation account with sums paid by it to German nationals to indemnify them in respect of the interests which they may be found to possess in the railways and mines referred to in article 156, paragraph 2.

PART VIII: ARTICLES 243 TO 244

Note to VIII, 243—Continued

Article 4, column debits *f*, of the Spa agreement provides for the exclusion of final balances under sections III and IV of part X and of sums applied to the Belgian priority in virtue of article 5 of that agreement.

By article 10, 2, of that agreement sums credited to Germany under articles 92 and 243 from Poland were entered in suspense accounts.

See annex II, paragraph 16.

ARTICLE 244.

The transfer of the German submarine cables which do not form the subject of particular provisions of the present Treaty is regulated by Annex VII hereto.

A N N E X I .

Note to VIII, Annex I

The German delegation declared that Germany would accept liability under paragraphs 1, 2, 3, 8, 9, and 10 of annex I to article 232, so far as concerned damage to civilians in occupied districts, but insisted on reciprocity under paragraph 4 and definitely rejected paragraphs 5-7 as not based on any legal principle (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 852). Objection was also raised to an army of occupation which was not needed, Germany being defenseless, and the cost of which would only lessen the payments Germany could make as reparation.

Germany could not accept the Reparation Commission, which would be both party and judge, but proposed the appointment of a German commission to cooperate with the Allied commission, a mixed court of arbitration with a neutral chairman to settle disagreements.

The German Government was "keenly desirous of cooperating by means of German labor in the reconstruction of France and Belgium" and accepted the principle that German taxation should be as heavy as in any Allied state represented on the Reparation Commission; but only on condition that Germany was not partitioned, its industrial system and food basis not disturbed, and its overseas connections, mercantile fleet, and colonies not taken away, and that the territories separated should bear their share of the war debts. The annuity to be paid must be determined not solely by the Reparation Commission, but in agreement with a commission of

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex I—Continued

German experts, for otherwise the direct taxes in Germany would have to be collected by force.

Subject to these reservations, Germany agreed to issue, four weeks after the ratification of the treaty, bonds for 20,000,000,000 marks gold, payable before May 1, 1926, and to make annual payments beginning May 1, 1927, the total not to exceed 100,000,000,000 marks, including payments to Belgium and material delivered by Germany during the armistice. For the first 10 years the annuity should not exceed 1,000,000,000 marks.

The Allies replied that the reparation problem was of such "extraordinary magnitude and complexity" that it could be solved only by "a continuing body, limited in personnel and invested with broad powers to deal with the problem in relation to the general economic situation" (*ibid.*, p. 962). But the German interpretation of the Reparation Commission was "so distorted and so inexact that it is difficult to believe that the clauses of the treaty have been calmly or carefully examined". The Commission was not a device for interfering with German sovereignty: "its business is to fix what is to be paid; to satisfy itself that Germany can pay; and to report to the Powers, whose delegation it is, in case Germany makes default". The Commission would have to test whether a sincere application was being given to the principle that German taxation should be as heavy as Allied. There would be no objection to the creation of a German commission to work with the Reparation Commission, and this was "greatly to be desired".

The Allies were therefore prepared to agree that after the treaty had been signed, Germany might present such evidence, estimates, and arguments as it saw fit and within four months make proposals for the settlement of its reparation obligations, provided (1) the German authorities conferred with the powers directly concerned; (2) the offers were unambiguous; and (3) the categories and reparation clauses were accepted as "matters beyond discussion". The Allies would give an answer within two months.

The German offer of 100,000,000,000 marks was not so impressive as it seemed. No interest was to be paid, and no substantial payment till 1927; thereafter a series of undefined instalments was to be agreed, which were not to be completed for nearly half a century, "a small return to the victims of German aggression in satisfaction for their past sufferings and their permanent burdens."

PART VIII: ANNEX I

Note to VIII, Annex I—Continued

The Allies declared that they would not withhold from Germany commercial facilities without which the resumption of German industry—"an interest of the Allied and Associated Powers as well as an interest of Germany"—could not take place and were prepared to afford facilities to Germany "for the common good". Meanwhile the draft treaty "must be accepted as definitive and must be signed". The only question open was "how best to execute the provisions of the treaty". The burdens of Germany would be heavy, but they had been imposed "under conditions of justice by people whose social well-being and economic prosperity have been gravely impaired by wrongs which it is beyond the utmost power of Germany to repair".

For formal decisions in the nature of interpretation for the application of the terms of this annex, see *Report on the Work of the Reparation Commission from 1920 to 1922*, pp. 43-50 (Reparation Commission V).

Compensation may be claimed from Germany under Article 232 above in respect of the total damage under the following categories:

(1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.

(2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation, of exposure at sea or of being forced to labour), wherever arising, and to the surviving dependents of such victims.

(3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.

(4) Damage caused by any kind of maltreatment of prisoners of war.

(5) As damage caused to the peoples of the Allied and Associated Powers, all pensions and compensation in the nature of pensions to naval and military victims of war (including members of the

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

air force), whether mutilated, wounded, sick or invalided, and to the dependents of such victims, the amount due to the Allied and Associated Governments being calculated for each of them as being the capitalised cost of such pensions and compensation at the date of the coming into force of the present Treaty on the basis of the scales in force in France at such date.

Note to VIII, Annex I (5)

The Reparation Commission made decisions as follows:

(a) that administrative expenses were not included in the damage for which compensation might be claimed;

(b) that compensation should not necessarily have the character of fixed cash payments to be repeated at regular intervals; compensation should include (1) cost of medical and surgical aid and prosthetic apparatus furnished after discharge; (2) non-administrative expenses of the National Bureau of Mutilated and Disabled Victims paid in kind; (3) cost of maintaining wards of the nations who were military victims of the war; (4) allowances to unmarried wives of deceased or missing mobilized men; (5) pecuniary indemnities and allowances to families of deceased or missing men so far as they represented a compensation for dependents;

(c) damage was computed only for the categories of pensions and compensation allocated by the French law, not other national laws;

(d) pensions and compensation of colonial troops were to be claimed on the basis of French law;

(e) service pensions granted for length of service were not chargeable to Germany.

Though the question of including pensions in the categories of damages was debated at length in the preliminary peace conference, Germany did not complain of this provision in claiming that the categories exceeded the terms of the armistice, except as civilians were involved. The theory of the provision was that the pensions and other compensations were chargeable to the costs of war since they would not have accrued if the war had not occurred.

(6) The cost of assistance by the Governments of the Allied and Associated Powers to prisoners of war and to their families and dependents.

(7) Allowances by the Governments of the Allied and Associated Powers to the families and dependents of mobilised persons or persons serving with the forces, the amount due to them for each

PART VIII: ANNEXES I TO II

calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year.

Note to VIII, Annex I (7)

Allowances granted between the date of the commencement of belligerency of an Allied and Associated State and December 31, 1918 were considered by the Reparation Commission.

The Commission on April 3, 1921 "decided that the period of belligerency mentioned in Article 232, was the period in which a state of war was, in fact or in law, in existence."

(8) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.

(9) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.

(10) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

ANNEX II

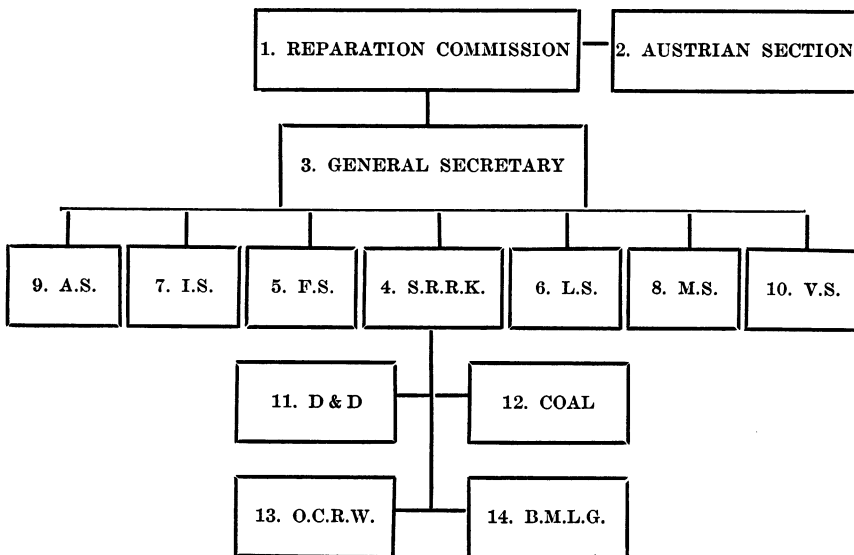
1.

The Commission referred to in Article 233 shall be called "The Reparation Commission," and is hereinafter referred to as "the Commission".

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex II (1)

CHART OF ORGANIZATION OF THE REPARATION COMMISSION¹



— KEY —

- 1.—REPARATION COMMISSION—United States unofficially represented by Delegate and Assistant Delegate.
- 2.—AUSTRIAN SECTION AT VIENNA—Has charge of Reparation provisions of St. Germain Treaty. United States unofficially represented.
- 3.—GENERAL SECRETARIAT
- 4.—SERVICE OF RESTITUTIONS & REPARATIONS IN KIND—As its name indicates, has charge of all restitutions and deliveries in kind. United States unofficially represented.
- 5.—FINANCE SERVICE—Handles financial questions, particularly Financial Chapter of Treaty of Versailles. United States unofficially represented.
- 6.—LEGAL SERVICE—Handles all legal matters, particularly construction of Treaty. United States unofficially represented.
- 7.—INTELLIGENCE SERVICE—(with Bureau at Berlin) Statistical Organization; gives particular attention to study of financial and economic conditions in Germany. United States not represented.
- 8.—MARITIME SERVICE—Considers all maritime questions particularly deliveries of German tonnage under Annex III of Part VIII of the Treaty. United States unofficially represented.
- 9.—ACCOUNTING SERVICE—Keeps Reparation accounts and handles internal finances of Commission.

¹ Chart taken from a document entitled "Special Interests of the United States in the Reparation Problem", by St. John Perret, dated at Paris, Mar. 1, 1921 (file 462.00 R 29/1070). "The actual organization of the R.C. is substantially that suggested by the United States Representatives on the O.C.R.C." (p. 6).

PART VIII: ANNEX II

Note to VIII, Annex II (1)—Continued

- 10.—VALUATION SERVICE—Engaged in special study of claims of Allied Governments against Germany, particularly under Annex I of Part VIII of the Treaty. United States unofficially represented.
- 11.—DYESTUFF & PHARMACEUTICAL BUREAU—(Responsible to S.R.R.K.) Has charge of all deliveries of dyes and drugs under Annex VI of Part VIII of the Treaty. United States unofficially represented.
- 12.—COAL BUREAU—(Responsible to S.R.R.K.) Has charge of all deliveries of coal under coal provisions of Treaty. United States unofficially represented.
- 13.—OFFICE OF REPARATION COMMISSION AT WIESBADEN—(Responsible to S.R.R.K.) Deals with deliveries in kind. United States unofficially represented.
- 14.—BUREAU FOR THE LIQUIDATION OF WAR MATERIAL AT BERLIN—(Responsible to the S.R.R.K.) Has charge of the liquidation of German war material. United States unofficially represented.

2.

Delegates to this Commission shall be nominated by the United States of America, Great Britain, France, Italy, Japan, Belgium and the Serb-Croat-Slovene State. Each of these Powers will appoint one Delegate and also one Assistant Delegate, who will take his place in case of illness or necessary absence, but at other times will only have the right to be present at proceedings without taking any part therein.

On no occasion shall the Delegates of more than five of the above Powers have the right to take part in the proceedings of the Commission and to record their votes. The Delegates of the United States, Great Britain, France and Italy shall have this right on all occasions. The Delegate of Belgium shall have this right on all occasions other than those referred to below. The Delegate of Japan shall have this right on occasions when questions relating to damage at sea, and questions arising under Article 260 of Part IX (Financial Clauses) in which Japanese interests are concerned, are under consideration. The Delegate of the Serb-Croat-Slovene State shall have this right when questions relating to Austria, Hungary or Bulgaria are under consideration.

Each Government represented on the Commission shall have the right to withdraw therefrom upon twelve months notice filed with the Commission and confirmed in the course of the sixth month after the date of the original notice.

Text of May 7:

Delegates to this Commission shall be nominated by the United States of America, Great Britain, France, Italy, Japan, Belgium and

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Text of May 7—Continued

Serbia. Each of these Powers will appoint one Delegate and also one Assistant Delegate, who will take his place in case of illness or necessary absence, but at other times will only have the right to be present at proceedings without taking any part therein. On no occasion shall the Delegates of more than five of the above Powers have the right to take part in the proceedings of the Commission and to record their votes. The Delegates of the United States, Great Britain, France and Italy shall have this right on all occasions. The Delegate of Belgium shall have this right on all occasions other than those referred to below. The Delegate of Japan shall have this right on occasions when questions relating to damage at sea, and questions arising under Article 260 of Part IX (Financial Clauses) in which Japanese interests are concerned, are under consideration. The Delegate of the Serb Croat and Slovene State shall have this right when questions relating to Austria, Hungary or Bulgaria are under consideration.

Each Government represented on the Commission shall have the right to withdraw therefrom upon twelve months' notice filed with the Commission and confirmed in the course of the sixth month after the date of the original notice.

Note to VIII, Annex II (2)

The original structure of the commission was affected by the policy of the United States, which did not take up the seat assigned to it and did not vacate that seat. Instead, the United States Government kept an "unofficial observer" in the seat for all except a few months of the commission's existence.

John Foster Dulles sat for the United States on the Organization Committee of the Reparation Commission, which held its first meeting on July 3, 1919. On July 18, 1919 the President, "in connection with the execution of the treaty of peace," asked the chairman of the Senate Committee on Foreign Relations to consult the committee with regard to the appointment of a representative on the Reparation Commission which was "of so much importance to the business interests of the United States". The President "would very much appreciate their approval of my appointing provisionally a representative of the United States to act upon the Reparation Commission". On July 22 the committee

Resolved, that it is the judgment of the committee that until the proposed treaty is ratified in accordance with its terms, no power exists to execute any of its provisions, provisionally or otherwise" (U. S. Senate, Committee on Foreign Relations, *Proceedings* . . . 63d-67th Cong., p. 149).

PART VIII: ANNEX II

Note to VIII, Annex II (2)—Continued

The Secretary of State on October 13, 1919 discussed the appointment by the United States of a representative on the Reparation Commission, when it should come into being, in a despatch to the Commission To Negotiate Peace. He thought a representative should attend the meetings "in an unofficial capacity", dependent on the attitude of the commission. "It was well known that the understanding that the United States would be represented on the Reparation Commission had great effect in securing the consent of the various signatories to a commission having such broad powers. It is felt that if the United States gives its approval to the *de jure* organization and operation of the Reparation Commission some conditions should be attached or understanding reached which would protect our rights and those of the other signatories which we might be inclined to support."

The response to this was a resolution of the Supreme Council on October 19 for the representation in commissions of states which, without having ratified the treaty, agreed to be represented and for the validity of commission decisions in which representatives of all states designated by the treaty did not participate.

The Secretary of State on November 27, 1919, "in view of the failure of the Senate to ratify the treaty", ordered the withdrawal of representatives of the United States from all commissions except those dealing with reparation. The next day, however, Mr. Rathbone was instructed to "continue as heretofore", since the "President considers it advisable that we should continue unofficial representation on Interim Reparation Commission in order to protect American interests." The representative was instructed by the Treasury on December 27 that, "until further notice you shall, with the approval of the other Governments concerned, attend the meetings of the Commission unofficially". In order to protect the interests of the United States, he was "to participate unofficially in the discussions of any questions which concern the United States". He was to use his best endeavors in advocating the adoption of sound constructive policies, for action "unsound from a financial and economic standpoint would seriously affect the United States". A parallel instruction to the Ambassador in France from the Department of State authorized him to appoint American representatives to sit on subcommittees of the commission "in an unofficial capacity until final action is taken by the United States on the treaty".

The Reparation Commission came into being with the treaty's entry into force on January 10, 1920, the personnel of the Organization

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex II (2)—Continued

Committee, which had been functioning since July 3, 1919, going over to the Commission bodily. However, for technical reasons the Organization Committee continued in existence for three months, overlapping its treaty self until March 23, 1920 when its fortieth and last meeting was held. Its preliminary work had been voluminous, engrossing, and highly significant. The representatives of the United States were able and effective workers, whose services were appreciated by their colleagues.

The Acting Secretary of State telegraphed on December 15, 1920 that "Department has practically decided upon full withdrawal of participation by United States on Reparation Commission as well as on other commissions in Europe." The President maintained this view with respect to the Conference of Ambassadors, and the representative was informed on January 8, 1921 that the occasion for representation on it by the United States "seems to have passed since this country has not accepted the treaty of Versailles and as the most important questions raised by the armistice have been disposed of."

The representative on the Reparation Commission was maintained "unofficially until further instructions", which came on February 10 after consultation with the President, that "we should cease to participate in the work of the commission". A text of the notification to be given was sent, revised the next day, and fully rewritten by the observer, Roland W. Boyden, the following day. In sending a final revision the Secretary of State sought to express the Wilson administration's attitude. He felt that the United States was not justified in participating in changing a treaty it had not ratified and "that, while we are not in a position to approve or disapprove any such arrangements, we are not willing to renounce our inherent rights, or admit that our failure to ratify the treaty has debarred us from a voice in the determination of such an important matter which concerns us." He did not wish to approve or indirectly commit the United States to the plan then under consideration. "While no plan can be effective without American approval, unfortunately circumstances here at present would prevent our definite approval of a plan which we might consider thoroughly sound."

The text of the announcement telegraphed on February 15, 1921 read (*Foreign Relations*, 1921, I, 9) :

"I am instructed by my Government to announce my retirement as its unofficial representative upon the Reparation Commission. All

PART VIII: ANNEX II

Note to VIII, Annex II (2)—Continued

representation upon this Commission was in the beginning unofficial in anticipation of the ratification of the Treaty. The other powers have ratified and their representation long ago became official. The United States has not ratified and as time has passed its unofficial representation on the Commission has gradually become anomalous. My Government, not having ratified the Versailles Treaty, was unable directly to cooperate with the Allied Powers in the preparation of plans which would involve a change in that Treaty. It realizes fully the great difficulties involved in the problem and recognizes the value of unified action, but as it does not under present circumstances feel able to share in such discussions, and to define its views, it can only feel the impropriety of retaining even an unofficial representative on a Commission charged with the execution of a plan, in the drawing up of which it did not participate. After long hesitation my Government has decided that even this unofficial representation ought not to be continued. (Follow with expression of appreciation of courtesies extended)."

The Harding administration took office on March 4, 1921. On March 9 the Secretary of State told Mr. Boyden to remain in Paris; he might "unofficially obtain and report any information of interest". On the 11th he was instructed to maintain his staff and organization.

On March 1 there had convened at London the Allied Conference which took the decisions preliminary to the completion of the Schedule of Payments made out by the Reparation Commission as provided by article 233 of the treaty. That document was handed to the German delegation by the Allied Conference on May 5 with an ultimatum demanding its acceptance by May 11. On May 6 the President of the Allied Conference invited the United States to cooperate in "the settlement of the international difficulties in which the world is still involved". He asked whether the Government of the United States was disposed "to be represented in the future, as it was at an earlier date," to facilitate "American cognizance of our proceedings and, where possible, American participation in them".

Mr. Boyden on May 7 was instructed "to resume your unofficial position on the Commission. You should, as formerly, keep the Department informed by cable of the discussions and decisions of the Council [*sic*] with your comments thereon" (*Foreign Relations*, 1921, I, 14). Mr. Boyden resumed his place on May 10.

John Foster Dulles of the American Commission To Negotiate Peace sat on the Organization Committee of the Reparation Com-

Note to VIII, Annex II (2)—Continued

mission from its first meeting on July 3, 1919, and was succeeded by Albert R. Rathbone, an Assistant Secretary of the Treasury, about October 15. He continued to act through the life of the Organization Committee, which held the last of its 40 meetings on March 23, 1920. The status of Mr. Rathbone came under scrutiny from the beginning of his service, which became "unofficial representation" in November 1919.

Mr. Rathbone was head of the "United States Unofficial Delegation, Reparation Commission", when the commission came into existence in virtue of the entry of the treaty into force on January 10, 1920. Roland W. Boyden was appointed by the Treasury Department to succeed Mr. Rathbone as from April 1, 1920. As "unofficial observer" under instructions he suspended attendance from the 141st to 186th meetings, February 18 to May 10, 1921, the period when the Schedule of Payments was determined. Colonel James A. Logan, Jr., was assigned from the Army as liaison during that time and remained to become assistant unofficial observer on October 5, 1921. He succeeded as observer when Mr. Boyden became the "American citizen member" on September 1, 1924. He left in March 1925 and was succeeded on June 1 by Ralph W. S. Hill until January 12, 1927, when Edwin C. Wilson, a member of the Paris Embassy, took over. Depending on questions to be considered, a higher or lower ranking officer was present. A higher officer was listed as "attended unofficially"; a lower officer was listed among those "in attendance".

2A.

When the Reparation Commission is deliberating on any point relating to the report presented on April 9, 1924, to the Reparation Commission by the First Committee of Experts appointed by it on November 30, 1923, a citizen of the United States of America appointed as provided below shall take part in the discussions and shall vote as if he had been appointed in virtue of paragraph 2 of the present annex.

The American citizen shall be appointed by unanimous vote of the Reparation Commission within thirty days after the adoption of this amendment.

In the event of the Reparation Commission not being unanimous, the appointment shall be made by the president for the time being of the Permanent Court of International Justice at The Hague.

The person appointed shall hold office for five years, and may

PART VIII: ANNEX II

be reappointed. In the event of any vacancy the same procedure shall apply to the appointment of a successor.

Provided always that if the United States of America are officially represented by a delegate on the Reparation Commission, any American citizen appointed under the provisions of this paragraph shall cease to hold office and no fresh appointment under these provisions shall be made as long as the United States are so officially represented.

Note to VIII, Annex II (2A)

Amendment enacted by Belgium, France, Great Britain, Italy, Japan, and the Serb-Croat-Slovene State, the Governments represented on the Reparation Commission, acting under paragraph 22, annex II, part VIII, and embodied in an agreement signed by their representatives at London, August 30, 1924 (30 League of Nations Treaty Series, p. 97) and in article 1 of the inter-Allied agreement between the Governments of Belgium, His Britannic Majesty (with Canada, Australia, New Zealand, Union of South Africa, and India), France, Greece, Italy, Japan, Portugal, Rumania, and the Serb-Croat-Slovene State, signed at London August 30, 1924 (*ibid.*, p. 89); both in effect August 30, 1924.

The "American Citizen Member of the Reparation Commission" served from September 1, 1924 until May 17, 1930. He voted "in discussions in the Reparation Commission" and "when the commission was called upon to take a decision on a question connected with the Report of the First Committee of Experts". Roland W. Boyden occupied this position from September 1, 1924, was succeeded by Thomas Nelson Perkins, Walter P. Cooke, (resigned Mar. 1, 1928), Franklin M. W. Cutcheon, (resigned Oct. 20, 1929), and Robert E. Olds, who had just retired as Under Secretary of State. Appointments were made by the Reparation Commission from nominations known to the Secretary of State or the President.

3.

Such of the other Allied and Associated Powers as may be interested shall have the right to appoint a Delegate to be present and act as Assessor only while their respective claims and interests are under examination or discussion, but without the right to vote.

4.

In case of the death, resignation or recall of any Delegate, Assistant Delegate or Assessor, a successor to him shall be nominated as soon as possible.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

5.

The Commission will have its principal permanent Bureau in Paris and will hold its first meeting in Paris as soon as practicable after the coming into force of the present Treaty, and thereafter will meet in such place or places and at such time as it may deem convenient and as may be necessary for the most expeditious discharge of its duties.

6.

At its first meeting the Commission shall elect, from among the Delegates referred to above, a Chairman and a Vice-Chairman, who shall hold office for one year and shall be eligible for re-election. If a vacancy in the Chairmanship or Vice-Chairmanship should occur during the annual period, the Commission shall proceed to a new election for the remainder of the said period.

Note to VIII, Annex II (6)

Article 437 provides that the chairman of any commission is entitled to a second vote in the event of an equality of votes. The Reparation Commission sat at Paris, and the customary diplomatic courtesy gave the French delegate the chairmanship of the Organization Committee of the Reparation Commission. After the treaty entered into force, the chairmanship continued with the French delegate. No change was made in this arrangement after the Spa agreement on July 16, 1920 fixed the French percentage of reparation as 52 percent of the receipts.

By paragraph 2 of annex II, the commission was composed of delegates of the United States, Great Britain, France, and Italy who had the right to participate and vote in all proceedings. Delegates named by Japan, Belgium, and the Serb-Croat-Slovene State voted when matters concerning them were under consideration. Other states appointed delegate assessors who participated in discussions without vote.

Belgium, as it happened, was concerned in every crucial question which came before the commission for decision. At such times then, the commission consisted of the representatives of France, Great Britain, Italy, and Belgium, and the French chairman could cast a second vote in the absence of a voting representative of the United States. So, when the commission was often split 2 to 2, France with its casting vote turned the balance in its own favor.

PART VIII: ANNEX II

7.

The Commission is authorised to appoint all necessary officers, agents and employees who may be required for the execution of its functions, and to fix their remuneration; to constitute committees, whose members need not necessarily be members of the Commission, and to take all executive steps necessary for the purpose of discharging its duties; and to delegate authority and discretion to officers, agents and committees.

Note to VIII, Annex II (7)

The Reparation Commission delegated part of its authority to the Permanent Managing Committee, composed of the assistant delegates and, as occasion arose, of the American Citizen Delegate provided for by annex II, paragraph 2A, above. The American acted as chairman. The committee held 73 sessions from February 9, 1925 to May 28, 1926.

The Permanent Managing Committee was created by decisions of the Reparation Commission of November 4, 1924 and January 31, 1925. It was given "authority and full power to direct in the name of the commission all current business", with reservation to the Reparation Commission of decisions in virtue of article 234, interpretation of part VIII, or of the agreements of July 16, 1920, March 11, 1922, or January 14, 1925, decisions as to default or upon general principles and the appointment of the American Citizen Delegate (file 462.00 R 29/3842).

For the powers of the Committee of Guarantees appointed under this provision see this annex, paragraph 12A (d) below. For some account of its work see article 234.

8.

All proceedings of the Commission shall be private, unless, on particular occasions, the Commission shall otherwise determine for special reasons.

9.

The Commission shall be required, if the German Government so desire, to hear, within a period which it will fix from time to time, evidence and arguments on the part of Germany on any question connected with her capacity to pay.

10.

The Commission shall consider the claims and give to the German Government a just opportunity to be heard, but not to take any

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

part whatever in the decisions of the Commission. The Commission shall afford a similar opportunity to the allies of Germany, when it shall consider that their interests are in question.

Note to VIII, Annex II (10)

CLAIMS AGAINST GERMANY

*Submitted to the Reparation Commission up to February 12, 1921,
(Arrangement of original modified)*

FRANCE

	Paper francs Replacement value
Damage to property :	
Industrial	38,882,521,479
Buildings	36,892,500,000
Personal	25,119,500,000
Unimproved	21,671,546,225
Public works	2,583,299,425
Property of the state	1,958,217,193
Other damage	2,359,865,000
Shipping losses	5,009,618,722
Damage in Algeria, colonies and abroad	2,105,535,000
Interest at 5 percent since the armistice	4,125,000,000
Damages to persons :	
Military pensions	60,045,696,000
Allotments to soldiers' families	12,936,956,824
Pensions to civilian war victims	514,465,000
Maltreatment of civilians and prisoners of war	1,869,230,000
Assistance to prisoners of war	976,906,000
Insufficient remuneration	223,123,313
Exactions to the detriment of the civil population	1,267,615,939
Total	218,541,596,120

GREAT BRITAIN

	Pounds sterling	
Damage to property	28,614,363	
Shipping losses	763,000,000	
Damage abroad	3,485,550	
Damage to river shipping	4,000,000	
Damage to persons :		
Military pensions	1,706,800,000	
Pensions to civilian war victims	35,602,621	
Total	£2,541,502,534	
Allotments to soldiers' families	7,597,832,086	francs

PART VIII: ANNEX II

Note to VIII, Annex II (10)—Continued

CLAIMS AGAINST GERMANY—Continued

CANADA

Civil and military victims and prisoners of war	\$2,006,250
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NEW ZEALAND

Civil and military victims and prisoners of war	£70,122
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AUSTRALIA

Damage to property	£180,339
Civil and military victims and prisoners of war	£285,605
Total	£465,944

SOUTH AFRICA

Civil and military victims and prisoners of war	South African pounds	255,967
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ITALY

Damage to property :	Lire	
Industrial	1,541,185,000	
Buildings	6,810,729,000	
Personal	5,101,185,000	
Unimproved	5,995,833,500	
Public works and other damage	1,484,615,000	
Maritime damage	£128,000,000	
Damage to persons :	Francs	
Military pensions	31,041,000,000	
Allotments to soldiers' families	6,885,130,395	
Civil and military victims and prisoners of war	12,153,289,000	lire
Total	37,926,130,395	francs
	33,086,836,500	lire
	£128,000,000	

BELGIUM

Damage to property :	Belgian francs
Industrial	8,316,686,125
Of other	21,457,252,974
Maritime damage	184,708,250
Damage to persons :	French francs
Military pensions	1,637,285,512
Allotments to soldiers' families	737,930,484

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex II (10)—Continued

CLAIMS AGAINST GERMANY—Continued

BELGIUM—Continued

	Belgian francs	
Civil victims	496,131,000	
Prisoners of war and families	350,332,652	
Insufficient remuneration	144,000,000	
Exactions by Germany	3,305,534,802	
	<hr/>	
Total	34,254,645,893	Belgian francs
	2,375,215,996	French francs

JAPAN

	Yen	
Damage to property	850,000	
Maritime damage	297,593,000	
Damage to persons:		
Military pensions	70,294,000	
Allotments to soldiers' families	454,063,000	
Civil maltreatment:		
The civil war victims and prisoners	9,974,000	
	<hr/>	
Total	832,774,000	yen

SERB-CROAT-SLOVENE STATE

Damage to property	8,496,091,000	dinars
Damage to persons	19,219,700,112	French francs

RUMANIA

	Gold francs	
Damage to property	9,734,013,287	
Damage to persons:		
Military pensions	9,296,663,076	
Allotments to soldiers' families	416,703,847	
Civilians	11,652,019,978	
	<hr/>	
Total	31,099,400,188	gold francs

PORTUGAL

	Contos	
Damage to property	1,774,907	
Maritime damage	32,307	
Damage to persons:		
Military pensions	12,100	
Allotments to soldiers' families	1,436	
Civilian war victims	123,511	
	<hr/>	
Total	1,944,261	contos

PART VIII: ANNEX II

Note to VIII, Annex II (10)—Continued

CLAIMS AGAINST GERMANY—Continued

GREECE

	Gold francs	
Damage to property	1,883,182,542	
Maritime damage	600,357,000	
Damage to persons	1,286,000,000	
Military pensions	726,241,434	
Allotments to soldiers' families	497,007,763	
	<hr/>	
Total	4,992,788,739	gold francs

BRAZIL

	Francs	
Damage to property	598,405	
	Pounds sterling	
Maritime damage	1,189,144	
Damage to persons:		
Military pensions	27,570	
	<hr/>	
Total	598,405	francs
	£1,216,714	

CZECHO-SLOVAKIA

Damage to property:		
By the war	6,994,228,096	francs
	5,614,947,990	crowns
By the Bolshevik Invasion	618,204,007	francs
	1,448,169,845	crowns
	<hr/>	
Total	7,612,432,103	francs
	7,063,117,835	crowns

SIAM

	Gold marks	
Damage to property	11,900	
Damage to persons	1,236,486	
Military pensions	139,400	
	Francs	
Allotments to soldiers' families	1,169,821	
Mistreatment of civilians and prisoners of war	Gold marks	
	67,256	
Exactions by Germany	7,674,166	
	<hr/>	
Total	9,179,208	gold marks
	1,169,821	francs

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex II (10)—Continued

CLAIMS AGAINST GERMANY—Continued

BOLIVIA

	Pounds sterling
Damage to property	12,000
Military pensions	4,000
	<hr/>
Total	£16,000

PERU

Damage to property	107,389	francs
Maritime damage	£55,236	
Damage to persons	£1,000	
	<hr/>	
Total	107,389	francs
	£56,236	

HAITI

Damage to property	152,593	francs
Military pensions	180,000	francs
Allotments to soldiers' families	\$20,000	
Mistreatment of civilians and prisoners of war	200,000	francs
Assistance to prisoners of war	\$60,000	
	<hr/>	
Total	\$80,000	
	532,593	francs

CUBA

Damage to property	\$246,135
Damage to persons	\$ 39,000
Military pensions	\$516,000
	<hr/>
Total	\$801,135

LIBERIA

Damage to property	\$1,506,435
Soldiers' pensions	\$2,470,700
	<hr/>
Total	\$3,977,135

POLAND

Damage to property	12,094,438,780	gold francs
	500,000,000	gold marks
Damage to persons	9,818,830,960	gold francs
	<hr/>	
Total	21,913,269,740	gold francs
	500,000,000	gold marks

PART VIII: ANNEX II

Note to VIII, Annex II (10)—Continued

CLAIMS AGAINST GERMANY—Continued

EUROPEAN COMMISSION OF THE DANUBE

Damage to property	1,834,800	gold francs
Damage to persons	488,851	lei
	15,048	French francs

The total value of these claims, reduced to German currency on the basis of available exchange quotations of the period, is approximately 266,000,000,000 gold marks.

For the decision of the Reparation Commission concerning the states entitled to receive reparation, see the notes to article 233. For the settlement with the European Commission of the Danube, see article 352.

11.

The Commission shall not be bound by any particular code or rules of law or by any particular rule of evidence or of procedure, but shall be guided by justice, equity and good faith. Its decisions must follow the same principles and rules in all cases where they are applicable. It will establish rules relating to methods of proof of claims. It may act on any trustworthy modes of computation.

Note to VIII, Annex II (11)

The Reparation Commission laid down rules for the proof of claims. Governments were responsible for justifying their claims which in their definitive form were understood to be "considered as sincere and true by this Government, except in the case where express reservations shall have been made". Pensions and the various annuities were to be based upon statistical data at the disposition of the commission and the documents upon which claims were based were to be available. Payments of other types already made must be shown by receipts and payments due by statistical evidence. Property damage was found by analytical evaluation (based on claims and estimates accompanied by formulas of calculation) or synthetic evaluation (based on applying a stated average estimate to a determined number of like damages).

12.

The Commission shall have all the powers conferred upon it, and shall exercise all the functions assigned to it, by the present Treaty.

The Commission shall in general have wide latitude as to its control and handling of the whole reparation problem as dealt with in this Part of the present Treaty and shall have authority to

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

interpret its provisions. Subject to the provisions of the present Treaty, the Commission is constituted by the several Allied and Associated Governments referred to in paragraphs 2 and 3 above as the exclusive agency of the said Governments respectively for receiving, selling, holding, and distributing the reparation payments to be made by Germany under this Part of the present Treaty. The commission must comply with the following conditions and provisions:

12.

Text of May 7:

The Commission shall have all the powers conferred upon it, and shall exercise all the functions assigned to it by the present Treaty.

The Commission shall in general have wide latitude as to its control and handling of the whole reparation problem as dealt with in this part of the present Treaty and shall have authority to interpret its provisions. Subject to the provisions of the present Treaty, the Commission is constituted by the several Allied and Associated Governments referred in paragraphs 2 and 3 above as the exclusive agency of the said Governments respectively for receiving, selling, holding, and distributing the reparation payments to be made by Germany under this Part of the present Treaty. The Commission must comply with the following conditions and provisions:—

a) Whatever part of the full amount of the proved claims is not paid in gold, or in ships, securities and commodities or otherwise, Germany shall be required, under such conditions as the Commission may determine, to cover by way of guarantee by an equivalent issue of bonds, obligations or otherwise, in order to constitute an acknowledgment of the said part of the debt.

(b) In periodically estimating Germany's capacity to pay, the Commission shall examine the German system of taxation, first, to the end that the sums for reparation which Germany is required to pay shall become a charge upon all her revenues prior to that for the service or discharge of any domestic loan, and secondly, so as to satisfy itself that, in general, the German scheme of taxation is fully as heavy proportionately as that of any of the Powers represented on the Commission.

See note to article 241.

[(c) In order to facilitate and continue the immediate restoration of the economic life of the Allied and Associated countries, the Commission will as provided in Article 235 take from Germany

PART VIII: ANNEX II

by way of security for and acknowledgment of her debt a first instalment of gold bearer bonds free of all taxes and charges of every description established or to be established by the Government of the German Empire or of the German States, or by any authority subject to them; these bonds will be delivered on account and in three portions, the marks gold being payable in conformity with Article 262 of Part IX (Financial Clauses) of the present Treaty as follows:

Text of May 7:

In order to facilitate and continue the immediate restoration of the economic life of the Allied and Associated countries, the Commission will as provided in Article 235 take from Germany by way of security for and acknowledgment of her debt a first instalment of gold bearer bonds free of all taxes or charges of every description established or to be established by the Government of the German Empire or of the German States, or by any authority subject to them; these bonds will be delivered on account and in three portions, the marks gold being payable in conformity with Article 262 of Part IX (Financial clauses) of the present Treaty as follows:

[(1) To be issued forthwith, 20,000,000,000 Marks gold bearer bonds, payable not later than May 1, 1921, without interest. There shall be specially applied towards the amortisation of these bonds the payments which Germany is pledged to make in conformity with Article 235, after deduction of the sums used for the reimbursements of expenses of the armies of occupation and for payment of food-stuffs and raw materials. Such bonds as have not been redeemed by May 1, 1921, shall then be exchanged for new bonds of the same type as those provided for below (paragraph 12, c, (2)).

[(2) To be issued forthwith, further 40,000,000,000 Marks gold bearer bonds, bearing interest at $2\frac{1}{2}$ per cent. per annum between 1921 and 1926, and thereafter at 5 per cent. per annum with an additional 1 per cent. for amortisation beginning in 1926 on the whole amount of the issue.

[(3) To be delivered forthwith a covering undertaking in writing to issue when, but not until, the Commission is satisfied that Germany can meet such interest and sinking fund obligations, a further instalment of 40,000,000,000 Marks gold 5 per cent. bearer bonds, the time and mode of payment of principal and interest to be determined by the Commission.

[The dates for payment of interest, the manner of applying the amortisation fund, and all other questions relating to the issue, management and regulation of the bond issue shall be determined by the Commission from time to time.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

[Further issues by way of acknowledgment and security may be required as the Commission subsequently determines from time to time.]

Note to VIII, Annex II (12c)

This paragraph (*c*) and its subparagraphs were annulled by article 2 of the Schedule of Payments of May 5, 1921. The bonds provided for by the paragraph were superseded by the general bonds of Series A, B, and C, remitted by the German Government to the Reparation Commission in accordance with that article.

(*d*) In the event of bonds, obligations or other evidence of indebtedness issued by Germany by way of security for or acknowledgment of her reparation debt being disposed of outright, not by way of pledge, to persons other than the several Governments in whose favour Germany's original reparation indebtedness was created, an amount of such reparation indebtedness shall be deemed to be extinguished corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Germany in respect of such bonds shall be confined to her liabilities to the holders of the bonds, as expressed upon their face.

(*e*) The damage for repairing, reconstructing and rebuilding property in the invaded and devastated districts, including reinstallation of furniture, machinery and other equipment, will be calculated according to the cost at the dates when the work is done.

(*f*) Decisions of the Commission relating to the total or partial cancellation of the capital or interest of any verified debt of Germany must be accompanied by a statement of its reasons.

12A.

a) Notwithstanding the stipulations of subparagraph (*c*) of Paragraph 12 of Annex II to Part VIII, the Reparation Commission shall have power to increase the rate of interest from 2½ per cent. to 5 per cent. for the period from 1st May, 1921, to 1st May, 1926, on bonds issued or to be issued under subparagraphs (1) and (2) of paragraph 12 (*c*), and to provide for the commencement of the sinking fund payments on such bonds as from 1st May, 1921, provided that any additional sums required for such increase of interest and payment of sinking fund shall be compensated by the reduction below 5 per cent. of the rate of interest to be debited under paragraph 16 of Annex II to Germany as from the 1st May, 1921, in respect of debt not covered by bonds.

Power is given to the Reparation Commission to call upon

PART VIII: ANNEX II

Germany for the issue of new bonds bearing 5 per cent. interest and 1 per cent. sinking fund from 1st May, 1921, in exchange for the surrender by the Reparation Commission of bonds already issued under paragraph (c) (1) and (2).

Power is given to the Reparation Commission to defer from 1st May to 1st November, 1921, the date of commencement of interest and of sinking fund on the whole or any part of the new bonds to be issued in exchange for bonds issued under paragraph (c) (1) and (2).

Power is given to the Reparation Commission to consolidate with the general bond issue the special issue of bonds in respect of Belgian debt provided for in Article 232 of the Treaty.

Power is given to the Reparation Commission to divide the total amount of the bonds into series having different priorities of charge.

b) Power is given to the Reparation Commission to require Germany to assign certain revenues and assets to be specified to the service of the bonds either as a whole or as to separate series.

c) Power is given to the Reparation Commission to require such assignment of specific revenues and assets to be specified in the terms of the bonds to be issued under paragraph 12 (c); bonds in which such assignment is specified shall, notwithstanding anything contained in paragraph 12 (b), be deemed to remain part of the reparation indebtedness of Germany, even though disposed of outright to persons other than the several Governments in whose favour Germany's original reparation indebtedness was created.

d) Power is given to a Committee of Guarantees to be appointed by the Reparation Commission under paragraph 7 of Annex II to supervise the application of the assigned revenues and to prescribe the dates and manner of payment of sums due for the service of the bonds or other payments in respect of the German debt.

The revenues to be assigned by the German Government shall be:—

(1) The proceeds of all German maritime and land customs and duties and in particular the proceeds of all import and export duties;

(2) The proceeds of the levy of 25 per cent. on the value of all exports from Germany, except those exports upon which a levy of not less than 25 per cent. is applied under the legislation of any Allied Power;

(3) The proceeds of such direct or indirect taxes or any other funds as may be proposed by the German Government and ac-

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cepted by the Committee of Guarantees in addition to or in substitution for the funds specified in (1) or (2) above.

The Committee of Guarantees shall not be authorized to interfere in German administration.

Note to VIII, Annex II (12A, d)

The Committee of Guarantees did not exercise its powers during the application of the Experts' (Dawes) Plan from September 1, 1924 to May 17, 1930, from which date the Reparation Commission was in liquidation.

e) Power is given to the Reparation Commission to require the issue of bonds without coupons in respect of any part of the debt not for the time being covered by bonds issued in accord with paragraph 12 (e) as amended. The German Government shall be required to issue coupons in respect of such bonds as from such subsequent date as may be determined by the Reparation Commission as and when the Commission is satisfied that Germany can meet interest and sinking fund obligations; the sinking fund payments shall begin at the same date.

Bonds for which coupons have not been issued shall be deemed to be debt not covered by bonds for the purpose of debiting interest under paragraph 16 of Annex II as amended.

Note to VIII, Annex II (12A in toto)

Paragraph 12A was added by the governments represented on the Reparation Commission, Belgium, France, Great Britain, Italy, and Japan, in application of Part VIII, annex II, paragraph 22, by decision of May 5, 1921.

13.

As to voting, the Commission will observe the following rules:

When a decision of the Commission is taken, the votes of all the Delegates entitled to vote, or in the absence of any of them, of their Assistant Delegates, shall be recorded. Abstention from voting is to be treated as a vote against the proposal under discussion. Assessors have no vote.

On the following questions unanimity is necessary:

(a) Questions involving the sovereignty of any of the Allied and Associated Powers, or the cancellation of the whole or any part of the debt or obligations of Germany;

(b) Questions of determining the amount and conditions of bonds or other obligations to be issued by the German Government and of fixing the time and manner for selling, negotiating or distributing such bonds;

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(c) Any postponement, total or partial, beyond the end of 1930, of the payment of instalments falling due between May 1, 1921, and the end of 1926 inclusive;

(d) Any postponement, total or partial, of any instalment falling due after 1926 for a period exceeding three years;

(e) Questions of applying in any particular case a method of measuring damages different from that which has been previously applied in a similar case;

(f) Questions of the interpretation of the provisions of this Part of the present Treaty.

In case of differences of opinion between the Delegates on the interpretation of the stipulations of this part of the present Treaty, the question will be submitted by the unanimous agreement of the Delegates to arbitration. The Arbitrator will be selected unanimously by all the Delegates or in default of unanimity will be nominated by the Council of the League of Nations. The finding of the Arbitrator will be binding on all the interested parties.

Note to VIII, Annex II (13f, second par.)

The paragraph is an amendment inserted as the result of a decision of the Supreme Council on August 13, 1921, in virtue of the authority of annex II, paragraph 22, and brought into force by a protocol signed at Paris, November 22, 1924 on behalf of the governments of France, Great Britain, Italy, Japan, Belgium, and the Serb-Croat-Slovene State.

All other questions shall be decided by the vote of a majority.

In case of any difference of opinion among the Delegates, which cannot be solved by reference to their Governments, upon the question whether a given case is one which requires a unanimous vote for its decision or not, such difference shall be referred to the immediate arbitration of some impartial person to be agreed upon by their Governments, whose award the Allied and Associated Governments agree to accept.

14.

Decisions of the Commission, in accordance with the powers conferred upon it, shall forthwith become binding and may be put into immediate execution without further proceedings.

15.

The Commission will issue to each of the interested Powers, in such form as the Commission shall fix:

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(1) A certificate stating that it holds for the account of the said Power bonds of the issues mentioned above, the said certificate, on the demand of the Power concerned, being divisible in a number of parts not exceeding five;

(2) From time to time certificates stating the goods delivered by Germany on account of her reparation debt which it holds for the account of the said Power.

The said certificates shall be registered, and upon notice to the Commission, may be transferred by endorsement.

When bonds are issued for sale or negotiation, and when goods are delivered by the Commission, certificates to an equivalent value must be withdrawn.

16.

Interest shall be debited to Germany as from May 1, 1921, in respect of her debt as determined by the Commission, after allowing for sums already covered by cash payments or their equivalent, or by bonds issued to the Commission, or under Article 243. The rate of interest shall be 5 per cent. unless the Commission shall determine at some future time that circumstances justify a variation of this rate.

Text of May 7:

Interest shall be debited to Germany as from 1st May, 1921, in respect heredo [*sic*] as determined by the Commission, after allowing for sums already covered by cash payments or their equivalent, by bonds issued to the Commission, or under Article 243.

The Commission, in fixing on May 1, 1921, the total amount of the debt of Germany, may take account of interest due on sums arising out of the reparation of material damage as from November 11, 1918, up to May 1, 1921.

Note to VIII, Annex II (16)

The Reparation Commission in a formal interpretation ruled that it had the power to take account of interest accruing between the dates mentioned on the sums representing material damages under article 232 and annex I in reckoning whether or not the damages had been repaired before May 1, 1921.

16A.

In the event of any application that Germany be declared in default in any of the obligations contained either in this part of the present treaty as put into force on January 10, 1920, and subse-

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quently amended in virtue of paragraph 22 of the present annex, or in the Experts' Plan dated April 9, 1924, it will be the duty of the Reparation Commission to come to a decision thereon. If the decision of the Reparation Commission granting or rejecting such application has been taken by a majority, any member of the Reparation Commission who has participated in the vote may, within eight days from the date of the said decision, appeal from that decision to an Arbitral Commission composed of three impartial and independent persons whose decisions shall be final. The members of the Arbitral Commission shall be appointed for five years by the Reparation Commission deciding by a unanimous vote, or, failing unanimity, by the president for the time being of the Permanent Court of International Justice at The Hague. At the end of the five-year period or in case of vacancies arising during such period the same procedure will be followed as in the case of the first appointments. The president of the Arbitral Commission shall be a citizen of the United States of America.

Note to VIII, Annex II (16A)

Amendment enacted by Belgium, France, Great Britain, Italy, Japan, and the Serb-Croat-Slovene State, the governments represented on the Reparation Commission, acting under paragraph 22, annex II, part VIII, and embodied in an agreement signed by their representatives at London, August 30, 1924 (30 League of Nations Treaty Series, p. 97) and in article 1 of the inter-Allied agreement between the governments of Belgium, His Britannic Majesty (with Canada, Australia, New Zealand, Union of South Africa, and India), France, Greece, Italy, Japan, Portugal, Rumania, and the Serb-Croat-Slovene State signed at London, August 30, 1924 (*ibid.*, p. 89); both in effect August 30, 1924.

17 [old text].

[In case of default by Germany in the performance of any obligation under this Part of the present Treaty, the Commission will forthwith give notice of such default to each of the interested Powers and may make such recommendations as to the action to be taken in consequence of such default as it may think necessary.]

17 [new text].

If a default by Germany is established under the foregoing conditions, the commission will forthwith give notice of such de-

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fault to each of the interested Powers and may make such recommendations as to the action to be taken in consequence of such default as it may think necessary.

Note to VIII, Annex II (17)

Amendment enacted by Belgium, France, Great Britain, Italy, Japan, and the Serb-Croat-Slovene State, the governments represented on the Reparation Commission, acting under paragraph 22, annex II, part VIII, and embodied in an agreement signed by their representatives at London, August 30, 1924 (30 League of Nations Treaty Series, p. 97) and in article 1 of the inter-Allied agreement between the Governments of Belgium, His Britannic Majesty (with Canada, Australia, New Zealand, Union of South Africa, and India), France, Greece, Italy, Japan, Portugal, Rumania, and the Serb-Croat-Slovene State signed at London August 30, 1924 (*ibid.*, p. 89) ; both in effect August 30, 1924.

On December 26, 1922 the following formal interpretation was adopted :

“The Reparation Commission in the exercise of its powers of interpretation under paragraph 12 of Annex II, Part VIII of the Treaty of Versailles, decided that the word ‘default’ in paragraph 17 of the said Annex had the same meaning as the expression ‘voluntary default’ in paragraph 18 of the same Annex.”

The commission in virtue of the old text of paragraph 17 notified defaults of Germany to the Allied Governments on the following questions :

Delivery of coal, letter of June 30, 1920; decision 411 of the Commission at its 62d meeting (file 462.00 R 29/263) ;

In communicating this first finding of a German default to the creditors the commission made these general remarks :

“The Commission does not deem it necessary to make any suggestions concerning the measures to be taken with regard to this default but in view of the general interest attached to the delivery of Reparation coal it considers that any measures taken should be agreed upon by the powers concerned.”

Application of article 235, letter of March 24, 1921; decision 1064 of the commission at its 153d meeting (file 462.00 R 29/1246) ;
Application of article 235, letter of May 3, 1921; decision 1250 of the commission at its 182d meeting ;

PART VIII: ANNEX II

Note to VIII, Annex II (17)—Continued

Delivery of timber, letter of December 26, 1922; *Report on the Work of the Reparation Commission from 1920 to 1922*, pp. 240-64.

Delivery of coal, letter of January 9, 1923; decision 2321 *bis* of the commission at its 346th meeting (file 462.00 R 29/2524); Delivery of coal and livestock, letter of January 16, 1923; decision 2331 *bis* of the commission at its 348th meeting (file 462.00 R 29/2611);

General default, letter of January 26, 1923; decision 2349 of the commission at its 353d meeting and decision 2378 at the 358th meeting (file 462.00 R 29/2640).

The Belgo-French-Italian occupation of the Ruhr created a crisis in reparation which originated in the program for delivery by Germany to France of timber according to a program for 1922 arranged under the Franco-German Wiesbaden Agreement on October 6, 1921 (*Agreements Concerning Deliveries in Kind To Be Made by Germany Under the Heading of Reparations*, Reparation Commission II).

On August 28, 1922 the Reparation Commission drew the German Government's attention to delays of delivery under the program. On September 26 a German delegation explained the causes of delay. On October 20 the French delegation requested the commission to declare Germany in default as regarded its obligation to furnish timber to France during 1922. According to evidence presented, the deficit in German deliveries was 39.5 percent in sawn wood and 57 percent in telegraph poles on September 30. On November 30 "the deliveries were still considerably in arrears". The Reparation Commission heard representatives of the German Government on December 1. On December 26 the British representative on the commission sharply contested the French request. The debate brought out the fact that 35,000 cubic meters of sawn timber out of an order of 55,000 and 65,000 telegraph poles out of an order of 200,000 had been delivered by December 15. The default decision of December 26, 1922 was as follows (*Report on the Work of the Reparation Commission from 1920 to 1922*, pp. 142, 240, 266) :

"(1) It was unanimously decided that Germany had not executed in their entirety the orders passed under Annex IV, Part VIII of the Treaty of Versailles, for deliveries of timber to France during 1922.

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Note to VIII, Annex II (17)—Continued

“(2) It was decided by a majority, the British Delegate voting against this decision, that this non-execution constituted a default by Germany in her obligations within the meaning of paragraph 17 of Annex II.

“(3) It was decided by a majority, the British Delegate abstaining from voting, to recall to the Governments concerned that in its letter of March 21st, 1922, fixing the payments to be made by Germany during the current year, the Commission had made the following statement:

“‘If the Reparation Commission finds, in the course of the year 1922, that deliveries in kind called for by France or her nationals, or by any other Power entitled to reparation or its nationals, in accordance with the procedure laid down by the Treaty or in virtue of a procedure approved by the Reparation Commission and within the limits of the figures above indicated have not been effected by reason of obstruction on the part of the German Government or on the part of its organisations, or by reason of a breach of the procedure of the Treaty or of a procedure approved by the Reparation Commission, additional equivalent cash payments shall be exacted from Germany at the end of 1922 in replacement of the deliveries not effected.’

“(4) It was decided on the present occasion to understand by the phrase “interested Powers” in paragraph 17 of Annex II, Great Britain, France, Italy and Belgium. A copy of the letter addressed to these four Governments would be despatched to the Government of the United States of America.”

French and Belgian troops entered the Ruhr on January 11, 1923 and did not leave until the entry of the Experts' (Dawes) Plan into force on September 1, 1924, though the occupation had ceased to be significant when the Reparation Commission on April 11 had announced that the report of the First (Dawes) Committee of Experts offered a “practical basis for the rapid solution of the reparation problem.” (See further notes at p. 781.)

When the troops occupied the Ruhr district, reparation payments by Germany, which already was asking for a moratorium, practically ceased. Recoveries in that period, aside from the customs taken, were virtually confined to such seizures and collections as the occupying forces could make. The German Government and people declined to admit the justification of the occupation and attempted a course of passive resistance. Both government and

PART VIII: ANNEX II

Note to VIII, Annex II (17)—Continued

people devoted a large amount of their economic energy to the support of strikers against occupying forces.

The occupation attracted wide-spread attention, which was accentuated by the rapid deterioration of the German financial condition. The percentage of the cost of the dollar as compared with the par of the mark for the first 10 months of 1924 averaged 103,730,600,000,000. As to reparation, occupation resulted in seizures amounting to 503,560,383 gold marks and receipts in various forms of cash of 424,361,913 gold marks, distributed as follows:

France	339,744,207
Belgium	100,841,820
	355,781,489
Italy	62,974,356
United States	61,814,210
Special	6,766,214

18.

The measures which the Allied and Associated Powers shall have the right to take, in case of voluntary default by Germany, and which Germany agrees not to regard as acts of war, may include economic and financial prohibitions and reprisals and in general such other measures as the respective Governments may determine to be necessary in the circumstances.

Note to VIII, Annex II (18)

Articles 2-4 of the inter-Allied agreement of August 30, 1924 (see p. 900) modified the interpretation to be given to this paragraph. Any dispute as to the meaning of their provisions was to be submitted to the Permanent Court of International Justice. Sanctions were not to be imposed under paragraph 18, except in accordance with the terms of the agreement and part I, section III, of the Report of the First (Dawes) Committee of Experts of April 9, 1924, which stated:

“If political guarantees and penalties intended to ensure the execution of the plan proposed are considered desirable, they fall outside the Committee’s jurisdiction.

“Questions of military occupation are also not within our terms of reference.

“It is however our duty to point out clearly that our forecasts are based on the assumption that economic activity will be unhampered and unaffected by any foreign organization other than the controls

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex II (18)—Continued

herein provided. Consequently, our plan is based upon the assumption that existing measures, in so far as they hamper that activity, will be withdrawn or sufficiently modified so soon as Germany has put into execution the plan recommended, and that they will not be reimposed except in the case of flagrant failure to fulfill the conditions accepted by common agreement. In case of such failure it is plainly for the creditor Governments, acting with the consciousness of joint trusteeship for the financial interests of themselves and of others who will have advanced money upon the lines of the plan, then to determine the nature of sanctions to be applied and the method of their rapid and effective application.

“In saying this we wish to add at once that if the economic system now in operation in occupied territory is modified, we are unanimously of the opinion that a settlement of reparation must be reinforced by adequate and productive securities. We propose for this purpose a system of control which we believe will be effective, and at the same time such as not to impede the return to financial stability.”

The representative of the British Government informed the Reparation Commission in October 1920 that his government renounced the right to seize the property of German nationals in the event of a voluntary German default. The Belgian and Siamese Governments renounced the rights conferred upon them by paragraph 18 in November 1922, and the Japanese Government made a similar declaration to the German Government of which the commission was informed in December 1922 (file 462.00 R 29/374./377, /341).

19.

Payments required to be made in gold or its equivalent on account of the proved claims of the Allied and Associated Powers may at any time be accepted by the Commission in the form of chattels, properties, commodities, businesses, rights, concessions, within or without German territory, ships, bonds, shares or securities of any kind, or currencies of Germany or other States, the value of such substitutes for gold being fixed at a fair and just amount by the Commission itself.

Note to VIII, Annex II (19)

For a notice of the Wiesbaden, Bemelmans, Gillet, and subsequent agreements respecting deliveries in kind, which were concluded in

PART VIII: ANNEX II

Note to VIII, Annex II (19)—Continued

accordance with the provisions of this paragraph, see the note to annex IV.

19A.

Germany shall on demand provide such material and labour as any of the Allied Powers may, with the prior approval of the Reparation Commission, require towards the restoration of the devastated areas of that Power, or to enable any Allied Power to proceed with the restoration or development of its industrial or economic life. The value of such material and labour shall be determined by a valuer appointed by Germany and a valuer appointed by the Power concerned, and in default of agreement by a referee nominated by the Reparation Commission.

Note to VIII, Annex II (19A)

This paragraph was added by the governments represented on the Reparation Commission, Belgium, France, Great Britain, Italy, and Japan, in application of part VIII, annex II, paragraph 22, by decision of May 5, 1921.

Miscellaneous deliveries under paragraphs 19 and 19A up to December 31, 1922 had been appraised and credited in the amount of 157,998,339 gold marks.

20.

The Commission, in fixing or accepting payment in specified properties or rights, shall have due regard for any legal or equitable interests of the Allied and Associated Powers or of neutral Powers or of their nationals therein.

Note to VIII, Annex II (20)

In March and April 1920 the Reparation Commission published notices in the press of all interested countries relative to the procedure to be followed under this paragraph. On June 25 it appointed a special committee with authority to propose the solution of questions of right, which should be reviewed by the legal section and then submitted to the commission. The work was completed by 1925.

21.

No member of the Commission shall be responsible, except to the Government appointing him, for any action or omission as such member. No one of the Allied or Associated Governments assumes any responsibility in respect of any other Government.

22.

Subject to the provisions of the present Treaty this Annex may be amended by the unanimous decision of the Governments represented from time to time upon the Commission.

Note to VIII, Annex II (22)

Amendments were adopted to paragraphs 2, 12, 13, 16, 17, and 19 and are printed in place.

23.

When all the amounts due from Germany and her allies under the present Treaty or the decisions of the Commission have been discharged and all sums received, or their equivalents, shall have been distributed to the Powers interested, the Commission shall be dissolved.

Note to VIII, Annex II (23)

Article IV of the agreement between Germany, Belgium, the United Kingdom, Canada, Australia, New Zealand, the Union of South Africa, India, France, Greece, Italy, Japan, Poland, Portugal, Rumania, Czechoslovakia, and Yugoslavia signed at The Hague January 20, 1930 (104 League of Nations Treaty Series, p. 243) provided that, on the coming into force of the New Plan (May 17, 1930) "the relations with Germany of the Reparation Commission shall come to an end." The article continues: "Only those of the functions of these organizations the maintenance of which is necessitated by the New Plan will continue in existence; these functions will be transferred to the Bank for International Settlements."

The Organization Committee for the Reparation Commission held 52 meetings from July 3, 1919 until May 14, 1920. The Reparation Commission, coming into formal existence on January 10, 1920, held its 555th meeting on May 17, 1930 and its 561st on April 13, 1931. The final report was dated April 15, 1931. In addition the Permanent Managing Committee (see p. 469) held 73 meetings between February 9, 1925 and May 28, 1926.

ANNEX III.

Note to VIII, Annex III

The principle that Germany must replace, ton for ton and class for class, all merchant ships and fishing boats lost or damaged was

PART VIII: ANNEXES II TO III

Note to VIII, Annex III—Continued

declared by the German delegation to be inconsistent with article 236, which required Germany to apply its economic resources directly to reparation (*Foreign Relations*, The Paris Peace Conference, 1919, vi, 857). The demand for 146 fishing vessels out of 200 available could not be met because they were needed for the feeding of the population; nor the entire merchant fleet be surrendered. But Germany was ready to construct an even greater tonnage and over a longer period than stipulated, and to surrender not more than 10 percent of the river tonnage.

Reparation of shipping involved the questions of replacing tonnage lost and treatment of seizures. The approximate figures were:

	Losses <i>Gross tons</i>	Seizures <i>Gross tons</i>
Great Britain	8,000,000	500,000
France	930,000	50,000
United States	430,489	628,000
Brazil	25,000	216,000
	9,385,489	1,394,000

In formulating annex III replacement of losses was dealt with, but the disposition of ex-enemy ships was not included owing to the insistence of the United States to retain those in its possession against payment. The “Wilson-Lloyd George Agreement” (p. 845) dealt with that phase of the problem.

On October 12, 1920 the Reparation Commission took note of a reservation presented by the observer (*délégué officieux*) of the United States, which was in the following terms (file 462.00 R 29/-228):

“No objection is made by the United States to the conclusion of the Commission against taking into account pre-war shipping losses in connection with distribution of ships acquired from Germany by the Commission in view of the fact that the United States has not as yet ratified the Treaty of Versailles.

“With reference to the possibility that the principle involved might otherwise be regarded as having some bearing on interpretation of the so-called Wilson-Lloyd George agreement, not yet ratified by the United States, or as affecting in some other way the position of the United States as to the German ships of which possession and title, was during the war, taken by the United States under authority of an Act of Congress, I am instructed, by my Government, to state to the Commission that it now makes all reserves necessary so

Note to VIII, Annex III—Continued

that the question may remain an open one for consideration by the proper United States authorities when, if ever, it becomes material.

“In addition I am instructed by my Government to call to the attention of the Commission the fact that the principle, that participation in reparation must be confined to losses during the period of belligerency of each nation, tends to the result that nations which did not participate in the war may be unable to collect their legitimate claims against Germany and that nations which did not participate in the whole war may have outstanding legitimate pre-belligerency claims against Germany which cannot be collected. The difficulty in the collection in both cases arising from the fact that the reparation payment is classed as [a first] charge, against the revenues and assets of the German nation leaving nothing available for other claims. This result tends towards unfairness and ill feeling as between nations and has the further unfortunate result of leaving outstanding, against Germany, claims, which, as long as they remain unsettled, will constitute a disturbing factor in all trade relations between Germany and the outside world and will to that extent be a barrier to the economic rehabilitation of Germany and also of those countries whose prosperity depends to a greater or less extent upon business relations with Germany.”

When this statement was presented, the British delegate made a declaration, which the other delegates supported, to the effect that “the commission, in examining proposals of the Maritime Service on methods to be adopted for calculating tonnage losses, is going to continue to take as a basis” the interpretation that “the debt of Germany for reparation payments is limited to the events which took place during the time when the powers asking for reparation were in a state of war.”

Execution of these provisions was entrusted by the Reparation Commission to its Maritime Service, which sat in London until August 31, 1921 and continued with a reduced staff at Paris until May 10, 1922, when its remaining functions were transferred to the Service of Restitution and Reparation in Kind. The Reparation Commission decided to reach an agreement with the German Government concerning the half of the vessels between 1000 and 1600 tons which were to be selected for delivery in this group. The Maritime Service was forced to scrutinize the remeasurement and rebuilding of a considerable number of vessels by the German owners, and found that in some 27 cases the owners were seeking to

PART VIII: ANNEX III

Note to VIII, Annex III—Continued

produce a lower gross tonnage than the registry at the entrance of the treaty into force.

On January 10, 1920 348 ships aggregating 1,771,796 gross tonnage had been delivered.

Owing to an obscurity in the treaty terms, the German delegation contended that Germany was only bound to deliver ships under construction in the state in which they were on January 10, 1920. The Reparation Commission reached an agreement with Germany by which 24 of these steamers of about 225,000 gross tons were completed for the Allies and the remaining 21 vessels of about 100,000 gross tons for the German account.

The German obligation under paragraph 5 (*c*) to undertake new construction for the year ending April 9, 1921, three months after the treaty was in force, was reduced by an agreement from 200,000 gross tons to 124,260 gross tons. In the following construction year, only 12,000 gross tons of construction was required and programs for the next three years of 40,000 gross tons annually were not actually demanded.

In January 1921 nearly 2,000,000 tons of shipping was in the hands of the Reparation Commission. When the Reparation Commission was obliged to estimate values for the Schedule of Payments of May 1, 1921, it recognized actual tonnage delivered as 2,187,000 gross tons. As of January 10, 1922 1,755,000 tons of ex-German shipping captured, seized, or otherwise obtained was in the hands of Allied and Associated Powers; of this tonnage 579,000 tons was in the hands of the United States Government which had not ratified the Treaty of Peace.

The Reparation Commission had an extraordinarily difficult time in determining, under paragraph 5 (*d*), the value of tonnage delivered for reparation account. In January 1921 the German Government requested that it be credited with 7,300,000,000 gold marks for the delivery of 4,625,000 gross tons of shipping, which would work out at about \$480 a ton. They withdrew this memorandum and in May put in another estimate of 5,688,000,000 gold marks for 3½ million tons.

The cost of shipping construction had advanced rapidly during the war, and the problem of valuation was, therefore, very complex. The commission solved the problem by crediting ships handed over during the armistice period at the actual market price per ton on January 10, 1920, and on the date of physical delivery in the case of ships handed over at later dates. From these prices there were

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Note to VIII, Annex III—Continued

deducted the expenses of delivery, conditioning, and repairs. The credit to Germany on this basis was tentatively fixed at 750,000,000 gold marks, while 10,250,000 gold marks was credited for 200,000 gross tons delivered between May 1 and October 31, 1921.

A further difficulty arose by reason of article 6 of the Inter-Allied Agreement of Spa, July 16, 1920, which permitted sale by the British Empire of ships on the open market, the proceeds of which were to be brought to reparation account. Between September 1920 and January 1922 Lord Inchcape sold 418 vessels aggregating 1,850,000 gross tons for more than £20,000,000 on the British market with an administrative charge of less than one seventh of one per cent. The difference between the receipts from this transaction and the valuations of the Reparation Commission was adjusted by article 12 of the Inter-Allied Financial Agreement of March 11, 1922 which provided for balancing the account with series "C" bonds of the 1921 Schedule of Payments.

1.

Germany recognises the right of the Allied and Associated Powers to the replacement, ton for ton (gross tonnage) and class for class, of all merchant ships and fishing boats lost or damaged owing to the war.

Nevertheless, and in spite of the fact that the tonnage of German shipping at present in existence is much less than that lost by the Allied and Associated Powers in consequence of the German aggression, the right thus recognised will be enforced on German ships and boats under the following conditions:

The German Government, on behalf of themselves and so as to bind all other persons interested, cede to the Allied and Associated Governments the property in all the German merchant ships which are of 1,600 tons gross and upwards; in one-half, reckoned in tonnage, of the ships which are between 1,000 tons and 1,600 tons gross; in one-quarter, reckoned in tonnage, of the steam trawlers; and in one-quarter, reckoned in tonnage, of the other fishing boats.

2.

The German Government will, within two months of the coming into force of the present Treaty, deliver to the Reparation Commission all the ships and boats mentioned in paragraph 1.

PART VIII: ANNEX III

3.

The ships and boats mentioned in paragraph 1 include all ships and boats which (a) fly, or may be entitled to fly, the German merchant flag; or (b) are owned by any German national, company or corporation or by any company or corporation belonging to a country other than an Allied or Associated country and under the control or direction of German nationals; or (c) are now under construction (1) in Germany, (2) in other than Allied or Associated countries for the account of any German national, company or corporation.

4.

For the purpose of providing documents of title for the ships and boats to be handed over as above mentioned, the German Government will:

(a) Deliver to the Reparation Commission in respect of each vessel a bill of sale or other document of title evidencing the transfer to the Commission of the entire property in the vessel, free from all encumbrances, charges and liens of all kinds, as the Commission may require;

(b) Take all measures that may be indicated by the Reparation Commission for ensuring that the ships themselves shall be placed at its disposal.

Note to VIII, Annex III (4)

Documents of title were issued by the German Government which, through the Ministry of Restoration issued a declaration on February 18, 1920 asserting title to the ships of German registry. Mortgages and liens against them were canceled in virtue of a law of August 31, 1919 and a declaration of the Ministry of Restoration dated February 28, 1920. Cession of a ship with its accessories was made by the German Government to the Reparation Commission "free and clear of all claims, mortgages, as well as of all liens and other charges". The Reparation Commission was guaranteed and indemnified as against all persons and claims whatsoever.

An agreement was concluded on June 7, 1920 between the Reparation Commission and the representative of the United States for the acquisition by the Standard Oil Company of New Jersey of eight tankers registered by the Deutsch-Amerikanische Petroleum Gesellschaft (*Foreign Relations*, 1920, II, 598). This was modified by a further agreement of August 23, 1920.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

5.

As an additional part of reparation, Germany agrees to cause merchant ships to be built in German yards for the account of the Allied and Associated Governments as follows:

(a) Within three months of the coming into force of the present Treaty, the Reparation Commission will notify to the German Government the amount of tonnage to be laid down in German shipyards in each of the two years next succeeding the three months mentioned above.

(b) Within two years of the coming into force of the present Treaty, the Reparation Commission will notify to the German Government the amount of tonnage to be laid down in each of the three years following the two years mentioned above.

(c) The amount of tonnage to be laid down in each year shall not exceed 200,000 tons, gross tonnage.

(d) The specifications of the ships to be built, the conditions under which they are to be built and delivered, the price per ton at which they are to be accounted for by the Reparation Commission, and all other questions relating to the accounting, ordering, building and delivery of the ships, shall be determined by the Commission.

Note to VIII, Annex III (5)

Up to December 31, 1922 2,598,196 gross tons of shipping, valued at 660,685,416 gold marks, had been delivered. A total deliverable tonnage of 3,204,276 included 639 German ships and 150 others aggregating 584,721 gross tons of ex-Austro-Hungarian shipping. Creditors did not exercise their right to demand construction by Germany for replacement after 1922.

Under paragraphs 1-4 a total of 710,917,640 gold marks net of shipping had been delivered outside of the Dawes Plan up to January 20, 1930 and 545,532 gold marks worth under paragraph 5. Of the total, 432,037,816 gold marks was carried to the "C" bond account. The gross receipts, before deduction of costs of delivery, repair and sale and of non-credited armistice deliveries, were 841,318,200 gold marks.

6.

Germany undertakes to restore in kind and in normal condition of upkeep to the Allied and Associated Powers, within two months of the coming into force of the present Treaty, in accordance with

PART VIII: ANNEX III

procedure to be laid down by the Reparation Commission, any boats and other movable appliances belonging to inland navigation which since August 1, 1914, have by any means whatever come into her possession or into the possession of her nationals, and which can be identified.

With a view to make good the loss in inland navigation tonnage, from whatever cause arising, which has been incurred during the war by the Allied and Associated Powers, and which cannot be made good by means of the restitution prescribed above, Germany agrees to cede to the Reparation Commission a portion of the German river fleet up to the amount of the loss mentioned above, provided that such cession shall not exceed 20 per cent. of the river fleet as it existed on November 11, 1918.

The conditions of this cession shall be settled by the arbitrators referred to in Article 339 of Part XII (Ports, Waterways and Railways) of the present Treaty, who are charged with the settlement of difficulties relating to the apportionment of river tonnage resulting from the new international régime applicable to certain river systems or from the territorial changes affecting those systems.

Note to VIII, Annex III (6)

The Reparation Commission interpreted the language of this paragraph as excluding river tonnage appertaining to territories or their nationals which were detached from Germany by cession or plebiscite and river craft deliverable by way of restitution.

River boats without means of propulsion were credited at 37 gold marks per ton and those with propulsive machinery at 203.5 gold marks per horsepower.

Deliveries of inland water craft and installations were credited at 23,920,530 gold marks. In addition, inland water craft on the Danube and Elbe assigned to Czechoslovakia was valued at 11,256,741 gold marks. Poland received 415,171 gold marks worth of river craft.

Note to VIII, Annex III (6, par. 2)

The Italian and German Governments on September 21, 1921 concluded an agreement, effective on October 22, by which Germany was to hand over 8 1000-ton barges, 3 suction dredges of 150 registered horsepower, 6 bucket dredges of 110 registered horsepower, 6 tugs of 250 and 4 of 150 registered horsepower. These were in compensation for 17,246 tons of ordinary boats, and 2320 registered horsepower of passenger boats, tugs, and bucket dredgers.

Note to VIII, Annex III (6, par. 2)—Continued

The agreement with France signed on June 6, 1921 fixed the French losses at 540,000 tons. The agreement called for the delivery of barges of several types, passenger boats, tugs, floating cranes, conveyors and a shipyard at Duisburg.

The agreement with Belgium signed on June 25, 1921 fixed the Belgian losses at the equivalent of 295,000 tons of ordinary boats, plus 2334 horsepower of movable appliances for hydraulic works. The material to be handed over consisted of barges, Rhine boats and tugs of various types, some of which were delivered under the award of the arbitrator, some substituted for original requirements, some to be built and a tonnage of 98,500 of material for construction.

All three agreements entered into force October 22, 1921.

7.

Germany agrees to take any measures that may be indicated to her by the Reparation Commission for obtaining the full title to the property in all ships which have during the war been transferred, or are in process of transfer, to neutral flags, without the consent of the Allied and Associated Governments.

Note to VIII, Annex III (7)

Germany and Poland signed at Bromberg on November 2, 1920 an agreement concerning the restitution of German ships which had been detained by the Polish Government (2 League of Nations Treaty Series, p. 277).

By a ruling in November 1920 the Reparation Commission permitted to stand the transfer of ships under a neutral flag, provided the sale constituted a regular commercial operation in good faith.

8.

Germany waives all claims of any description against the Allied and Associated Governments and their nationals in respect of the detention, employment, loss or damage of any German ships or boats, exception being made of payments due in respect of the employment of ships in conformity with the Armistice Agreement of January 13, 1919, and subsequent Agreements.

The handing over of the ships of the German mercantile marine must be continued without interruption in accordance with the said Agreement.

PART VIII: ANNEXES III TO IV

Note to VIII, Annex III (8)

An armistice convention of January 17, 1919 dealt with the re-victualing of Europe and the use of German tonnage. The first text of that convention was presented for discussion at the first meeting of the Shipping Committee of the Armistice Commission at Trèves on January 15, 1919 (*Der Waffenstillstand, 1918-19: das Dokumenten-Material der Waffenstillstands-Verhandlungen* . . . II, 13, 37). A third negotiation was held at Brussels on March 13-14, 1919 and resulted in a signed memorandum to which appendices of the Finance and Shipping Subcommittees were attached (*ibid.*, p. 179). At the first meeting of the Shipping Subcommittee on March 13 lists of available German ships were introduced and conditions under which the ships would be taken over were discussed, a conclusive statement being reached on the 14th (*ibid.*, pp. 93, 199).

9.

Germany waives all claims to vessels or cargoes sunk by or in consequence of naval action and subsequently salvaged, in which any of the Allied or Associated Governments or their nationals may have any interest either as owners, charterers, insurers or otherwise, notwithstanding any decree of condemnation which may have been made by a Prize Court of Germany or of her allies.

A N N E X I V.

Note to VIII, Annex IV

The German delegation declared that Germany was ready to accept the principle of devoting its economic resources "directly to the purposes of restoration", on condition that its economic sovereignty remained intact (*Foreign Relations, The Paris Peace Conference, 1919*, VI, 859). It therefore proposed the establishment of a German commission to work with the Reparation Commission, whose "one-sided powers of decision and control" could not be recognized. The requisition of materials must not involve the disorganization of German economic life, so that milch cows, cattle, goats, etc., could not be delivered until the supply in Germany had increased considerably. Germany was willing, however, to purchase cattle abroad for delivery to the Allies.

Reparation in the form of deliveries in kind, as distinct from cash payments across international exchanges, underwent a number of developments. The treaty itself provided in annexes III-VII

Note to VIII, Annex IV—Continued

of part VIII for specific deliveries in the nature of reparation strictly speaking, that is, to make good particular kinds of losses. Fulfilment of those provisions was by no means simple, but the definite requirements of specific provisions were in general met, or satisfied, by substitute arrangements. Almost every item involved was the subject of detailed and specialized negotiations and arrangements which, however important in themselves, were not usually of wide significance. For the most part, such deliveries in kind under the treaty have been accounted for in these notes by recording the amounts credited to Germany with respect to the provisions concerning them.

The other phase of deliveries in kind, as a means of payment in addition to, or in lieu of, cash payments, steadily increased in importance. The reason was clear and inevitable. Reparation and intergovernmental debts constituted the financial heritage from the war and differed fundamentally from ordinary commercial payments in that they were one-sided transactions.

These intergovernmental obligations represented debts incurred wholly or largely outside of the economic field within which their liquidation fell. Payments in cash depended upon the quantity of international exchange available for the purpose. In the case of these obligations international exchange, which in normal trade is both self-generating and self-liquidating, was exhausted by its employment rather than serving as a normal means of transferring values from one national economy to another. Payment in cash was limited by the amount of international exchange created by economic activity over and above its requirements. Payments in kind represented a diversion of the product of economic activity from the normal trade system but presumably made possible the transfer of values without translating them into the measures of international exchange.

In reparation history the competition between payments in cash and kind appeared at an early date. Armistice deliveries and the early deliveries under the treaty, which were stipulated to amount to 20 billion gold marks in value by May 1, 1921, were almost wholly deliveries in kind of specific things. The problem of appraisal was immense and many of the values were tentatively assigned. Disagreement over the values involved and over the ability of the German economy to support the requirements made upon it accounted in a large measure for the default found by the Allies on March 7, 1921 with its consequent imposition of sanctions.

PART VIII: ANNEX IV

Note to VIII, Annex IV—Continued

The disturbance attending the payment of the billion gold marks by May 30, 1921 (see p. 439) accelerated attention to the alternative system of payment in kind. The United Kingdom had by the Reparation (Recovery) Act of March 24, 1921 provided for a system of payments derived from normal commercial transactions; 26 percent of payments due by British purchasers to German sellers was thereby diverted to the government's reparation account. More significant was the restriction of annex II, paragraph 19, which, contemplating both payments in cash and kind, applied to rights or chattels only upon spontaneous offers by Germany. This provision was practically inoperative up to the time when, in May 1921, the Allied and Associated Governments utilized their power of amendment and, by a unanimous decision of the governments represented, adopted paragraph 19A on May 5 and made it incumbent upon Germany to provide labor and material for the purposes of restoration.

Previously, orders under annex IV, paragraph 2, had been received by the commission from reparation creditors for a wide variety of articles to be supplied by Germany in a manner approximating as closely as then possible to ordinary commercial usage. The total of the list amounted to nearly 10 billion gold marks. Germany, on the other hand, was offering material to an estimated value of only 550 million gold marks, some of the offerings being of no practical interest to the creditors. The latter, and particularly France faced with the problem of restoring the devastated regions, wanted material they could use, while Germany was offering materials which it wished to supply. It came to the attention of the Reparation Commission at the end of 1920 that German authorities had received more than 10,000 proposals for the supply of machine tools satisfying Allied conditions which Germany had failed to transmit for consideration. A plan was, therefore, instituted by which direct contact could be established between reparation creditors and German supplying firms under contracts which were to be paid by the German Government and credited to reparation. Great difficulty was encountered with respect to prices and eventually the Reparation Commission decided that the question of deliveries was independent of that of prices. In June 1921 it became possible to transform private agreements arrived at in the ordinary course of trade into orders on reparation account.

A notable step was taken in the Wiesbaden agreement of October 6, 1921 between France and Germany, which provided for the formation in Germany of an organ for the delivery on private order of

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex IV—Continued

plant and materials that might be required by the French in the devastated regions (*Agreements Concerning Deliveries in Kind To Be Made by Germany Under the Heading of Reparation*, p. 3, Reparation Commission II). Articles 3-9 of the Finance Ministers' agreement of March 11, 1922 dealt with specific phases of the subject.

This bilateral arrangement was followed by an agreement of June 2, 1922 between the Reparation Commission and the German Government in which a procedure was laid down for the acceptance of contracts "directly concluded between Allied and German nationals in accordance with ordinary commercial practice in which the German Government will only intervene to the extent specified in the present arrangement." It was stipulated that the agreement was concluded with a view to facilitating the payment of reparation and was "based solely on the economic considerations which govern ordinary trade".

This Bemelmans-Cuntze agreement (*ibid.*, p. 14) was preceded by the Franco-German agreement known by the names of its makers, Messrs. Gillet and Ruppel, which was signed at Berlin on March 15, 1922 and related more, particularly to the French devastated regions.

These two agreements, out of which grew a considerable amount of regulations, continued in force until 1930 and constituted the foundation upon which an extensive system of special trade was built. Literally thousands of contracts were made under the general scheme which permitted individual German suppliers to make arrangements with those who desired goods and these contracts became final after 14 days from their communication to the Reparation Commission and the Kriegslastenkommission. A great variety of goods was called for under the contracts, which in general were passed under paragraph 19 of annex II.

The system of deliveries in kind as it had developed continued, with adjustments, during the period, September 1, 1924 to May 17, 1930, of the Experts' (Dawes) Plan. Regulations for deliveries under the plan were approved on May 1, 1925. Germany and the United Kingdom on April 3, 1925 signed an agreement for amending the Reparation Recovery Act of 1921 to conform with the Plan by placing the payments on a statistical instead of a transaction basis. The Agent-General for Reparation Payments under the Dawes Plan transferred 51.77 percent of the total amount credited to Germany in Reichsmark payments, which in general represented deliveries in kind of some sort.

PART VIII: ANNEX IV

Note to VIII, Annex IV—Continued

The New (Young) Plan recommended the cessation of deliveries in kind after a period of 10 years during which their amount should decrease from 750,000,000 to 300,000,000 Reichsmarks, disbursements to be managed by the Bank for International Settlements. The plan stated:

“The system of deliveries in kind under the Dawes Plan has come to play an important rôle in the economic life of Germany. We would not suggest the unlimited continuation of this system, which is open to many objections of a practical as well as a theoretical nature. We have felt, however, that its immediate cessation would not be in the interests of Germany or of the creditor powers, and that it would impose difficulties upon the export trade of Germany which might be injurious to her capacity to transfer. We therefore recommend that the principles of the Dawes Plan with reference to deliveries in kind should continue in existence for a limited period, and that the creditor nations should agree for a period of ten years to absorb by this means in respect of each year, a limited and decreasing amount of the postponable portion of the annuity . . .”

The recommendations of the New Plan were embodied in a protocol signed at The Hague August 31, 1929 and elaborated into new “regulations for deliveries in kind” which were brought into force as annex IX of the agreement with Germany signed at The Hague January 20, 1930. Annex X was two agreements amending the method of administering the Reparation Recovery Acts of the United Kingdom and France, the former to receive 23.05 percent and the latter 4.95 percent of the total deliveries. The remaining 71 percent was destined for Italy, Belgium, Japan, Yugoslavia, Portugal, Rumania, and Greece.

1.

The Allied and Associated Powers require, and Germany undertakes, that in part satisfaction of her obligations expressed in the present Part she will, as hereinafter provided, devote her economic resources directly to the physical restoration of the invaded areas of the Allied and Associated Powers, to the extent that these Powers may determine.

2.

The Allied and Associated Governments may file with the Reparation Commission lists showing:

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(a) Animals, machinery, equipment, tools and like articles of a commercial character, which have been seized, consumed or destroyed by Germany or destroyed in direct consequence of military operations, and which such Governments, for the purpose of meeting immediate and urgent needs, desire to have replaced by animals and articles of the same nature which are in being in German territory at the date of the coming into force of the present Treaty;

(b) Reconstruction materials (stones, bricks, refractory bricks, tiles, wood, window-glass, steel, lime, cement, etc.), machinery, heating apparatus, furniture and like articles of a commercial character which the said Governments desire to have produced and manufactured in Germany and delivered to them to permit of the restoration of the invaded areas.

Note to VIII, Annex IV (2)

Under annexes II and IV and the deliveries-in-kind agreements of March 15 and June 2, 1922 the following lump-sum contracts were made:

Country	Date	Gold marks
Serb-Croat-Slovene State		238,935,628
Italy	April 28, 1926	73,234,533
Greece	June 22, 1926	4,890,053
Belgium	July 19, 1926	34,503,615
Rumania		23,765,626
France	April 9, 1927	23,930,000

Note to VIII, Annex IV (2, 6)

Up to December 31, 1922 deliveries of livestock, other than poultry, under paragraphs 2 (a) and 6 amounted to 528,926 head as follows: Horses, 101,661; cattle, 174,208; sheep, 231,393; goats, 21,664. These were provisionally credited at 158,045,745 gold marks. Deliveries of 245,688 poultry were valued at 831,409 gold marks. Livestock demanded amounted to 165,346 horses, 927,675 cattle, 15,250 swine, 917,135 sheep, 25,165 goats, and 1,740,000 poultry (*Report on the Work of the Reparation Commission from 1920 to 1922*, p. 240). Altogether 146,223,775 gold marks was credited in respect of livestock under these clauses.

Miscellaneous deliveries under paragraph 2 (a) up to December 31, 1922 were credited at 35,133,312 gold marks and reconstruction material delivered under paragraph 2 (b) at 29,771,647 gold marks.

PART VIII: ANNEX IV

3.

The lists relating to the articles mentioned in 2 (a) above shall be filed within sixty days after the date of the coming into force of the present Treaty.

The lists relating to the articles in 2 (b) above shall be filed on or before December 31, 1919.

The lists shall contain all such details as are customary in commercial contracts dealing with the subject matter, including specifications, dates of delivery (but not extending over more than four years), and places of delivery, but not price or value, which shall be fixed as hereinafter provided by the Commission.

Note to VIII, Annex IV (3)

The last date for filing lists was fixed by the Reparation Commission as August 15, 1920.

4.

Immediately upon the filing of such lists with the Commission, the Commission shall consider the amount and number of the materials and animals mentioned in the lists provided for above which are to be required of Germany. In reaching a decision on this matter the Commission shall take into account such domestic requirements of Germany as it deems essential for the maintenance of Germany's social and economic life, the prices and dates at which similar articles can be obtained in the Allied and Associated countries as compared with those to be fixed for German articles, and the general interest of the Allied and Associated Governments that the industrial life of Germany be not so disorganised as to affect adversely the ability of Germany to perform the other acts of reparation stipulated for.

Machinery, equipment, tools and like articles of a commercial character in actual industrial use are not, however, to be demanded of Germany unless there is no free stock of such articles respectively which is not in use and is available, and then not in excess of thirty per cent. of the quantity of such articles in use in any one establishment or undertaking.

The Commission shall give representatives of the German Government an opportunity and a time to be heard as to their capacity to furnish the said materials, articles and animals.

The decision of the Commission shall thereupon and at the earliest possible moment be communicated to the German Gov-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ernment and to the several interested Allied and Associated Governments.

The German Government undertakes to deliver the materials, articles and animals as specified in the said communication, and the interested Allied and Associated Governments severally agree to accept the same, provided they conform to the specification given, or are not, in the judgment of the Commission, unfit to be utilized in the work of reparation.

Note to VIII, Annex IV (4)

The Reparation Commission decided that restitutions of animals included only one generation of their increase. As to France 6000 colts and as to Belgium 4500 colts were affected by this decision.

5.

The Commission shall determine the value to be attributed to the materials, articles and animals to be delivered in accordance with the foregoing, and the Allied or Associated Power receiving the same agrees to be charged with such value, and the amount thereof shall be treated as a payment by Germany to be divided in accordance with Article 237 of this Part of the present Treaty.

In cases where the right to require physical restoration as above provided is exercised, the Commission shall ensure that the amount to be credited against the reparation obligation of Germany shall be the fair value of work done or materials supplied by Germany, and that the claim made by the interested Power in respect of the damage so repaired by physical restoration shall be discharged to the extent of the proportion which the damage thus repaired bears to the whole of the damage thus claimed for.

6.

As an immediate advance on account of the animals referred to in paragraph 2 (a) above, Germany undertakes to deliver in equal monthly instalments in the three months following the coming into force of the present Treaty the following quantities of live stock:

(1) *To the French Government.*

500 stallions (3 to 7 years);

30,000 fillies and mares (18 months to 7 years), type: Arden-
nais, Boulonnais or Belgian;

PART VIII: ANNEX IV

2,000 bulls (18 months to 3 years) ;
90,000 milch cows (2 to 6 years) ;
1,000 rams ;
100,000 sheep ;
10,000 goats.

(2) *To the Belgian Government.*

200 stallions (3 to 7 years), large Belgian type ;
5,000 mares (3 to 7 years), large Belgian type ;
5,000 fillies (18 months to 3 years), large Belgian type ;
2,000 bulls (18 months to 3 years) ;
50,000 milch cows (2 to 6 years) ;
40,000 heifers ;
200 rams ;
20,000 sheep ;
15,000 sows.

The animals delivered shall be of average health and condition.

To the extent that animals so delivered cannot be identified as animals taken away or seized, the value of such animals shall be credited against the reparation obligations of Germany in accordance with paragraph 5 of this Annex.

Note to VIII, Annex IV (6)

The value of livestock delivered under paragraphs 2 (a) and 6 before January 1, 1921 was 80,626,775 gold marks, of which 54,504,240 gold marks went to France, 26,121,090 to Belgium, and 1445 to Italy. After January 1, 1921 a total value of 65,597,000 gold marks was delivered: France, 28,710,000; Belgium, 14,490,000; Italy, 13,697,000; and the Serb-Croat-Slovene State, 8,700,000.

7.

Without waiting for the decisions of the Commission referred to in paragraph 4 of this Annex to be taken, Germany must continue the delivery to France of the agricultural material referred to in Article III of the renewal dated January 16, 1919, of the Armistice.

Note to VIII, Annex IV (7)

Article III of the renewal of the armistice dated January 16, 1919 read:

“III. In substitution of the supplementary railway material specified by Tables 1 and 2 of the Spa protocol of December 17, i.e., 500 locomotives and 19,000 wagons, the German Government shall supply the following agricultural machinery and instruments:

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex IV (7)—Continued

- 400 two-engined steam-plow outfits, complete,
with suitable plows.
- 6,500 drills.
- 6,500 manure distributors.
- 6,500 plows.
- 6,500 Brabant plows.
- 12,500 barrows.
- 6,500 scarifiers.
- 2,500 steel rollers.
- 2,500 Croskill rollers.
- 2,500 mowing machines.
- 2,500 hay-making machines.
- 3,000 reapers and binders.

or equivalent implements, according to the scale of interchangeability of various kinds of implements, considered permissible by the Permanent International Armistice Commission. All this material, which shall be either new or in very good condition, shall be delivered together with all accessories belonging to each implement and with the spare parts required for 18 months' use.

"The German Armistice Commission shall, between the present date and January 23, supply the Allied Armistice Commission with a list of the material that can be delivered by March 1, which must, in principle, constitute not less than one-third of the total quantity. The International Armistice Commission shall, between now and January 23, fix the latest dates of delivery, which shall, in principle, not extend beyond June 1."

For the deliveries still to be made at the entrance into force of this treaty see paragraph 8 of the protocol of January 10, 1920, p. 745.

Deliveries of agricultural material under this provision up to August 31, 1924 amounted to 20,809,810 gold marks, of which 16,615,838 was to France and 4,193,972 to Belgium.

A N N E X V.

Note to VIII, Annex V

The German delegation declared that Germany was prepared to export to France coal equal to the difference caused by the destruction of the French mines—20,000,000 tons annually for five years and after that up to 8,000,000 tons; it was also ready to undertake the reconstruction of part or the whole of the damaged mines (*Foreign Relations, The Paris Peace Conference, 1919, vi, 861*). The options demanded in paragraphs 2-9 were unacceptable, owing to decreased German production. Nevertheless Germany would grant a priority for 10 years to France and Belgium on the surplus

PART VIII: ANNEXES IV TO V

Note to VIII, Annex V—Continued

above German internal requirements. In return Germany would expect adequate supplies of minette ore "from Lorraine and France". So far the decreased production of coal derivatives made it impossible to meet the Allied demands, but specific quantities of benzol, coal tar, and sulphate of ammonia were promised.

Coal and its derivatives were recognized from the outset as important commodities in the reparation program. In 1919 the European Coal Commission of the Supreme Economic Council made an investigation to determine the extent and duration of the fuel shortage. German coal could play an effective part in hastening a large return to normal industrial life, but increase of export would affect Germany's industrial ability. On December 25, 1918 a protocol signed at Luxembourg provided for the supply of coal and coke to the metallurgical industries of Lorraine under the armistice. The Organization Committee of the Reparation Commission on August 29, 1919 negotiated a protocol with Germany to obtain delivery of coal in anticipation of ratification of the peace treaty; deliveries of 1,660,000 tons a month until April 30, 1920 were to include deliveries under the Luxembourg protocol, which were to be credited to Germany on the reparation account.

On August 31, 1919 the Organization Committee, in order to give the requisite 120 days' notice, informed the German delegation of a program of coal deliveries for January 1920. The German delegation entered a reservation on the ground that the Reparation Commission was not yet officially organized or constituted, but, nevertheless, began deliveries in September. In order to supervise deliveries, the Organization Committee constituted a coal commission at Essen which held its first meeting on November 10, 1919, against the protest of the German delegates. On November 14, 1919 the Supreme Council requested the Organization Committee of the Reparation Commission to reach an agreement with the Upper Silesia Plebiscite Commission concerning the allocation of Upper Silesian coal as part of the German supply for both the domestic and export trade. Upper Silesian coal was allocated to Austria, Poland, and Italy.

When the Reparation Commission was officially constituted with the entry of the treaty into force, the delivery programs established by the Luxembourg and Versailles protocols were generally confirmed, and precise powers given to the Essen Coal Bureau and the Central European Coal Bureau at Moravska-Ostrava. The program was established by the protocol signed at Spa, July 16, 1920. The

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex V—Continued

circumstances resulting in the signing of this instrument arose from a decision by the Reparation Commission May 29, 1920 to increase the quantity of Upper Silesian coal allowed to Poland from 250,000 to 450,000 tons a month, on condition that Poland would supply means of transportation for 100,000 tons. This decision was taken as a pretext for the German Government to reduce deliveries already in arrears from the Ruhr. The Reparation Commission thereupon, in application of paragraph 17, annex II, formally notified the Allied and Associated Powers on June 30, 1920 that Germany had defaulted in fulfilment of its obligations for the delivery of coal.

The Spa protocol of July 16, 1920 registered an agreement of Germany to place at the disposal of the Allies 2,000,000 tons of coal each month for six months from August 1. The Allied Governments agreed:

(a) to pay in cash a premium of 5 gold marks for each ton of coal delivered by rail or inland waterway, granted in consideration of the admission of the right of the Allies to require certain specified qualities of coal; the premium to be spent in purchasing foodstuffs for German miners;

(b) to make Germany advances during the period of six months, equivalent to the difference between the internal German price and the English f.o.b. export price in English ports, these advances enjoying absolute priority over all other claims of the Allies on Germany.

The protocol also provided for the institution: (1) of a permanent delegation of the Reparation Commission at Berlin with the object of making sure that the coal deliveries provided for were carried out; (2) of a commission, on which Germany was to be represented, with the object of preparing an agreement on the allocation of Upper Silesian coal; (3) of a commission at Essen, with German representation, with the object of seeking means by which conditions of life among the miners in regard to food and clothing could be improved with a view to a better working of the mines.

This protocol was an agreement between the Conference of Ambassadors and the German delegation, who, however, signed with reservation of article 7, which read as follows;

“If, by November 15, 1920, it is ascertained that the total deliveries for August, September and October 1920, have not reached 6,000,000 tons, the Allies will proceed to the occupation of a further portion of German territory, either in the region of the Ruhr or some other.”

PART VIII: ANNEX V

Note to VIII, Annex V—Continued

Deliveries under this protocol began to fall off in November, and continued below the schedule for many months. By the end of the six months there was a deficit of 664,000 tons. Along with other instances of default in the German obligations, this failure to fulfil requirements was a factor in the decision of the French to occupy the Ruhr from March 8 to October 1, 1921 and was one of the bases on which the ultimatum of May 5, 1921 rested.

During the six months of the Spa protocol, advances to Germany amounted to 360,791,378.64 gold marks. An agreement signed at Paris, December 28, 1920, for the repayment of these advances provided for an issue of German treasury bonds to mature May 1, 1921. The bonds not repaid on that date were to be charged off against deliveries in kind.

In the course of adjustments leading up to this settlement, the Spa protocol had been modified by a convention of October 27, 1920, between the Reparation Commission and the Kriegslastenkommission which among other things determined that three tons of coke were credited at the rate of four tons of coal, and seven tons of lignite briquettes for four tons of coke. The Committee of Inquiry at Essen on October 20, 1920 signed a protocol respecting the food supply of the mining population. The permanent delegation of the commission left Berlin with the expiration of the Spa protocol at the end of January 1921.

The situation in Upper Silesia was affected by a decision of the Conference of Ambassadors on July 28, 1920 concerning the frontier between Czechoslovakia and Poland in the Teschen district, which left to those states the allocation of their reciprocal supply of coal. The Reparation Commission attempted to devise a general allocation plan, but its proposal of December 27, 1920 was not approved by the German and Upper Silesian delegates. The Reparation Commission did not continue with its plan because the imminence of the plebiscite in Upper Silesia made the question less vital; the allocation of Upper Silesian coal was eventually a subject dealt with in the German-Polish Convention of May 15, 1922.

Difficulties with respect to coal deliveries continued. The Reparation Commission on August 25, 1921 notified the German authorities of its refusal to admit the claim that Germany was not bound to deliver coal between the periods mentioned in annex V. This decision was based upon the fact that the commission was alone competent to postpone or cancel quantities determined in exercise of the option specified in the annex. A reduction of deliveries occurred as

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex V—Continued

a result of disorders in Upper Silesia in May 1921 following the plebiscite. In an attempt to insure maintenance of deliveries at the levels fixed, the commission informed Germany on December 9, 1921 that Germany might export neither coke nor coal without previous authority from the Reparation Commission.

During 1921 there was a deficit of coke deliveries to France, which in December requested the Reparation Commission to notify a default on Germany's part to the Allied and Associated Governments in conformity with paragraph 17, annex II. On December 30 the commission decided that proposals of the Kriegslastenkommission were calculated to insure proper deliveries and hoped to avoid consideration of the question of reporting a default.

During the period January 1920 through January 1922, the schedule of monthly deliveries totaled 53,209,350 tons, and deliveries amounted to 37,554,461 tons. The final credits for delivery up to August 31, 1924 were determined at 50,876,400 metric tons valued at 953,904,330 gold marks, of which 22,086,049 metric tons (433,140,064 gold marks) were delivered before May 1, 1921 and 28,790,351 metric tons (520,763,266 gold marks) after that date.

Coal under the Dawes Plan continued to represent a considerable proportion of the German deliveries in kind. Eventually quarterly programs were agreed to in advance, the quantity varying with the season, the requirements of the recipients, and the conditions of supply. The deliveries for the quarter June–August 1929 were fixed at 1,000,000 metric tons monthly to France and 570,000 metric tons to Italy.

Coal, coke, and lignite credited at 896,580,931 gold marks had been received up to the closing of accounts on January 20, 1930.

1.

Germany accords the following options for the delivery of coal and derivatives of coal to the undermentioned signatories of the present Treaty.

2.

Germany undertakes to deliver to France seven million tons of coal per year for ten years. In addition, Germany undertakes to deliver to France annually for a period not exceeding ten years an amount of coal equal to the difference between the annual production before the war of the coal mines of the Nord and Pas de

PART VIII: ANNEX V

Calais, destroyed as a result of the war, and the production of the mines of the same area during the years in question: such delivery not to exceed twenty million tons in any one year of the first five years, and eight million tons in any one year of the succeeding five years.

It is understood that due diligence will be exercised in the restoration of the destroyed mines in the Nord and the Pas de Calais.

3.

Germany undertakes to deliver to Belgium eight million tons of coal annually for ten years.

4.

Germany undertakes to deliver to Italy up to the following quantities of coal:

July 1919 to June 1920	4½ million tons,
— 1920 — 1921	6 —
— 1921 — 1922	7½ —
— 1922 — 1923	8 —
— 1923 — 1924	} 8½ —
and each of the following five years . .	

At least two-thirds of the actual deliveries to be land-borne.

5.

Germany further undertakes to deliver annually to Luxemburg, if directed by the Reparation Commission, a quantity of coal equal to the pre-war annual consumption of German coal in Luxemburg.

Note to VIII, Annex V (5)

Deliveries to Luxemburg of coal, coke, and lignite were valued at the closing of accounts on January 20, 1930 at 57,328,353 gold marks.

6.

The prices to be paid for coal delivered under these options shall be as follows:

(a) For overland delivery, including delivery by barge, the German pithead price to German nationals, plus the freight to French, Belgian, Italian or Luxemburg frontiers, provided that the pithead price does not exceed the pithead price of British coal for export. In the case of Belgian bunker coal, the price shall not exceed the Dutch bunker price.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Railroad and barge tariffs shall not be higher than the lowest similar rates paid in Germany.

(b) For sea delivery, the German export price f.o.b. German ports, or the British export price f.o.b. British ports, whichever may be lower.

7.

The Allied and Associated Governments interested may demand the delivery, in place of coal, of metallurgical coke in the proportion of 3 tons of coke to 4 tons of coal.

8.

Germany undertakes to deliver to France, and to transport to the French frontier by rail or by water, the following products, during each of the three years following the coming into force of this Treaty:

Benzol	35,000 tons.
Coal tar	50,000 tons.
Sulphate of ammonia	30,000 tons.

All or part of the coal tar may, at the option of the French Government, be replaced by corresponding quantities of products of distillation, such as light oils, heavy oils, anthracene, naphthalene or pitch.

Note to VIII, Annex V (8)

Up to December 31, 1922 benzol, sulphate of ammonia, and other byproducts of coal had been delivered in the amount of 164,327 gross tons, credited at 29,533,445 gold marks, and to January 20, 1930, at close of accounts, 30,687,609 gold marks.

9.

The price paid for coke and for the articles referred to in the preceding paragraph shall be the same as the price paid by German nationals under the same conditions of shipment to the French frontier or to the German ports, and shall be subject to any advantages which may be accorded similar products furnished to German nationals.

10.

The foregoing options shall be exercised through the intervention of the Reparation Commission, which, subject to the specific pro-

PART VIII: ANNEXES V TO VI

visions hereof, shall have power to determine all questions relative to procedure and the qualities and quantities of products, the quantity of coke which may be substituted for coal, and the times and modes of delivery and payment. In giving notice to the German Government of the foregoing options the Commission shall give at least 120 days' notice of deliveries to be made after January 1, 1920, and at least 30 days' notice of deliveries to be made between the coming into force of this Treaty and January 1, 1920. Until Germany has received the demands referred to in this paragraph, the provisions of the Protocol of December 25, 1918, (Execution of Article VI of the Armistice of November 11, 1918) remain in force. The notice to be given to the German Government of the exercise of the right of substitution accorded by paragraphs 7 and 8 shall be such as the Reparation Commission may consider sufficient. If the Commission shall determine that the full exercise of the foregoing options would interfere unduly with the industrial requirements of Germany, the Commission is authorised to postpone or to cancel deliveries, and in so doing to settle all questions of priority; but the coal to replace coal from destroyed mines shall receive priority over other deliveries.

Note to VIII, Annex V (10)

A protocol in execution of article VI, paragraph 5, of the armistice was concluded at Luxembourg on December 24, 1918 and confirmed on behalf of the Allied and Associated Powers on December 25. An exchange of notes for the execution of article XIX of the armistice with respect to coal, coke, manganese, scrap iron, and manufactured products was effected at Luxembourg on December 25, 1918. See *Der Waffenstillstand, 1918-19: das Dokumenten-Material der Waffenstillstands-Verhandlungen* . . . , II, 239, 251.

A N N E X V I .

Note to VIII, Annex VI

The German delegation declared that Germany was ready to concede the options demanded for chemical drugs and dyestuffs, although no relation could be found between these demands and the objects of reparation; it declined to accept price control by the Reparation Commission as involving a wholly unwarranted surrender of business secrets (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 864). The more general option extending to 1925 was rejected.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex VI—Continued

Once more the German delegation asked for verbal negotiations, adding that Germany was prepared to compensate owners of destroyed industrial enterprises in Belgium and Northern France by transferring to them proportional shares in similar undertakings in Germany.

In the pre-war period Germany was reputed to be the world's first source of chemical dyestuffs and pharmaceutical products. A considerable industry had been built up in that country around the coal-tar series, which had been identified by British chemists. The German exploiters had developed many products from the coal-tar base in research laboratories and had succeeded in establishing a world-wide trade through the device of patenting the chemical formulas themselves under the lax laws of most countries. Owing to this combination of artificial monopoly and vigorous marketing policy, German dyestuffs and pharmaceutical products constituted the chief pre-war supply. Belligerents had manufactured during the war from the sequestered formulas in the German patents on governmental files but in many cases had found that the patent specifications lacked essential elements. When the matter came up in the Paris negotiations, it was felt that the German ability to supply these chemical products would prove to be a considerable source of reparation in kind.

The German obligation under annex VI was to place dyestuffs necessary for their industries at the disposal of the Allied and Associated Powers and to furnish a continuous supply up to January 1, 1925 (paragraphs 1 and 2). The Organization Committee for the Reparation Commission entrusted the matter to a subcommittee, composed of experts nominated by the United States, Great Britain, France, Italy, and Belgium, which dealt with a German Expert Committee. They met on August 8, 1919 and as of August 15 found that the German inventory of dyestuffs and intermediates amounted to 21,522,723 kilos of which 50 percent, or 10,761,361 kilos, was subject to the commission's option. An agreement arranged for September 17 and finally signed as a protocol on November 3 authorized the withdrawal of 5200 tons from those stocks to be delivered as follows: United States, 1500 tons; Great Britain, 1500 tons; France, 1000 tons; Italy, 700 tons; Belgium, 500 tons. Orders under this arrangement continued until September 1, 1920 and the total deliveries amounted to 9,889,650 kilos.

Under paragraph 2 the Reparation Commission had an option on German production of dyestuffs and chemical drugs not exceeding

PART VIII: ANNEX VI

Note to VIII, Annex VI—Continued

25 percent. The option came into force with the treaty on January 10, 1920 and a provisional protocol of January 30 established a system of exercising options monthly on the basis of three-month estimates of German production. This protocol was renewed on April 28 and revised on May 31, 1920.

Dyestuff industries in the meantime were growing up in the United States, Great Britain, France, and Italy and before long the Reparation Commission found that it had a proportion of the German deliveries of the simpler dyestuffs remaining undistributed on its hands. The Reparation Commission thereupon negotiated the sale of the untaken balance to the Association of German Dyestuff Manufacturers at 75 percent of the list price. From February to May 1920 the Reparation Commission received 3,026,100 gold marks on this account. Other difficulties arose with respect to demands for types of dyestuffs of which 25 percent of the German production was insufficient to meet the requirements and also with respect to demands for products which were not manufactured by the Germans. A price factor was also involved in these demands. A supplementary agreement dealing with these matters was concluded on August 19, 1921. A further supplementary agreement relating to the calculation of prices was signed on June 12, 1922 and extended *sine die* on December 15 (for texts of the protocol and agreements, see *Report on the Work of the Reparation Commission from 1920 to 1922*, pp. 233-236).

The Reparation Commission organized a Bureau for Dyestuffs and Pharmaceutical Products to work in liaison with the Allied Experts Committee, while the German Experts Committee was aided by a service known as the *Zentrale der Farbstoff Fabriken* at Frankfurt. Since the Reparation Commission allotted dyes as a general rule only to governments or to their agencies, France and Italy each set up a Union of Producers and Consumers of Coloring Matters (Union des Producteurs et Consommateurs de Matières Colorantes). Great Britain appointed a Central Importing Agency and later organized the British Dyestuffs Corporation. The Belgian Government itself received and distributed its dyestuffs.

The United States designated the Textile Alliance Incorporated of New York as the exclusive importing agency for dyes, the decision being notified to the Organization Committee for the Reparation Commission on November 25, 1919 (*Foreign Relations*, 1920, II, 476). This arrangement with respect to vat dyes ran until April 15, 1920 and for non-vat dyes until May 15. The Secretary of State on April

Note to VIII, Annex VI—Continued

10, 1920 informed the Textile Alliance Incorporated of the conditions under which importation and sale were to continue (*ibid.*, p. 495). Further instructions as to the purchase of German dyes for American consumption or foreign resale were sent to the Textile Alliance Incorporated by the Secretary of State on July 30, 1920 (*ibid.*, p. 501). The Government of the United States withdrew the mandate to the Textile Alliance on December 14, 1921. The Reparation Commission, however, in the absence of objection from the United States Government, continued to deliver to the Textile Alliance the portion previously assigned the United States so far as it was required by American industry. The development of the dye industry in the United States brought these relations to an end on November 29, 1922 when the Textile Alliance informed the commission that it renounced its right to order reparation dyes, and the share allotted to the United States was distributed thereafter by the Reparation Commission to Great Britain, France, Italy, and Belgium.

The German dye industry's position in the trade had a repercussion in later years. The British Dye Stuffs Import Regulations Act, 1920 (10 & 11 Geo. V, c. 77), which was in force until 1930, gave Germany the occasion for excepting coal from the operation of the international convention on import and export prohibitions and restrictions of 1927, and that exception started the train of exceptions in which Poland figured so prominently (see article 268*b*). After the failure of that convention the British act was consolidated in 1933 and made permanent (24 & 25 Geo. V, c. 6).

1.

Germany accords to the Reparation Commission an option to require as part of reparation the delivery by Germany of such quantities and kinds of dyestuffs and chemical drugs as the Commission may designate, not exceeding 50 per cent. of the total stock of each and every kind of dyestuff and chemical drug in Germany or under German control at the date of the coming into force of the present Treaty.

This option shall be exercised within sixty days of the receipt by the Commission of such particulars as to stocks as may be considered necessary by the Commission.

2.

Germany further accords to the Reparation Commission an option to require delivery during the period from the date of the coming

PART VIII: ANNEX VI

into force of the present Treaty until January 1, 1920, and during each period of six months thereafter until January 1, 1925, of any specified kind of dyestuff and chemical drug up to an amount not exceeding 25 per cent. of the German production of such dyestuffs and chemical drugs during the previous six months period. If in any case the production during such previous six months was, in the opinion of the Commission, less than normal, the amount required may be 25 per cent. of the normal production.

Such option shall be exercised within four weeks after the receipt of such particulars as to production and in such form as may be considered necessary by the Commission; these particulars shall be furnished by the German Government immediately after the expiration of each six months period.

3.

For dyestuffs and chemical drugs delivered under paragraph 1, the price shall be fixed by the Commission having regard to pre-war net export prices and to subsequent increases of cost.

For dyestuffs and chemical drugs delivered under paragraph 2, the price shall be fixed by the Commission having regard to pre-war net export prices and subsequent variations of cost, or the lowest net selling price of similar dyestuffs and chemical drugs to any other purchaser.

4.

All details, including mode and times of exercising the options, and making delivery, and all other questions arising under this arrangement shall be determined by the Reparation Commission; the German Government will furnish to the Commission all necessary information and other assistance which it may require.

5.

The above expression "dyestuffs and chemical drugs" includes all synthetic dyes and drugs and intermediate or other products used in connection with dyeing, so far as they are manufactured for sale. The present arrangement shall also apply to cinchona bark and salts of quinine.

Note to VIII, Annex VI (5)

The French text of the first sentence of this paragraph reads as follows:

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex VI (5)—Continued

“Les matières colorantes et produits chimiques pharmaceutiques visés à la présente Annexe comprennent toutes les matières colorantes et tous les produits chimiques pharmaceutiques synthétiques, ainsi que tous les produits intermédiaires et autres employés *dans les industries correspondantes* (English: in connection with dyeing) et fabriqués pour la vente.”

The English text of this sentence does not make it clear whether the commission's option extends to intermediates used in the manufacture of dyestuffs. Since the Allied experts were of the opinion that it was desirable to encourage their dye producers to manufacture their own intermediates, the Reparation Commission did not undertake to interpret the sentence, but provisionally limited its option to the intermediates used in dyeing and printing. The protocol of May 31, 1920 limited delivery of these to the quantities delivered before the war for the same use to the respective countries. However, Germany was manufacturing new products and certain old products were being more extensively employed. It was, therefore, arranged that the products especially employed in manufacture could be passed for an unlimited quantity provided they were employed only for dyeing and printing and were not reexported; but those products especially employed in dyeing or printing were limited to the 25 per cent option.

A total of 1,013,847 kilograms of pharmaceuticals, valued at 13,550,944 gold marks, had been delivered under a protocol dated October 19, 1920.

Up to December 31, 1922 the quantity of dyestuffs delivered was 22,689,775 kilograms valued at 58,657,311 gold marks under a protocol concluded May 31, 1920, supplemented or amended July 12 and August 19, 1921 and June 12, 1922.

Total deliveries of dyestuffs and pharmaceuticals eventually were valued at 107,360,223 gold marks.

A N N E X V I I .

Germany renounces on her own behalf and on behalf of her nationals in favour of the Principal Allied and Associated Powers all rights, titles or privileges of whatever nature in the submarine cables set out below, or in any portions thereof:

Emden-Vigo: from the Straits of Dover to off Vigo;

Emden-Brest: from off Cherbourg to Brest;

PART VIII: ANNEXES VI TO VII

Emden-Teneriffe: from off Dunkirk to off Teneriffe;
 Emden-Azores (1): from the Straits of Dover to Fayal;
 Emden-Azores (2): from the Straits of Dover to Fayal;
 Azores-New-York (1): from Fayal to New York;
 Azores-New-York (2): from Fayal to the longitude of Halifax;
 Teneriffe-Monrovia: from off Teneriffe to off Monrovia;
 Monrovia-Lome:

from about	}	lat. : 2° 30' N.;
		long. : 7° 40' W. of Greenwich;
to about	}	lat. : 2° 20' N.;
		long. : 5° 30' W. of Greenwich;
and from about	}	lat. : 3° 48' N.;
		long. : 0° 00',

to Lome;

Lome-Duala: from Lome to Duala;
 Monrovia-Pernambuco: from off Monrovia to off Pernambuco;
 Constantinople-Constanza: from Constantinople to Constanza;
 Yap-Shanghai, Yap-Guam, and Yap-Menado (Celebes): from
 Yap Island to Shanghai, from Yap Island to Guam Island,
 and from Yap Island to Menado.

The value of the above mentioned cables or portions thereof in so far as they are privately owned, calculated on the basis of the original cost less a suitable allowance for depreciation, shall be credited to Germany in the reparation account.

Note to VIII, Annex VII

The cables were credited to Germany but not allocated. For an account of the negotiations looking to allocation, see Green H. Hackworth, *Digest of International Law*, IV, 270. That narrative ends with an effort of the Secretary of State of the United States in November 1925 to reconvene a subcommittee of the Preliminary International Conference on Electrical Communications in order to effect an allocation. On December 12, 1925 the Reparation Commission decided upon the evaluation of each cable independently of the question of allocation. Cession by Germany was counted from June 26, 1919. The commission notified the Kriegslastenkommission on January 22, 1926 of the depreciated value of 14 cables, the Cherbourg-Brest line being omitted.

For the special interest of the United States in Yap as a cable station, see also article 119.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to VIII, Annex VII—Continued

The submarine cables were credited to Germany at 53,194,919.40 gold marks. The share of the United States was approximately 11,400,000 gold marks.

Of the cables mentioned in this annex some distribution was made. The Principal Allied and Associated Powers at Washington on November 17, 1927 agreed to the assignments which resulted in the following:

Dover (Brest)—Azores—New York: Operated by French Cable Co. with certain parts of first six items of list in annex;

Monrovia—Pernambuco: Not repaired and reopened by France;

Yap—Guam: Unused by United States;

Yap—Shanghai: Unused by Japan;

Yap—Menado: Unused by Netherlands;

Constantinople (Istanbul)—Constanza: Operated by Rumanian and Turkish Governments.

SECTION II.—*Special Provisions.*

ARTICLE 245.

Within six months after the coming into force of the present Treaty the German Government must restore to the French Government the trophies, archives, historical souvenirs or works of art carried away from France by the German authorities in the course of the war of 1870-1871 and during this last war, in accordance with a list which will be communicated to it by the French Government; particularly the French flags taken in the course of the war of 1870-1871 and all the political papers taken by the German authorities on October 10, 1870, at the chateau of Cercay, near Brunoy (Seine-et-Oise) belonging at the time to Mr. Rouher, formerly Minister of State.

Note to VIII, 245

With the exception of some trophies which had been destroyed by German nationals, the restitutions provided by this article were satisfactorily fulfilled.

France was especially interested in recovering the political papers from Cercay. Eugène Rouher, permanent minister of state under Napoleon III, at the outbreak of the Franco-Prussian war of 1870 transferred Napoleon's confidential papers from the palaces of the Tuileries and Saint-Cloud, as well as important documents from

Note to VIII, 245—Continued

the Ministry of Foreign Affairs, to his chateau at Cerçay for safety. On October 10, 1870 a regiment of German cavalry took possession of the chateau. A lieutenant came upon and stopped soldiers breaking up the boxes containing these papers. The regimental commander later forwarded the material to Bismarck at Paris. Among the papers was extensive correspondence between Napoleon III and the rulers of Bavaria, Württemberg, Hesse, and other German states who were opposed to Prussian hegemony and antagonistic to the organization of the German Empire as eventually constructed. Bismarck's frequent and successive threats to publish the correspondence, which was apparently of a nature to induce revolution in those states, broke down their opposition to entering the empire. The papers remain unpublished.

ARTICLE 246.

Within six months from the coming into force of the present Treaty, Germany will restore to His Majesty the King of the Hedjaz the original Koran of the Caliph Othman, which was removed from Medina by the Turkish authorities and is stated to have been presented to the ex-Emperor William II.

Within the same period Germany will hand over to His Britannic Majesty's Government the skull of the Sultan Mkwawa which was removed from the Protectorate of German East Africa and taken to Germany.

The delivery of the articles above referred to will be effected in such place and in such conditions as may be laid down by the Governments to which they are to be restored.

Note to VIII, 246

With respect to the Koran of the Caliph Othman, the German Peace Delegation wrote the president of the peace conference on January 21, 1921 as follows:

"The supposition that this Koran was presented to the ex-Emperor of Germany is erroneous. It was, moreover, never transferred to Germany nor into German hands."

The Koran was originally made up of scattered fragments collected during the months immediately after the Prophet's death in A.D. 632. This was the standard Koran for the Caliphs Abu Bekr and Omar. Their successor, Othman ibn Affan, summoned

Note to VIII, 246—Continued

Zaid ibn Thâbit, who had been Mohammed's secretary, to establish a text which would be the sole standard. The original of this text was deposited at Medina and is referred to in the treaty.

Sultan Okwawa, or M'Kwawa, was chief of the Wahibis, German East Africa. This tribe under several sultans from 1870 to 1898 gathered to itself much native support and was continuously hostile to the Germans. M'Kwawa, the last of the warrior line, added a religious superstition to his prestige by preaching that he could not be captured and committed suicide when capture was inevitable. The British demand for the return of his skull could not be granted, according to the German report sent to the British Government for verification. One sergeant Merkl cut off M'Kwawa's head when he killed himself to escape capture by Captain von Prinz. Merkl preserved the skull in alcohol at the nearest German fort against the time when he could claim the reward of 6,000 rupees. The affidavits of Merkl, the widow of Captain von Prinz, and other witnesses stated that negro warriors broke into the fort and stole the alcohol and the sultan's head, leaving in place of the latter the freshly severed head of some other negro. The theft became known when the substitute head, without the alcohol, came to the olfactory attention of the German garrison. The Germans found that the theft had been committed by retainers of M'Kwawa, who had buried the head in his family vault, and decided not to prosecute the case further.

ARTICLE 247.

Germany undertakes to furnish to the University of Louvain, within three months after a request made by it and transmitted through the intervention of the Reparation Commission, manuscripts, incunabula, printed books, maps and objects of collection corresponding in number and value to those destroyed in the burning by Germany of the Library of Louvain. All details regarding such replacement will be determined by the Reparation Commission.

Germany undertakes to deliver to Belgium, through the Reparation Commission, within six months of the coming into force of the present Treaty, in order to enable Belgium to reconstitute two great artistic works:

Text of May 7:

7. Germany undertakes to deliver to Belgium, through the Reparation Commission, within six months of the coming into force of

PART VIII: ARTICLE 247

Text of May 7—Continued

the present Treaty, in order to enable Belgium to reconstitute her two great artistic works:

(1) The leaves of the triptych of the Mystic Lamb painted by the Van Eyck brothers, formerly in the Church of St. Bavon at Ghent, now in the Berlin Museum;

(2) The leaves of the triptych of the Last Supper, painted by Dierick Bouts, formerly in the Church of St. Peter at Louvain, two of which are now in the Berlin Museum and two in the Old Pinakothek at Munich.

Text of May 7:

(a) The leaves of the triptych of the Mystic Lamb painted by the Van Eyck brothers, formerly in the Church of St. Bavon at Ghent, now in the Berlin Museum.

(b) The leaves of the triptych of the Last Supper, painted by Dierick Bouts, formerly in the Church of St. Peter at Louvain, two of which are now in the Berlin Museum and two in the former Pinakothek at Munich.

Note to VIII, 247

Books and other property to the value of 2,186,084 gold marks were delivered to the University of Louvain, under conventions concluded between Belgium and Germany on January 29 and November 4, 1920.

Execution of this article was effected by several instruments between Belgium and Germany, among which were: Agreement of December 10, 1920, ratified by the Reparation Commission, February 14, 1921; convention of December 6, 1921; protocol of December 9, 1921; agreement of September 18, 1922; supplementary agreement of July 11, 1925.

By a majority vote of the Reparation Commission the triptychs were not a credit to Germany on the accounts.

The return of Belgian works of art by Germany raised no question. They had been seized by the German authorities during the occupation of the country and were readily identified. The treaty of peace with Austria (articles 191–196) also called for restitution of works of art to which a historic claim was made and which had been carried off from Belgium, Czechoslovakia, certain Italian provinces, and Poland at various times in the past by the House of Habsburg. The restitution of these objects, in case of dispute, was to be determined by a committee of three jurists, appointed by

Note to VIII, 247—Continued

the Reparation Commission. Such a question was referred to the committee, in respect of two items in which Belgium was interested.

The committee reported October 21, 1921 and found "that Belgium has not discharged the onus of proving that the Triptych of St. Ildephonse was carried off from Brussels, or retained in Vienna, in violation of the rights of the Province of Brabant or of the Low Countries as a whole or of Belgium as their successor".

The Habsburg sovereign removed the treasure of the Order of the Golden Fleece from Brussels to Vienna in 1794 before the French invasion "in exercise of the powers that belonged to him, and made a normal use of his rights". He infringed no rights of the Low Countries and the brilliant past of the order from the second half of the 15th century, "did not, and could not, give to the Low Countries at the end of the 18th century, rights which have descended to contemporary Belgium."

PART IX.

FINANCIAL CLAUSES.

Notes to Part IX, Articles 248 to 263

On May 13, 1919 the German delegation analyzed the effect of the conditions of peace on the situation of the German population. As long as Germany was an agricultural state, it could feed 40,000,000 inhabitants; as an industrial state, it could feed 67,000,000 by importing 12,000,000 tons of food a year; 15,000,000 persons gained their living through foreign trade and navigation. Now Germany would have to surrender its merchant fleet, colonies, and overseas interests. The territorial changes would involve the loss of 21 percent of the corn and potato crops, a third of its coal production (not to mention deliveries for 10 years), three quarters of all mineral production and three fifths of its zinc production. "An enormous part of German industry would therefore inevitably be condemned to destruction"; it would be increasingly necessary to import food, increasingly difficult to do so. "At the end of a very short time,"

PART IX

Notes to Part IX, Articles 248 to 263—Continued

Germany would not be able to “give bread and work to numerous millions”. Moreover, hundreds of thousands of Germans would be expelled from the territories of Germany’s enemies and have to return home. Furthermore, the health of the German population had been broken down by the blockade, which had been continued since the armistice. “Those who will sign this treaty will sign the death sentence of many millions of German men, women, and children.” (*Foreign Relations, The Paris Peace Conference, 1919*, v, 738.)

On May 22 the Allies characterized the German statement as “a very inadequate presentation of the facts of the case” and “marked in parts by great exaggeration”. Thus, Germany would have to provide not for 67,000,000 but 60,000,000. It would have to transfer 4,000,000 tons of shipping, but 12,750,000 tons had been sunk, and the shortage was the result “not of the terms of peace but of the action of Germany”. It was true that Germany would lose regions specially productive of wheat and potatoes, but those foods could be imported. It was true that Germany would lose much coal, but one fourth of the pre-war consumption was in territories to be transferred and production had increased in the territory left to Germany. If Germany had to export coal, this was to make good the loss of coal resulting from “the wanton acts of devastation perpetrated by the German armies”.

The German note took no account of the fact that the economic disaster produced by the war was universal, and there was “no reason why Germany, which was responsible for the war, should not suffer also”. The Allies declined to accept the German argument that the treaty would bring about the destruction of several millions of Germans. Great Britain imported at least half of its food supplies and most of its raw materials. Germany could also build up for itself a position of both stability and prosperity, especially as its territory had not been pillaged or devastated. But Germany must recognize its responsibility for the “enormous calamity” of the world and its duty to make it good. “Those who were responsible for the war cannot escape its just consequences.” (*Ibid.*, v, 802.)

On May 29 the German delegation returned to this theme. If the territorial, political, and economic conditions of the Allies were carried into effect, Germany would be condemned to “economic and financial annihilation”, even without the payment of indemnities.

Notes to Part IX, Articles 248 to 263—Continued

Such a Germany could not and would not pay reparation as required by the Allies.

Germany could not, for strictly financial reasons, repay the war expenses of the Allies or assume the costs of the armies of occupation. The clauses concerning debts to be taken over were unfair. No credit was allowed for the materials handed over since the armistice.

The Allies evidently intended that Germany pay reparation for sixty or even a hundred years, but they failed to take into account that the German people would not work as slaves when they realized that the more they worked, the more they would have to pay to the Allies. The Reparation Commission was to obtain "a complete financial control of Germany by the Allies and a complete mastery over the Reich budget". To make reparation a first charge on Germany's revenues was impossible because credit would be undermined and Germany's economic machine would break down; the burden of taxation would "probably be considerably higher than that of any other country".

The expropriation of German property abroad would prevent Germany from meeting its foreign obligations and would necessitate the floating of new internal loans to compensate the holders. But loans would be impossible to raise and therefore compensation could be made only by "copious emission of notes", which would depreciate the mark more and more.

Article 251 gave the commission control of Germany's food supply. Article 241 would have the effect of destroying the powers of the Reichstag over finance. The commission, which would have its headquarters outside of Germany, would possess in Germany "incomparably greater rights than the German Emperor ever possessed".

Not only did the Commission possess arbitrary powers. The Allies claimed the right to dispose of all enemy property in their own countries but demanded protection for the property of their own nationals in Germany. Germany must hand over consignments of gold for Turkey, Austria, and Hungary and at the same time transfer to the Allies its claims against those countries and Bulgaria.

Article 248 forbade the export of gold without consent of the Reparation Commission. Article 262 stipulated that special payments must be made at the parity of January 1, 1914, whereas Germany could pay only at the rate of exchange at which debts were incurred; furthermore, the necessity of paying for food with gold had so reduced the German gold balance that it might be necessary

PART IX

Notes to Part IX, Articles 248 to 263—Continued

to pay in foreign currency rather than gold. Article 296, paragraph 4 (*d*) would also operate to the heavy damage of Germany.

The proposals of the Allies in their present form and extent were “positively incapable of execution”. After the costs of the army of occupation had been met and “the barest necessities in the shape of food and raw materials” paid for, little—if anything—would be left for reparation. “No German administration could be equal to the task of extorting further payments”. A different path has therefore to be sought, “a path of mutual understanding”.

On condition of retaining its territorial integrity according to the armistice convention, its colonies, merchant ships, and private property abroad, the German delegation repeated the proposals already described on page 456. “We recognise that we cannot even approximately re-establish a world trade on the pre-war scale, and that our economic life must be on a much more modest footing. All we ask is that we shall not be expected to vegetate, dishonored and enslaved.” (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 902.)

A special note contained German objections to articles 259 and 263 (*ibid.*, p. 918).

The Allies began their reply by reminding the Germans that “the authors of the war cannot escape its just consequences”. They pointed out that within the Reich they laid claims only against state property and resources and did not claim German private property in neutral countries. Nevertheless they agreed to insert in article 248 a clause permitting the Reparation Commission to make exceptions; they asserted that the limitation of the right to export gold was in the interest of Germany. As to the payment of the cost of the army of occupation, there could be no argument about it; nor would any credit be given for war material turned over since the armistice. Paragraph 2 of article 251 was also in the interest of Germany. On the question of state debts no concessions were made, because it would be unjust to saddle France, Poland, or mandated colonies with any phase of the German debt. Likewise the Allies maintained their position in respect of the Ottoman debt, although small changes in drafting were made in view of elaborate German explanations on certain points. They agreed, however, that the transfer of German credits in Austria, Hungary, Bulgaria, and Turkey should be credited to Germany’s account at such value as the Reparation Commission should decide. Germany could not be

Notes to Part IX, Articles 248 to 263—Continued

allowed to pay “in the currency of the country in which the injury has been committed”, because those countries would need foreign exchange. As regards article 263, the Allies agreed to substitute “interest at the rate or rates agreed upon” for the rate of 5 percent mentioned in the draft treaty, but insisted that the reimbursement be made at the rates of exchange existing when the deposits were made (*ibid.*, p. 967).

The treaty restoring friendly relations between the United States and Germany signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921 stipulates that “Germany undertakes to accord to the United States and the United States shall have and enjoy . . . all the rights and advantages” stipulated for its benefit by this part of this treaty, “notwithstanding the fact that such treaty has not been ratified by the United States”. The rights and advantages of nationals of the United States specified in the joint resolution of Congress, approved July 2, 1921 (p. 18) were specifically mentioned in an understanding included in the Senate’s resolution of advice and consent to ratification of October 18, 1921. The Senate in that resolution made a further condition “that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation.”

This part is, *ipsissimis verbis*, an annex, technically a schedule, of the treaty restoring friendly relations as printed by the Department of State in Treaty Series 658 but not as printed in 42 Stat. 1939.

The Reparation Commission was given a mandate by the Belgian, British, French, Italian and Japanese Governments to execute the clauses of part IX in their name.

ARTICLE 248.

Subject to such exceptions as the Reparation Commission may approve, a first charge upon all the assets and revenues of the German Empire and its constituent States shall be the cost of reparation and all other costs arising under the present Treaty or any treaties or agreements supplementary thereto or under arrange-

PART IX: ARTICLE 248

ments concluded between Germany and the Allied and Associated Powers during the Armistice or its extensions.

Up to May 1, 1921, the German Government shall not export or dispose of, and shall forbid the export or disposal of, gold without the previous approval of the Allied and Associated Powers acting through the Reparation Commission.

Text of May 7:

The first charge upon all the assets and revenues of the German Empire and its constituent States shall be the cost of reparation and all other costs arising under the present Treaty or any treaties or agreements supplementary thereto or under arrangements concluded between Germany and the Allied and Associated Powers during the Armistice or its extensions.

Note to IX, 248

The question as to what constituted a "a first charge" arose in connection with several cases. The Reparation Commission on July 31, 1920 denied to Germany the right to execute an agreement to indemnify the owners for the torpedoing of the Argentine ship *Monte Protegido* in 1917. On December 31, 1921 the commission informed Germany that the financial clauses of its treaty with China of May 20, 1921 should have had prior approval and stated that Germany must turn over for reparation account any net receipts from the transactions involved. On April 6, 1922 the Committee of Guarantees informed the German Chancellor, with relation to the German-Soviet Treaty of Rapallo of April 20, 1922, that it must obtain prior consent "before concluding with foreign Governments or any institution whatever any agreement which entailed a diminution of assets for the German Government (even under the form of a concession or mortgage), or before effecting any payment of this nature in virtue of agreements already concluded". The question of this type of infraction arose in the matter of several neutral vessels sunk by Germany. The Committee of Guarantees denied on October 14, 1922 a request of the German Government to pay an arbitral award of 2,966,804.65 francs for the loss of the cargo of the Spanish S.S. *Sardinero*. The extent of the application of article 248 arose on a number of occasions with respect to loans of various types. It was ruled on December 9, 1924 that state property could not be transferred to private enterprises without the intervention of the commission. On January 15, 1925 the Reparation Commission informed Germany that it was free, under stated conditions including the ruling of December 9, 1924, to employ its resources, over and above the requirements of the Experts' (Dawes) Plan, for payments

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to IX, 248—Continued

outside of Germany without the intervention of the commission, but with advance notice thereof to the commission. A *modus vivendi* was effected on that basis by letters of the Kriegslastenkommission on May 22 and of the Reparation Commission on May 30, 1925.

On August 24, 1925, a German payment to Norway and on October 2, 1926 a Prussian loan in New York were the subjects of protests by the commission, which held that the methods adopted by Germany violated the *modus vivendi*.

Denmark received 600,000 gold marks for the loss of the S.S. *Orion* during the war, paid January 2, 1929.

Payments to the Spanish Government in respect of the costs of internment of German nationals in Spanish territory during the war amounted to 8,000,000 Reichsmarks at the end of May 1929.

Proceeds under the British "reparation recovery act" up to January 20, 1930 amounted to 372,625,525 gold marks.

See also note to article 241.

ARTICLE 249.

There shall be paid by the German Government the total cost of all armies of the Allied and Associated Governments in occupied German territory from the date of the signature of the Armistice of November 11, 1918, including the keep of men and beasts, lodging and billeting, pay and allowances, salaries and wages, bedding, heating, lighting, clothing, equipment, harness and saddlery, armament and rolling-stock, air services, treatment of sick and wounded, veterinary and remount services, transport service of all sorts (such as by rail, sea or river, motor lorries), communications and correspondence, and in general the cost of all administrative or technical services the working of which is necessary for the training of troops and for keeping their numbers up to strength and preserving their military efficiency.

The cost of such liabilities under the above heads so far as they relate to purchases or requisitions by the Allied and Associated Governments in the occupied territories shall be paid by the German Government to the Allied and Associated Governments in marks at the current or agreed rate of exchange. All other of the above costs shall be paid in gold marks.

Note to IX, 249

Army occupation costs are dealt with in article 1 of the agreement of March 11, 1922; the agreement of May 25, 1923; articles 2, 13, 15,

PART IX: ARTICLES 249 TO 250

Note to IX, 249—Continued

and 21 of the agreement of January 14, 1925; and article 1 of the agreements of September 21, 1925 and January 13, 1927. For the texts of these agreements, see Appendix (pp. 870, 880, 902, 919, 924).

The expenses of the Inter-Allied Rhineland High Commission and of the Inter-Allied Commissions of Control were included in the army of occupation costs.

Takings in marks were credited at the mean quarterly rate of exchange until May 1, 1922. After that for a short time the monthly average of exchange on New York was adopted, followed shortly by a decision to employ the daily rate of the date of receipt.

On United States army of occupation costs see appendix, documents 7 and 14.

The closed accounts of the Reparation Commission covering the period November 11, 1918 to January 20, 1930 recorded credits to Germany for army of occupation costs of 778,923,731.11 gold marks.

ARTICLE 250.

Germany confirms the surrender of all material handed over to the Allied and Associated Powers in accordance with the Armistice of November 11, 1918, and subsequent Armistice Agreements, and recognises the title of the Allied and Associated Powers to such material.

There shall be credited to the German Government, against the sums due from it to the Allied and Associated Powers for reparation, the value, as assessed by the Reparation Commission, referred to in Article 233 of Part VIII (Reparation) of the present Treaty, of the material handed over in accordance with Article VII of the Armistice of November 11, 1918, or Article III of the Armistice Agreement of January 16, 1919, as well as of any other material handed over in accordance with the Armistice of November 11, 1918, and of subsequent Armistice Agreements, for which, as having non-military value, credit should in the judgment of the Reparation Commission be allowed to the German Government.

Property belonging to the Allied and Associated Governments or their nationals restored or surrendered under the Armistice Agreements in specie shall not be credited to the German Government.

Note to IX, 250

The armistice deliveries credited to reparation totaled 1,181,632,000 gold marks at December 31, 1922, but that sum was later readjusted to 1,025,300,931.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to IX, 250—Continued

Rolling stock was credited to Germany at a total of 826,791,120 gold marks, of which 399,795,156 was debited to France and 385,728,630 to Belgium. Of 140,000,000 gold marks of abandoned material the United States received 22,000,000, and of trucks valued at 32,200,000 gold marks, a number of them valued at 7,924,037.

ARTICLE 251.

The priority of the charges established by Article 248 shall, subject to the qualifications made below, be as follows:

- (a) The cost of the armies of occupation as defined under Article 249 during the Armistice and its extensions;
- (b) The cost of any armies of occupation as defined under Article 249 after the coming into force of the present Treaty;
- (c) The cost of reparation arising out of the present Treaty or any treaties or conventions supplementary thereto;
- (d) The cost of all other obligations incumbent on Germany under the Armistice Conventions or under this Treaty or any treaties or conventions supplementary thereto.

The payment for such supplies of food and raw material for Germany and such other payments as may be judged by the Allied and Associated Powers to be essential to enable Germany to meet her obligations in respect of reparation will have priority to the extent and upon the conditions which have been or may be determined by the Governments of the said Powers.

ARTICLE 252.

The right of each of the Allied and Associated Powers to dispose of enemy assets and property within its jurisdiction at the date of the coming into force of the present Treaty is not affected by the foregoing provisions.

ARTICLE 253.

Nothing in the foregoing provisions shall prejudice in any manner charges or mortgages lawfully effected in favour of the Allied or Associated Powers or their nationals respectively, before the date at which a state of war existed between Germany and the Allied or Associated Power concerned, by the German Empire or its constituent States, or by German nationals, on assets in their ownership at that date.

ARTICLE 254.

The Powers to which German territory is ceded shall, subject to the qualifications made in Article 255, undertake to pay:

- (1) A portion of the debt of the German Empire as it stood on August 1, 1914, calculated on the basis of the ratio between the average for the three financial years 1911, 1912, 1913, of such revenues of the ceded territory, and the average for the same years of such revenues of the whole German Empire as in the judgment of the Reparation Commission are best calculated to represent the relative ability of the respective territories to make payment;
- (2) A portion of the debt as it stood on August 1, 1914, of the German State to which the ceded territory belonged, to be determined in accordance with the principle stated above.

Such portions shall be determined by the Reparation Commission.

The method of discharging the obligation, both in respect of capital and of interest, so assumed shall be fixed by the Reparation Commission. Such method may take the form, *inter alia*, of the assumption by the Power to which the territory is ceded of Germany's liability for the German debt held by her nationals. But in the event of the method adopted involving any payments to the German Government, such payments shall be transferred to the Reparation Commission on account of the sums due for reparation so long as any balance in respect of such sums remains unpaid.

Note to IX, 254

The Reparation Commission determined the public debt of the German Reich subject to division as of August 1, 1914 to be 5,383,394,000 marks and that of Prussia 10,887,969,874 marks. The Financial Service of the commission found that all except some 26,000,000 gold marks of that 16,271,363,874 should remain liabilities of Germany and Prussia.

The portions of German imperial and state debt assumed by the cessionary states was, in gold marks: Belgium in respect to Eupen and Malmédy (arts. 32-39), 640,609; Czechoslovakia (art. 86), 242,789; Free City of Danzig (art. 108), 3,763,729; Poland (art. 92), ceded territory, 18,871,799, of which 1,750,361 was on account of Upper Silesia; Denmark in respect to Slesvig (art. 109), 2,000,000; Lithuania in respect of Memel (art. 99), 109,400.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ARTICLE 255.

(1) As an exception to the above provision and inasmuch as in 1871 Germany refused to undertake any portion of the burden of the French debt, France shall be, in respect of Alsace-Lorraine, exempt from any payment under Article 254.

(2) In the case of Poland that portion of the debt which, in the opinion of the Reparation Commission, is attributable to the measures taken by the German and Prussian Governments for the German colonisation of Poland shall be excluded from the apportionment to be made under Article 254.

(3) In the case of all ceded territories other than Alsace-Lorraine, that portion of the debt of the German Empire or German States which, in the opinion of the Reparation Commission, represents expenditure by the Governments of the German Empire or States upon the Government properties referred to in Article 256 shall be excluded from the apportionment to be made under Article 254.

ARTICLE 256.

Powers to which German territory is ceded shall acquire all property and possessions situated therein belonging to the German Empire or to the German States, and the value of such acquisitions shall be fixed by the Reparation Commission, and paid by the State acquiring the territory to the Reparation Commission for the credit of the German Government on account of the sums due for reparation.

For the purposes of this Article the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

In view of the terms on which Alsace-Lorraine was ceded to Germany in 1871, France shall be exempt in respect thereof from making any payment or credit under this Article for any property or possessions of the German Empire or States situated therein.

Belgium also shall be exempt from making any payment or any credit under this Article for any property or possessions of the German Empire or States situated in German territory ceded to Belgium under the present Treaty.

Note to IX, 256

The Reparation Commission decided that it would not interpret this article and that differences between the parties concerned should

Note to IX, 256—Continued

be settled between them, the commission evaluating the properties and claiming payment from the cessionary states only after agreement between the parties had been reached.

Property was acquired by the cessionary states and credited to Germany on the reparation account, in gold marks, as follows: Czechoslovakia, 5,879,928; Denmark for Slesvig, 63,000,000; Free City of Danzig, 117,321,000; Danzig Harbor Board, 54,258,000; Poland, at Free City of Danzig, 92,128,000; Poland for East Prussia and Posenia, 1,563,193,479; Upper Silesia, 419,033,269.

Poland's obligations with respect to property ceded by Germany arose out of articles 92 and 243. By article 10 of the Spa agreement of July 16, 1920 the sums credited to Germany were entered provisionally in a suspense account, carrying interest at 5 percent per annum.

The Reparation Commission decided that, in case the Free City of Danzig or Poland should default in their payments to the credit of Germany, the Allied and Associated Governments would be responsible for payment in virtue of article 107. Something akin to this situation occurred with respect to Danzig, which the Reparation Commission found was due to pay 263,707,000 gold marks on account of all the property ceded by Germany and of its quota of German and Prussian debts. A convention accepted in the name of Danzig on May 3, 1923 the obligations in execution of article 107, and article 24 of the Finance Ministers' agreement of January 14, 1925 authorized the Reparation Commission to regulate all questions concerning the Danzig debt. The Free City arranged three loans under the auspices of the League of Nations, the second being a 6½ percent tobacco monopoly loan in the face amount of 40,000,000 gulden, issued under a protocol of June 22, 1927. Of the proceeds of this loan, 45 percent was devoted to paying £360,000 to the Reparation Commission in full liquidation of Danzig's obligations.

Rolling stock of German railway material under clause VII of the armistice convention of November 11, 1918 was owing as arrears on January 10, 1920 in respect of 42 locomotives and 4,460 wagons. Further deliveries in connection with the taking over by cessionary states of German railways was provided for in articles 256 and 371. As of December 31, 1922, in virtue of article 250, the Reparation Commission credited Germany with 4,552 locomotives and 127,038 wagons valued at 826,791,120 gold marks.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to IX, 256—Continued

The rolling stock assigned to Belgium was regarded as accessory to the railroads situated in Eupen and Malmédy, and consequently Belgium was not called on to pay for it.

ARTICLE 257.

In the case of the former German territories, including colonies, protectorates or dependencies, administered by a Mandatory under Article 22 of Part I (League of Nations) of the present Treaty, neither the territory nor the Mandatory Power shall be charged with any portion of the debt of the German Empire or States.

All property and possessions belonging to the German Empire or to the German States situated in such territories shall be transferred with the territories to the Mandatory Power in its capacity as such and no payment shall be made nor any credit given to those Governments in consideration of this transfer.

For the purposes of this Article the property and possessions of the German Empire and of the German States shall be deemed to include all the property of the Crown, the Empire or the States and the private property of the former German Emperor and other Royal personages.

ARTICLE 258.

Germany renounces all rights accorded to her or her nationals by treaties, conventions or agreements, of whatsoever kind, to representation upon or participation in the control or administration of commissions, state banks, agencies or other financial or economic organisations of an international character, exercising powers of control or administration, and operating in any of the Allied or Associated States, or in Austria, Hungary, Bulgaria or Turkey, or in the dependencies of these States, or in the former Russian Empire.

ARTICLE 259.

(1) Germany agrees to deliver within one month from the date of the coming into force of the present Treaty, to such authority as the Principal Allied and Associated Powers may designate, the sum in gold which was to be deposited in the Reichsbank in the name of the Council of the Administration of the Ottoman Public Debt as security for the first issue of Turkish Government currency notes.

Text of May 7:

(1) Germany agrees to deliver within one month from the date of the coming into force of the present Treaty, to such authority as the Principal Allied and Associated Powers may designate, the sum in gold deposited in the Reichsbank in the name of the Council of the Administration of the Ottoman Public Debt as security for the first issue of Turkish Government currency notes.

Note to IX, 259 (1)

A sum of 57,919,687.34 gold marks was transferred for the joint account of the Allied and Associated Powers by Germany on February 11, 1921. The original security was 80,000,000 gold marks of which 74,792,869.92 was actually deposited. The administration of the Ottoman Public Debt drew 16,873,182.58 gold marks between September 1916 and November 1918.

The Reparation Commission transferred the joint account to the Evaluation Commission instituted by the treaty of peace with Turkey, signed at Lausanne July 24, 1923.

(2) Germany recognises her obligation to make annually for the period of twelve years the payments in gold for which provision is made in the German Treasury Bonds deposited by her from time to time in the name of the Council of the Administration of the Ottoman Public Debt as security for the second and subsequent issues of Turkish Government currency notes.

Note to IX, 259 (2)

The Reparation Commission notified the Kriegslastenkommission on May 24, 1922 that no payment could be made under this provision without its sanction.

(3) Germany undertakes to deliver, within one month from the coming into force of the present Treaty, to such authority as the Principal Allied and Associated Powers may designate, the gold deposit constituted in the Reichsbank or elsewhere, representing the residue of the advance in gold agreed to on May 5, 1915, by the Council of the Administration of the Ottoman Public Debt to the Imperial Ottoman Government.

Text of May 7:

(3) Germany undertakes to deliver, within one month from the coming into force of the present Treaty, to such authority as the Principal Allied and Associated Powers may designate, the sum deposited in gold in the Reichsbank, representing the residue of the advance in gold agreed to on the 5th May, 1915, by the Council of the Administration of the Ottoman Public Debt to the Imperial Ottoman Government.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to IX, 259 (3)

A sum of £T 51,378 gold and 33.37½ silver piasters, representing the residue on June 28, 1919 of an advance of £T 400,000 granted on May 5, 1915 by the Council of Administration of the Ottoman Public Debt to the Imperial Ottoman Government, was transferred for joint account of Allied and Associated Powers by the Reichsbank on January 25, 1921. On September 6, 1921, in pursuance of a resolution of the Conference of Ambassadors, the sum deposited was transferred to the Council of Administration of the Ottoman Public Debt in view of article 254 of the treaty of peace with Turkey.

(4) Germany agrees to transfer to the Principal Allied and Associated Powers any title that she may have to the sum in gold and silver transmitted by her to the Turkish Ministry of Finance in November, 1918, in anticipation of the payment to be made in May, 1919, for the service of the Turkish Internal Loan.

(5) Germany undertakes to transfer to the Principal Allied and Associated Powers, within a period of one month from the coming into force of the present Treaty, any sums in gold transferred as pledge or as collateral security to the German Government or its nationals in connection with loans made by them to the Austro-Hungarian Government.

Note to IX, 259 (4-5)

The Reparation Commission took no action on these two provisions.

(6) Without prejudice to Article 292 of Part X (Economic Clauses) of the present Treaty, Germany confirms the renunciation provided for in Article XV of the Armistice of November 11, 1918, of any benefit disclosed by the Treaties of Bucharest and of Brest-Litovsk and by the treaties supplementary thereto.

Germany undertakes to transfer, either to Roumania or to the Principal Allied and Associated Powers as the case may be, all monetary instruments, specie, securities and negotiable instruments, or goods, which she has received under the aforesaid Treaties.

Note to IX, 259 (6)

Russia under the treaty of Brest-Litovsk transferred to Germany 93,596 kilograms of gold representing about 320,000,000 rubles; this gold was deposited for the joint account of the Allied and Associated Powers by Germany in December 1918.

A claim by the Rumanian Government for restitution by Germany of 2,673,000,000 marks representing bank notes issued by Germany

PART IX: ARTICLE 260

Note to IX, 259 (6)—Continued

in Rumania during the occupation was held by the Reparation Commission not to fall under article 259.

(7) The sums of money and all securities, instruments and goods of whatsoever nature, to be delivered, paid and transferred under the provisions of this Article, shall be disposed of by the Principal Allied and Associated Powers in a manner hereafter to be determined by those Powers.

ARTICLE 260.

Without prejudice to the renunciation of any rights by Germany on behalf of herself or of her nationals in the other provisions of the present Treaty, the Reparation Commission may within one year from the coming into force of the present Treaty demand that the German Government become possessed of any rights and interests of German nationals in any public utility undertaking or in any concession operating in Russia, China, Turkey, Austria, Hungary and Bulgaria, or in the possessions or dependencies of these States or in any territory formerly belonging to Germany or her allies, to be ceded by Germany or her allies to any Power or to be administered by a Mandatory under the present Treaty, and may require that the German Government transfer, within six months of the date of demand, all such rights and interests and any similar rights and interests the German Government may itself possess to the Reparation Commission.

Germany shall be responsible for indemnifying her nationals so dispossessed, and the Reparation Commission shall credit Germany, on account of sums due for reparation, with such sums in respect of the value of the transferred rights and interests as may be assessed by the Reparation Commission, and the German Government shall, within six months from the coming into force of the present Treaty, communicate to the Reparation Commission all such rights and interests, whether already granted, contingent or not yet exercised, and shall renounce on behalf of itself and its nationals in favour of the Allied and Associated Powers all such rights and interests which have not been so communicated.

Note to IX, 260

The Reparation Commission on February 23, 1920 requested the German Government to supply a list of the rights and interests referred to in this article. The lists were submitted in July, August,

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to IX, 260—Continued

and November on a much narrower interpretation of the article than the commission held. Pending arbitration on this point, the commission on January 7, 1921 called upon the German Government to sequester all rights and interests mentioned in the lists already transmitted, and later asked for further lists to be prepared by August.

Delivery of the securities called for began in September 1921 and continued through October 1922. All told, securities to the number of 1,395,233 were delivered and committed to the custody of British, French, Italian, and Belgian banks for realization.

The Reparation Commission on April 27, 1921 defined the word "concessions" as meaning "an agricultural, mining, industrial, commercial, or generally any economic right which has been granted either by a special legislative measure or by an act, in principle discretionary, of the executive authorities and which, therefore, does not result merely from the operation of the general law."

"Rights and interests" were designated by the Reparation Commission as including shares, or partnerships; bonds; debentures; secured debts, or debts carrying a right of control.

The terms of this article raised a number of questions of interpretation, particularly with respect to the scope of the word "concession" and the phrase "public utilities undertaking". The Reparation Commission entered into an agreement with the German Government to submit this and other questions raised in applying the article to the arbitration of Frederik Beichmann, president of the Court of Appeal, Trondhjem, Norway. The award of September 3, 1924 was accepted by the Reparation Commission which on June 31, 1925 concluded with Germany a protocol for the application of article 260.

The award of September 3, 1924 gave careful definitions of the terms:

"Public utility undertaking" comprises railroads of general and local interest, including tramways, and canals if they are subject to use by the general public, enterprises for the distribution of water, gas or electric current if they supply an area not too limited, or the general public; and does not comprise mining enterprises, such as those for coal, iron or copper, and those for extraction of petroleum or analogous substances, and the private schools in the Near East.

PART IX: ARTICLE 261

Note to IX, 260—Continued

“Concession” embraces grants (*octrois*) of the right of exploiting mines or deposits . . . on condition that, according to the legislation of the country, the grant has been made by the state, or by an authority which is dependent upon a special act, and in virtue of a power discretionary in principle.

The award distinguished between enterprises which include exploitations independent of the concession and are not public utilities, these elements being separable or inseparable. Both words comprise movable and immovable property.

Certain Austrian, Hungarian, Russian, Turkish, and Polish securities were sold by the commission and the proceeds included in the annuities of the Experts’ (Dawes) Plan. A list of Danzig, Austrian, Hungarian, Russian, and Slesvig securities, held by the Reparation Commission, was returned to Germany. A further agreement of September 16, 1926 restored to Germany small amounts of company shares and other securities in ruble values and various contracts and concessions relating to African and Pacific areas in application of article 123.

The list of securities transferred by Germany is given in *Report on the Work of the Reparation Commission from 1920 to 1922*, p. 191. Altogether 9,281,133 gold marks was realized on securities under this article.

The provisions of the article, the Reparation Commission decided, were applicable only to rights and interests situated in ceded, reincorporated or mandated territory which the competent government did not liquidate under the provisions of article 297. Such liquidations gave rise to no credit on the reparation account.

ARTICLE 261.

Germany undertakes to transfer to the Allied and Associated Powers any claims she may have to payment or repayment by the Governments of Austria, Hungary, Bulgaria or Turkey, and, in particular, any claims which may arise, now or hereafter, from the fulfilment of undertakings made by Germany during the war to those Governments.

Note to IX, 261

The claims of Germany against Austria, Bulgaria, and Hungary referred to in this article and the debts of Germany referred to in

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to IX, 261—Continued

articles 213 of the Austrian treaty, 196 of the Hungarian treaty, and 145 of the Bulgarian treaty were “finally canceled” by annex II, 2 (ii), of the agreement of January 20, 1930.

ARTICLE 262.

Any monetary obligation due by Germany arising out of the present Treaty and expressed in terms of gold marks shall be payable at the option of the creditors in pounds sterling payable in London; gold dollars of the United States of America payable in New York; gold francs payable in Paris; or gold lire payable in Rome.

For the purpose of this Article the gold coins mentioned above shall be defined as being of the weight and fineness of gold as enacted by law on January 1, 1914.

Note to IX, 262

See part VIII, annex II, paragraph 12 (c).

ARTICLE 263.

Germany gives a guarantee to the Brazilian Government that all sums representing the sale of coffee belonging to the State of Sao Paulo in the ports of Hamburg, Bremen, Antwerp and Trieste, which were deposited with the Bank of Bleichröder at Berlin, shall be reimbursed together with interest at the rate or rates agreed upon. Germany, having prevented the transfer of the sums in question to the State of Sao Paulo at the proper time, guarantees also that the reimbursement shall be effected at the rate of exchange of the day of the deposit.

Text of May 7:

Germany gives a guarantee to the Brazilian Government that all sums representing the compulsory sale of coffee belonging to the State of Sao Paulo in the ports of Hamburg, Bremen, Antwerp and Trieste, which were deposited with the Bank of Bleichröder at Berlin, shall be reimbursed together with interest at 5 per cent. from the day of the deposit . . .

Note to IX, 263

The proceeds of the sale of São Paulo coffee, running from November 25, 1914 to November 30, 1920, amounted to £6,259,673 19s. 6d.

PART X

PART X.

ECONOMIC CLAUSES.

Notes to Part X, Articles 264 to 312

Appealing to President Wilson's speeches and the pre-armistice agreement, the German delegation demanded that the economic provisions of the treaty should be based on the principle of "the complete equality of Germany with other nations". It was in the interest of the Allies to keep Germany solvent, especially as its strength had been greatly impaired by the illegal blockade (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 850). Germany therefore insisted on immediate admission to the League of Nations, with the economic rights and obligations set forth in the German league draft (p. 69) and proposed an unrestricted grant for a number of years of mutual most-favored-nation treatment instead of the one-sided rights attributed to the Allies in the draft treaty, together with special provisions for the territories to be transferred. In the present unsettled state of the world all nations should retain full freedom as to tariffs, which in Germany's case would facilitate the payment of reparation. Questions as to the certificates of vessels, navigation, unfair competition, industrial, artistic, and literary property, and international railway traffic could be settled through the League of Nations or by an international conference. Germany agreed not to discriminate against Allied goods going by rail or vessel, but rejected interference with its own internal railway and commercial arrangements. Germany could not accept any obligation to surrender railway material to Poland because it had taken no railway material from Congress Poland.

The Allies replied that the pronouncements of President Wilson relative to equality of trade conditions applied to the permanent settlement of the world after the League of Nations had been fully constituted (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 972). The illegal acts of Germany had placed many of the Allied states in a position of economic inferiority, and therefore for a period of five years reciprocity had to be denied to Germany. In order, however, to enable Germany to establish such customs tariffs as it deemed necessary, the Allies had limited to six months the period for which Germany must maintain generally the most favorable rates of duty which were in force on July 31, 1914.

Notes to Part X, Articles 264 to 312—Continued

The treaty restoring friendly relations between the United States and Germany signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates that "Germany undertakes to accord to the United States and the United States shall have and enjoy . . . all the rights and advantages" stipulated for its benefit by this part of this treaty, "notwithstanding the fact that such treaty has not been ratified by the United States". The rights and advantages of nationals of the United States specified in the joint resolution of Congress, approved July 2, 1921 (p. 18), were specifically mentioned in an understanding included in the Senate's resolution of advice and consent to ratification of October 18, 1921. The Senate in that resolution made a further condition "that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation".

This part is, *ipsissimis verbis*, an annex, technically a schedule, of the treaty restoring friendly relations as printed by the Department of State in Treaty Series 658, but not as printed in 42 Stat. 1939.

SECTION I.—Commercial Relations.

CHAPTER I.—CUSTOMS REGULATIONS, DUTIES AND RESTRICTIONS.

Note to X, sec. I

In March 1920 the French Government raised the question with other governments of German violation of these provisions. The "unofficial" representatives of the United States participated in the investigation by the Reparation Commission and the United States passed upon the conclusion through the diplomatic channel of the Embassy at Paris (*Foreign Relations*, 1920, II, 273). On June 22, 1920 the president of the Peace Conference sent a letter to the German delegation in the name of the Allied and Associated Powers (United Kingdom, *Protocols and Correspondence Between the Supreme Council and the Conference of Ambassadors and the German Government and the Germans Peace Delegation Between January 10,*

PART X

Note to X, sec. I—Continued

1920, and July 17, 1920, Respecting the Execution of the Treaty of Versailles of June 28, 1919 (Misc. No. 15, Cmd. 1325), p. 151). The German commercial regime which was then leading to violations and which subsequently laid the basis for phases of German commercial policy was described as follows:

“The re-establishment by successive ordinances, culminating in that of the 22nd March, 1920, of that absolute control which the German State had instituted for war purposes in 1917 over the imports of the Empire, the establishment of certain monopolies which provide the State with the means not only of regulating purchases abroad, but of proceeding to summary measures of confiscation and taxation of foreign goods already imported into its territory; the system of individual import and export licences, the granting of which is made subject to conditions which are variable, and at any rate impossible of verification, as regards prices, rates, exchange, credits, &c.; the direct or indirect intervention of the ‘Reichskommissar’ of the ‘Preisprüfungstelle’ or local ‘Aussenhandelstellen’, with the object of altering the conditions or suspending the execution of contracts freely accepted, are so many instruments thanks to which Germany is at present in a position to carry on a policy of discrimination, in contradiction with the spirit and the letter of the obligations undertaken by her.”

After recording the practices which had become evident as a result of the investigation, “the Allied and Associated Powers invite the German Government to make the necessary alterations in the commercial regime instituted by it, so as to ensure the following results:

“1. Should it be impossible to apply the import or export regulations enacted by Germany without exceptions, it is important that contingents accepted for import or export must not be subjected to arbitrary distribution, nor to individual licences arbitrarily granted.

“2. No measures of confiscation or seizure must be applied in virtue of Reich monopolies or any other administrative organisation to goods imported into Germany without a regular licence before the date on which the prohibition referring to them was enacted, or before the expiration of the periods provided for its coming into force.

“3. No export duty may be levied unless it has been regularly enacted and published in the journal of the laws of the Reich, and

Note to X, sec. I—Continued

if the German Government makes export charges, these charges, whether stated in marks or converted into foreign currency, must be the same whatever the Allied or Associated country for which the goods are destined.

“4. Without prejudice to the conditions referred to in the preceding paragraph, the German authorities shall be forbidden to interfere in any way not directly arising from the rights of the Reich as generally recognised in conformity with the letter and spirit of the present note, in private contracts between German nationals and Allied and Associated nationals; the latter shall be able to claim the execution of contracts altered, suspended or broken as a result of internal intervention on the part of the German authorities as defined in paragraph 4 of the above statements ‘relative to exports’, which states:

“4. That many contracts entered into by nationals of the Allied or Associated Powers have been altered or broken on the direct or indirect initiative of the German authorities, who have interfered to raise prices, to demand surtaxes or premiums, to stipulate for the payment in the currency of the country for which goods are destined or any other foreign country, or to suspend the export according to the exchange fluctuations, and that the breach of the agreements thus broken has in certain cases been to the advantage of purchasers from other countries.’”

The German reply of July 2 (*ibid.*, p. 160; alternative English version, *Foreign Relations*, 1920, II, 288) declared that the measures taken or to be taken only aimed “at maintaining the solvency of Germany”, at fulfilling its obligations and not “at placing any of the Allied and Associated Powers at a disadvantage in respect of another or of eluding Articles 264–269 of the treaty”. An exhaustive examination of the whole economic policy was promised with a view to a later statement in greater detail.

The Secretary of State on July 15 authorized the Ambassador in France to inform the Conference of Ambassadors that the United States would “regret extremely any important departure from the practice” of submitting representations to Germany relative to its commercial regime to the United States Government for approval before transmission.

For time limitation see article 280.

PART X: ARTICLES 264 TO 265

ARTICLE 264.

Germany undertakes that goods the produce or manufacture of any one of the Allied or Associated States imported into German territory, from whatsoever place arriving, shall not be subjected to other or higher duties or charges (including internal charges) than those to which the like goods the produce or manufacture of any other such State or of any other foreign country are subject.

Germany will not maintain or impose any prohibition or restriction on the importation into German territory of any goods the produce or manufacture of the territories of any one of the Allied or Associated States, from whatsoever place arriving, which shall not equally extend to the importation of the like goods the produce or manufacture of any other such State or of any other foreign country.

Note to X, 264

The definitive treaty of peace ending the Franco-Prussian war was signed at Frankfurt, May 10, 1871. The German victors inserted a non-reciprocal most-favored-nation clause and subsequently the German Empire had exhibited a predilection for negotiating commercial treaties unduly favorable to itself when opportunity was offered. As a result of French representations and with a view to reconstructing commercial relations on an equalitarian basis, this chapter was included in the treaty of peace.

The note of the Supreme Council dated May 5, 1921 found Germany in default as regarded fulfilment of articles 264-267, and the German Government on May 11 stated its resolve to execute the unfulfilled portions of the treaty.

For the inapplication to Siam of this article and articles 265, 266, and 267 of this chapter, see note under article 137.

ARTICLE 265.

Germany further undertakes that, in the matter of the régime applicable on importation, no discrimination against the commerce of any of the Allied and Associated States as compared with any other of the said States or any other foreign country shall be made, even by indirect means, such as customs regulations or procedure, methods of verification or analysis, conditions of payment of duties, tariff classification or interpretation, or the operation of monopolies.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ARTICLE 266.

In all that concerns exportation Germany undertakes that goods, natural products or manufactured articles, exported from German territory to the territories of any one of the Allied or Associated States shall not be subjected to other or higher duties or charges (including internal charges) than those paid on the like goods exported to any other such State or to any other foreign country.

Germany will not maintain or impose any prohibition or restriction on the exportation of any goods sent from her territory to any one of the Allied or Associated States which shall not equally extend to the exportation of the like goods, natural products or manufactured articles, sent to any other such State or to any other foreign country.

Note to X, 266

The Reparation Commission gave an opinion on January 21, 1922 that invoicing in foreign currencies was in no wise prohibited.

ARTICLE 267.

Every favour, immunity or privilege in regard to the importation, exportation or transit of goods granted by Germany to any Allied or Associated State or to any other foreign country whatever shall simultaneously and unconditionally, without request and without compensation, be extended to all the Allied and Associated States.

ARTICLE 268.

The provisions of Articles 264 to 267 inclusive of this Chapter and of Article 323 of Part XII (Ports, Waterways and Railways) of the present Treaty are subject to the following exceptions:

(a) For a period of five years from the coming into force of the present Treaty, natural or manufactured products which both originate in and come from the territories of Alsace and Lorraine reunited to France shall, on importation into German customs territory, be exempt from all customs duty.

The French Government shall fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911-1913.

PART X: ARTICLES 266 TO 268

Further, during the period above mentioned the German Government shall allow the free export from Germany, and the free reimportation into Germany, exempt from all customs duties and other charges (including internal charges), of yarns, tissues, and other textile materials or textile products of any kind and in any condition, sent from Germany into the territories of Alsace or Lorraine, to be subjected there to any finishing process, such as bleaching, dyeing, printing, mercerisation, gassing, twisting or dressing.

Note to X, 268 (a)

For special application to Alsace-Lorraine, see article 68.

(b) During a period of three years from the coming into force of the present Treaty natural or manufactured products which both originate in and come from Polish territories which before the war were part of Germany shall, on importation into German customs territory, be exempt from all customs duty.

The Polish Government shall fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911-1913.

Note to X, 268 (b)

The protocol for carrying out this provision until January 10, 1923 was concluded between Germany and Poland at Berlin April 10, 1921 (6 League of Nations Treaty Series, p. 233). A feature of this protocol was a Polish free list which rationed the quantities of principal goods which were exempt from customs duties on importation into Germany.

During the first five years under the treaty of peace a pattern favorable to Polish commercial interests was created. A provisional commercial convention, signed between Germany and Poland on January 13, 1925, was not ratified, though for several years as a *modus vivendi* it kept in force the conditions of January 11, 1925. The lack of a definite system in commercial relations between the two countries in the succeeding decade was further aggravated by the special relations established in Upper Silesia by the convention of May 15, 1922.

The evolution of German-Polish economic relations after 1925 produced a prolonged tariff war which, in addition to its effect on

Note to X, 268 (b)—Continued

the political relations of the parties, had repercussions on their relations with neighboring states and incidentally but importantly upon the principal effort of the period to reduce the network of prohibitions and restrictions on imports and exports.

The failure of governments to maintain in force the international convention for the abolition of import and export prohibitions and restrictions signed at Geneva, November 8, 1927 (97 League of Nations Treaty Series, p. 391; U. S. Treaty Series 811), after June 30, 1930 was due to the abstention of Poland, which in turn was due to the lack of a commercial treaty in force between it and Germany.

The fifth session of the Assembly of the League of Nations on September 25, 1924 assigned to the Economic Committee of the League the study of the complex questions of import and export prohibitions and restrictions. The project was forwarded by the International Economic Conference at Geneva in 1927. A diplomatic conference, attended by representatives of 34 states, on November 8, 1927 concluded a convention that succeeded in laying down the general principles for the abolition of import and export prohibitions and restrictions by permitting acceptance of them with extensive but specific exceptions. Solution of the problem required their simultaneous abolition. The prohibition of the importation of German dye stuffs into Great Britain was Germany's reason for maintaining its prohibition on the import and export of coal, which in turn was the reason given by Czechoslovakia, France, Poland, and other countries to justify the prohibition of the export of metal scrap. The signatories on July 11, 1928 reconvened to complete the convention by a supplementary agreement setting forth the prohibitions and restrictions which they then felt it necessary to retain. Even this list was so extensive that further effort was made to induce states to reduce the number of their exceptions. The convention was to come into force when 18 ratifications had been given, including those of 14 specified states. By the stipulated time, September 30, 1929, ratifications were counted as in hand from 18 states but several of them were contingent upon ratifications by Germany, Czechoslovakia, and Poland. Germany's deposit of its ratification on November 23, 1929 and Norway's assent to put the convention in force administratively made it possible to sign a protocol at Paris on December 20, 1929 to bring the convention itself into force on January 1, 1930 provided that those countries

Note to X, 268 (b)—Continued

which made the convention's effectiveness "conditional on its ratification by Czechoslovakia and Poland or either of these countries, as the case may be, ratified the convention before May 31, 1930." On June 30 in any year up to 1934 any state could relieve itself of the obligations if the convention were in force for less than 18 states.

The Polish Government in a note of June 19, 1930 to the Secretary-General of the League of Nations explained its position with respect to the international convention. It had signed the convention of November 8, 1927 as a result of a desire to promote the efficacy of international economic cooperation but did not see its way to submit the convention to the Diet for ratification "until freedom of circulation for articles essential to Polish trade . . . has been reestablished for the duration of the convention by means of bilateral agreements or in some other way". The reasons why Poland did not consider it possible to open its markets unrestrictedly to foreign imports were as follows (Department of State, *Treaty Information Bulletin*, No. 10, p. 13) :

"II. Poland's position in regard to international trade is extremely difficult. In particular the situation with regard to exports is such that, as regards manufactured articles, the markets lie to the east of Polish territory, whereas exports of raw materials and agricultural produce find their natural markets in Western Europe. In other words, Poland cannot introduce a system of unrestricted imports unless and until she receives an assurance that her exports will enjoy such conditions as will enable them to develop naturally and unrestrictedly.

"III. As a result of the fundamental change in the economic structure of the territories lying to the east of Poland, exports of Polish manufactured articles to those territories have been reduced to very small proportions, and bear no relation to the pre-war volume of exports from Poland to those markets.

"IV. In view of the above, Poland is obliged to consider more and more carefully the development of her export trade to western countries. If such conditions could be brought about as would enable her to develop fully and freely her export trade in raw materials and agricultural produce, Poland would have no difficulty in opening her market wider to foreign goods. That export trade is, however, going through a period of serious depression, and the International Convention of November 8th, 1927 makes no real

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to X, 268 (b)—Continued

change in the present position, Article 4 making no provision for penalties and Article 6 (and Annex) allowing for exceptions in favor of certain States.

“V. The events of the last few months and the result of the conversations between Poland and other States concerned show not only that Poland is unable, as things are at present, to obtain better conditions for her exports of livestock, agricultural produce, and raw materials to western countries, but that, as has lately been observed, conditions are becoming worse every year, and even every month.”

On January 1, 1930 the convention went into force for Great Britain, Belgium, Austria, Luxembourg, Switzerland, the Netherlands, Rumania, Hungary, France, Sweden, Finland, Denmark, Japan, the United States, Italy, Portugal, Yugoslavia (Serb-Croat-Slovene State), Germany, and for Czechoslovakia on June 25.

On March 17, 1930 Germany and Poland signed a commercial treaty. With that treaty signed, the period within which Poland's ratification was receivable was extended to June 26.

The obligations of the convention were assumed without being conditioned on the ratification of other states only by Great Britain, Sweden, Finland, Denmark, Japan, Norway, the United States, and Portugal. Czechoslovakia's application of the convention “must depend on its ratification by Poland”. A note in the League of Nations Treaty Series (97, p. 397) says: “The abstention of Poland . . . caused certain Governments, namely those of Germany, Austria, Belgium, Hungary, Italy, Luxembourg, Rumania and Switzerland, to announce that, as from July 1, 1930, they would cease to consider themselves bound by the convention.” By the terms of the 1929 protocol Denmark, France, and Yugoslavia ceased to be bound as from the same date. The remaining contracting parties ceased to be bound as follows: Portugal, June 30, 1931; Denmark, Norway, the United Kingdom, and the United States, June 30, 1933; Japan and the Netherlands, June 30, 1934.

The date of the German-Polish “tariff war” was determined by the convention on Upper Silesia of May 15, 1922, which in article 224 and by application of article 268 of the treaty of peace accorded Polish products free entry into Germany for three years from the entry of that convention into force, that is, until June 15, 1925. On the other hand, by article 90 of the treaty of peace Poland was prohibited from putting export duties on products destined for Germany for a period of 15 years.

Note to X, 268 (b)—Continued

Despite the provisional convention of January 13, 1925 Germany virtually ceased to consider granting import licenses for Polish coal. Poland by a decree effective June 27, 1925 restricted the importation of commodities originating in countries restricting the entry of Polish goods. Retaliatory measures multiplied. Commercial treaty negotiations were undertaken in November 1925, with the sparse result of agreeing only that a treaty should embrace provisions concerning the treatment of national and corporate persons, trade regulations, conventional duties, and veterinary regulations. Negotiations were attempted in May 1926 and January and March 1927. In July an understanding was reached concerning residence of persons, and on November 30, 1927 a provisional agreement on lumber was signed. After Poland put higher "valorized" duties into effect on March 15, 1928 and simultaneously removed the import restrictions which had existed since 1925, there ensued a tension between Czechoslovakia and Poland and also temporary friction with Austria.

German policy had tended toward conciliatory relations in Europe since the Locarno treaty of 1925 and German admission to the League of Nations in 1926. The years 1928 and 1929 in Europe were marked as a period of growing *rapprochement*, which found an expression in the annual sessions of the Assembly of the League of Nations. One consequence of this prevailing mood was a lessening of the strain between Germany and Poland and a disposition on the part of both to seek bases for agreement.

The troublesome claims question was settled by the agreement of October 31, 1929 (see note under art. 92) which was enjoined upon both parties by the New (Young) Plan, its paragraph 143 providing for the liquidation of past transactions.

A joint export rye syndicate was established by an agreement between Germany and Poland signed on February 19, 1930.

On March 17, 1930 a commercial treaty on a most-favored-nation basis was signed at Warsaw between Germany and Poland. Its principal provisions were (*Commerce Reports*, Mar. 31, 1930; *Reichsanzeiger*, Mar. 24, 1930): "Germany received import contingents on numerous products; Poland received a monthly coal contingent of 320,000 tons and a hog contingent of 200,000 head to be increased later to 350,000 per year. German market prices were guaranteed to Polish animals and animal products under certain conditions. Most-favored-nation and national rights granted by Poland to Germans engaged in business and banking. German steamship lines granted equal privileges as enjoyed by other foreign lines."

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to X, 268 (b)—Continued

On April 14, 1930 Germany raised its customs tariff, eliminating many of the benefits which Poland had anticipated. Poland proclaimed new import restrictions of a drastic character and a sharp controversy over Poland's development of the port of Gdynia added to the tension.

Nevertheless, Poland felt the need of setting its own house in order, not only because its economic relations were stalled by the situation with respect to Germany but also because it was in the position of holding up the effectiveness of the international convention for the abolition of import and export prohibitions and restrictions. General elections in Poland on November 16, 1930 gave the government a majority favorable to ratifying the commercial treaty but an increase in the tariffs on December 7 added to the difficulties with Germany.

The Polish Sejm on March 12, 1931 approved the German-Polish treaty of March 17, 1930 and in the next week approved 27 other instruments of an economic character which had been pending, including the international convention. This action, however, did not cure the German-Polish *impasse*. The German Reichstag had not approved the commercial treaty, though as a gesture related to the limited entrance into force of the international convention on import and export prohibitions and restrictions, some affirmative notice of it was taken in the Reichstag on March 25, 1930. The East Prussian agrarian interests repeatedly discouraged the German Government from bringing the matter to a head, and no German ratification was given.

A German law of April 4, 1933 concerning the provisional application of bilateral economic agreements with foreign countries (*Reichsgesetzblatt*, 1933, 1, 162) prepared the ground for the National Socialist policy of opening up conventional tariff provisions with a view to introducing the scheme of bilateral clearing arrangements. In May 1933 a *détente* with Poland occurred, of which the German National Socialist party made much.

Negotiations began in mid-October to end the tariff war and on November 15, 1933 the German Chancellor and the new Polish Minister to Berlin issued a communiqué recording "the complete agreement of both Governments to tackle questions affecting both countries by means of direct negotiations and to renounce any resort to force in their mutual relations" (Poland, Ministry of Foreign Affairs, *Official Documents Concerning Polish-German and Polish-Soviet Relations*, 1933-39, No. 7; Germany, *Auswärtiges Amt*, 1939, No. 2,

Note to X, 268 (b)—Continued

Documents on the Origin of the War, No. 32). On January 26, 1934 Germany and Poland subscribed to a declaration (*Reichsgesetzblatt*, 1934, II, 117) in which they mutually stated that for 10 years after the exchange of ratifications (Feb. 24, 1934) "in no circumstances, however, will they resort to force in order to reach a decision in such disputes" as are not settled by agreement in direct negotiations or procedures in agreements in force between them (Germany, Auswärtiges Amt, 1939, No. 2, *Documents on the Origin of the War*, No. 37).

A *Zollfriedensprotokoll* (customs truce protocol), signed at Warsaw on March 7, 1934 was intended to do away with the many restrictions and prohibitions which had been put in force by both parties (*Reichsgesetzblatt*, 1934, II, 99). It entered into force March 15.

In 10 years of economic conflict the direction of both German and Polish trade had changed and the relations of their economies had altered. A compensation agreement concluded on October 11, 1934 and in force for one year until October 15, 1935 (*ibid.*, p. 829) was a forerunner of an economic treaty on a limited most-favored-nation basis which was signed at Warsaw on November 4, 1935 and entered into effect on November 20 for one year with automatic extension after October 31, 1936 (*ibid.*, 1935, II, 767). This treaty was supplemented by a clearing agreement of like duration. A fresh treaty signed at Warsaw, February 20, 1937 and in force on March 1 extended the 1935 treaty until February 28, 1939, revised its customs schedules, and included the Free City of Danzig within its scope in virtue of article 104 of the treaty of peace and articles 2 and 6 of the Danzig-Polish convention of November 9, 1920 (*ibid.*, 1937, II, 1, 91). A revised clearing agreement of even date accompanied the new treaty (*ibid.*, p. 99) and continued to apply the German bilateral clearing of payments through agencies established at the capitals of both countries.

Germany's annexation of Austria in March 1938 necessitated a new commercial and clearing agreement with Poland which was signed on July 1, 1938 and went into effect on September 1 (*ibid.*, 1938, II, 562, 650). Following the agreement concluded at Munich on September 29, 1938 Czechoslovakia yielded Teschen to Poland and this change in Polish resources resulted in the conclusion of a supplemental agreement on March 2, 1939 which increased the exchange of goods between Germany and Poland. From March 1939, however, Germany shifted its emphasis in its Polish relations to

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to X, 268 (b)—Continued

minorities, "corridor", and Danzig questions, on all of which it multiplied complaints that became the basis of its *casus belli* for the invasion of Poland on September 1, 1939.

(c) The Allied and Associated Powers reserve the right to require Germany to accord freedom from customs duty, on importation into German customs territory, to natural products and manufactured articles which both originate in and come from the Grand Duchy of Luxemburg, for a period of five years from the coming into force of the present Treaty.

The nature and amount of the products which shall enjoy the benefits of this regime shall be communicated each year to the German Government.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911-1913.

Note to X, 268 (c)

The conditions contemplated by these paragraphs were changed by the conclusion on July 25, 1921 at Brussels of a convention between Belgium and the Grand Duchy of Luxembourg for the establishment of an economic union, which entered into force for a period of 50 years at the exchange of ratifications on March 6, 1922 (9 League of Nations Treaty Series, p. 223). Under article 2 of the convention the territories of the two states are "considered as forming one single territory as regards customs and common excise duties, and the customs boundaries between the two countries shall be abolished". Commerce between the two countries was to be "entirely free and unrestricted and subject to no import, transit or export limitations or prohibitions nor to duties or charges of any kind". The Belgian Government at the request of the Grand Ducal Government endeavored to secure the extension to the Grand Duchy of existing commercial treaties and economic agreements between Belgium and other countries, while future instruments were to be concluded by Belgium on behalf of the customs union.

Provision for modification in laws, decrees, and administrative regulations was made by the establishment of the Superior Council of the Belgo-Luxembourg union, which was composed of three appointees of the Belgian Government and two of the Luxembourg Government.

The establishment of the customs union instituted financial arrangements to effect the exchange of temporary notes in circulation

PART X: ARTICLES 269 TO 270

Note to X, 268 (c)—Continued

as a result of the exchange of marks for Belgian bank notes. To this end the Luxembourg National Bank floated a loan of 175 million francs in Belgium. Article 23 of the convention is a guaranty to Luxembourg that the German marks held by it would receive the same treatment which the Belgian Government secured for the marks held by Belgium. By the agreement signed between Belgium and Germany at Brussels on July 13, 1929 for the settlement of this account, Luxembourg was to receive one thirtieth of the total payable by Germany, which was then given a present value of 320 million marks.

ARTICLE 269.

During the first six months after the coming into force of the present Treaty, the duties imposed by Germany on imports from Allied and Associated States shall not be higher than the most favourable duties which were applied to imports into Germany on July 31, 1914.

During a further period of thirty months after the expiration of the first six months, this provision shall continue to be applied exclusively with regard to products which, being comprised in Section A of the First Category of the German Customs Tariff of December 25, 1902, enjoyed at the above-mentioned date (July 31, 1914) rates conventionalised by treaties with the Allied and Associated Powers, with the addition of all kinds of wine and vegetable oils, of artificial silk and of washed or scoured wool, whether or not they were the subject of special conventions before July 31, 1914.

Note to X, 269

The note of the Supreme Council dated May 5, 1921 found Germany in default as regarded fulfilment of article 269, and the German Government on May 11 stated its resolve to execute the unfulfilled portions of the treaty.

ARTICLE 270.

The Allied and Associated Powers reserve the right to apply to German territory occupied by their troops a special customs régime as regards imports and exports, in the event of such a measure being necessary in their opinion in order to safeguard the economic interests of the population of these territories.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to X, 270

In virtue of this article a special customs regime in the occupied territories was established on April 8, 1921, and on February 15, 1923 a similar regime was established in connection with the occupation of the Ruhr. See further, page 781.

CHAPTER II.—SHIPPING.

ARTICLE 271.

As regards sea fishing, maritime coasting trade, and maritime towage, vessels of the Allied and Associated Powers shall enjoy; in German territorial waters, the treatment accorded to vessels of the most favoured nation.

Note to X, 271

For the inapplication to Siam of this article and article 273, paragraph 1, of this chapter, see note under article 137.

ARTICLE 272.

Germany agrees that, notwithstanding any stipulation to the contrary contained in the Conventions relating to the North Sea fisheries and liquor traffic, all rights of inspection and police shall, in the case of fishing-boats of the Allied Powers, be exercised solely by ships belonging to those Powers.

ARTICLE 273.

In the case of vessels of the Allied or Associated Powers, all classes of certificates or documents relating to the vessel, which were recognised as valid by Germany before the war, or which may hereafter be recognised as valid by the principal maritime States, shall be recognised by Germany as valid and as equivalent to the corresponding certificates issued to German vessels.

A similar recognition shall be accorded to the certificates and documents issued to their vessels by the Governments of new States, whether they have a sea-coast or not, provided that such certificates and documents shall be issued in conformity with the general practice observed in the principal maritime States.

The High Contracting Parties agree to recognise the flag flown by the vessels of an Allied or Associated Power having no sea-coast which are registered at some one specified place situated in its territory; such place shall serve as the port of registry of such vessels.

Note to X, 273

The note of the Supreme Council dated May 5, 1921 found Germany in default as regarded fulfilment of article 273, and the German Government on May 11 stated its resolve to execute the unfulfilled portions of the treaty.

CHAPTER III.—UNFAIR COMPETITION.

ARTICLE 274.

Germany undertakes to adopt all the necessary legislative and administrative measures to protect goods the produce or manufacture of any one of the Allied and Associated Powers from all forms of unfair competition in commercial transactions.

Germany undertakes to prohibit and repress by seizure and by other appropriate remedies the importation, exportation, manufacture, distribution, sale or offering for sale in its territory of all goods bearing upon themselves or their usual get-up or wrappings any marks, names, devices, or descriptions whatsoever which are calculated to convey directly or indirectly a false indication of the origin, type, nature, or special characteristics of such goods.

Note to X, 274

This article is a restatement of a prohibition which formed the subject of the international agreement for the prevention of false indications of origin of goods signed at Madrid, April 14, 1891 (96 *British and Foreign State Papers*, p. 837), revised at Washington on June 2, 1911 (104 *ibid.*, p. 137; *Treaties, Conventions, etc.*, 1910-23, III, 2953). It had not been widely enough ratified in 1919 to warrant imposing it in the treaties of peace on Germany and its allies or to stipulate for the adherence of new states. In view of this situation the Economic and Financial Organization of the League of Nations undertook a study of the problem with the result that articles 6 *bis*, 6 *ter*, 10 *bis*, and 10 *ter* were added to the international convention for the protection of industrial property, signed at The Hague, November 6, 1925 (*ibid.*, 1923-37, IV, 4945; 74 League of Nations Treaty Series, p. 305).

ARTICLE 275.

Germany undertakes on condition that reciprocity is accorded in these matters to respect any law, or any administrative or judicial decision given in conformity with such law, in force in any Allied or Associated State and duly communicated to her by the proper

authorities, defining or regulating the right to any regional appellation in respect of wine or spirits produced in the State to which the region belongs, or the conditions under which the use of any such appellation may be permitted; and the importation, exportation, manufacture, distribution, sale or offering for sale of products or articles bearing regional appellations inconsistent with such law or order shall be prohibited by the German Government and repressed by the measures prescribed in the preceding Article.

Note to X, 275

The question of appellations of origin was studied by the Economic and Financial Organization of the League of Nations. The principle was incorporated in several bilateral treaties and in the convention concerning the marking of eggs in international commerce, Brussels, December 11, 1931, under the auspices of the International Institute of Agriculture (5 Hudson, *International Legislation*, p. 1164). The previous experience was utilized in framing the international convention for the protection of industrial property, signed at London, June 2, 1934 (*Treaties, Conventions, etc.*, 1923-37, IV, 5516).

CHAPTER IV.—TREATMENT OF NATIONALS OF ALLIED AND ASSOCIATED POWERS.

ARTICLE 276.

Germany undertakes:

(a) Not to subject the nationals of the Allied and Associated Powers to any prohibition in regard to the exercise of occupations, professions, trade and industry, which shall not be equally applicable to all aliens without exception;

(b) Not to subject the nationals of the Allied and Associated Powers in regard to the rights referred to in paragraph (a) to any regulation or restriction which might contravene directly or indirectly the stipulations of the said paragraph, or which shall be other or more disadvantageous than those which are applicable to nationals of the most favoured nation;

(c) Not to subject the nationals of the Allied and Associated Powers, their property, rights or interests, including companies and associations in which they are interested, to any charge, tax or impost, direct or indirect, other or higher than those which are or may be imposed on her own nationals or their property, rights or interests;

PART X: ARTICLES 276 TO 279

(*d*) Not to subject the nationals of any one of the Allied and Associated Powers to any restriction which was not applicable on July 1, 1914, to the nationals of such Powers unless such restriction is likewise imposed on her own nationals.

Note to X, 276

The time limitation placed on this article by article 280 was not removed by the Council of the League of Nations.

For the inapplication to Siam of this article and articles 277 and 279 of this chapter, see note under article 137.

ARTICLE 277.

The nationals of the Allied and Associated Powers shall enjoy in German territory a constant protection for their persons and for their property, rights and interests, and shall have free access to the courts of law.

ARTICLE 278.

Germany undertakes to recognise any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers and in accordance with the decisions of the competent authorities of these Powers pursuant to naturalisation laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.

Note to X, 278

This provision, intended to correct a practice of pre-war Germany, did not accomplish that purpose. The subversive activities conducted abroad under the National Socialist regime in numerous instances were in contravention of the principle stated in this article.

ARTICLE 279.

The Allied and Associated Powers may appoint consuls-general, consuls, vice-consuls, and consular agents in German towns and ports. Germany undertakes to approve the designation of the consuls-general, consuls, vice-consuls, and consular agents, whose names shall be notified to her, and to admit them to the exercise of their functions in conformity with the usual rules and customs.

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Note to X, 279

By article 279 the Allies claimed the right to appoint consular officers in all German localities without consulting the German Government (*Foreign Relations, The Paris Peace Conference, 1919, vi, 884*). Germany declined to accept this "far-reaching innovation" except on the basis of reciprocity (*ibid.*, p. 977). The Allies replied that the unilateral character of the article resulted from "the political activities of German consuls and from the acts committed by the Germans in the territories of certain Allied and Associated Powers". Article 289 would permit Germany to renew consular relations with individual Allied and Associated Powers.

CHAPTER V.—GENERAL ARTICLES.

ARTICLE 280.

The obligations imposed on Germany by Chapter I and by Articles 271 and 272 of Chapter II above shall cease to have effect five years from the date of the coming into force of the present Treaty, unless otherwise provided in the text, or unless the Council of the League of Nations shall, at least twelve months before the expiration of that period, decide that these obligations shall be maintained for a further period with or without amendment.

Article 276 of Chapter IV shall remain in operation, with or without amendment, after the period of five years for such further period, if any, not exceeding five years, as may be determined by a majority of the Council of the League of Nations.

Note to X, 280

By this article specified obligations imposed on Germany were to cease to have effect after five years "unless the Council of the League of Nations shall, at least 12 months before the expiration of that period, decide that these obligations shall be maintained for a further period with or without amendment". The time limit involved required the Council's consideration of the matter at the latest in its 27th session, December 10–21, 1923, but no member of the Council or of the League proposed the item for the agenda in the period stipulated by the treaty. Therefore, it came to an end on January 9, 1925.

For the inapplication to Siam of this article, see note under article 137.

ARTICLE 281.

If the German Government engages in international trade, it shall not in respect thereof have or be deemed to have any rights, privileges or immunities of sovereignty.

SECTION II.—Treaties.

ARTICLE 282.

From the coming into force of the present Treaty and subject to the provisions thereof the multilateral treaties, conventions and agreements of an economic or technical character enumerated below and in the subsequent Articles shall alone be applied as between Germany and those of the Allied and Associated Powers party thereto:

Note to X, 282

While unable to check the completeness of the list of multilateral treaties enumerated in the draft for becoming operative again, the German delegation believed it preferable in principle for all multilateral treaties in force at the outbreak of the war to come into force again at the peace, a later examination to determine which of them should be altered or terminated (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 871). The provision whereby Germany must accept in advance all conventions concerning international postal, telegraphic, and wireless traffic was "incompatible with the dignity of an independent people". Germany also protested emphatically against article 289 which gave the Allies the exclusive right to decide which bilateral treaties should be revised, and proposed that either party should be free to inform the other of provisions which had become inoperative, the settlement to be arrived at by special commissions. Germany's treaties with Peru, Bolivia, Ecuador, and Uruguay, which were not at war with Germany, would not be affected. The general abrogation of Germany's treaties with Russia and Rumania could not be accepted because resumption and maintenance of relations with those countries would be affected. Finally Germany could not, without a more detailed examination, grant to the Allies certain advantages formerly accorded to its allies or to neutrals, and proposed special negotiations.

The Allies replied that they "could not permit the continuance of all the treaties which Germany imposed on her allies, or her temporarily defeated adversaries, and even in certain cases on neutral countries" in order to obtain particularly favorable condi-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to X, 282—Continued

tions and special advantages incompatible with justice (*ibid.*, p. 974). Consequently there was no necessity for negotiation. Articles 283 and 284 had been misunderstood. Germany merely undertook not to refuse consent to the conclusion of special arrangements by the new states and would have the option of participating in the drawing up of the new radiotelegraphic convention, to which Germany need not be bound unless it was concluded within five years. Article 289 had also been misunderstood. The Allies gave assurances that the article would not be “arbitrarily used for the purpose of splitting up bilateral treaties in such a way that only the obligations should remain on one side and on the other side only the rights”, and they would, through the League of Nations, insure the loyal execution of the article. The language of the article was modified accordingly. The Allies declined to accept the German reservation concerning treaties with four South American states, and they maintained their position as regards articles 290, 291, 292, and 294.

(1) Conventions of March 14, 1884, December 1, 1886, and March 23, 1887, and Final Protocol of July 7, 1887, regarding the protection of submarine cables.

Note to X, 282 (1)

The 1884 convention is printed at *Treaties, Conventions, etc.*, 1776–1909, II, 1949, and at 75 *British and Foreign State Papers*, p. 356; the declaration of December 1, 1886 and March 23, 1887 is at *Treaties, Conventions, etc.*, 1776–1909, II, 1956, and the final protocol of 1887 at *ibid.*, p. 1958.

(2) Convention of October 11, 1909, regarding the international circulation of motor-cars.

Note to X, 282 (2)

The convention is printed at 102 *British and Foreign State Papers*, p. 64.

(3) Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907.

Note to X, 282 (3)

The 1886 agreement is printed at Martens, *Nouveau recueil général de Traités*, 2^e série, xxii, 42; the 1907 protocol, at *ibid.*, 3^e série, II, 878.

See also article 366.

PART X: ARTICLE 282

(4) Agreement of May 15, 1886, regarding the technical standardisation of railways.

Note to X, 282 (4)

This agreement between Austria-Hungary, France, Germany, Italy, and Switzerland was signed at Bern and entered into force on April 1, 1887. Belgium, the Netherlands, and Rumania subsequently adhered. The text is in Italy, *Ministro degli affari esteri, Trattati e convenzioni tra il regno d'Italia e gli altri stati*, xi, 23.

See also article 366.

(5) Convention of July 5, 1890, regarding the publication of customs tariffs and the organisation of an International Union for the publication of customs tariffs.

Note to X, 282 (5)

The convention is printed in Treaty Series 384 and at 82 *British and Foreign State Papers*, p. 340.

(6) Convention of December 31, 1913, regarding the unification of commercial statistics.

Note to X, 282 (6)

The convention is printed at 116 *British and Foreign State Papers*, p. 58.

(7) Convention of April 25, 1907, regarding the raising of the Turkish customs tariff.

Note to X, 282 (7)

The convention is printed at 100 *British and Foreign State Papers*, p. 575.

(8) Convention of March 14, 1857, for the redemption of toll dues on the Sound and Belts.

Note to X, 282 (8)

The convention is printed at 47 *British and Foreign State Papers*, p. 24.

(9) Convention of June 22, 1861, for the redemption of the State Toll on the Elbe.

Note to X, 282 (9)

The convention is printed at 51 *British and Foreign State Papers*, p. 27.

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(10) Convention of July 16, 1863, for the redemption of the toll dues on the Scheldt.

Note to X, 282 (10)

The convention is printed at 53 *British and Foreign State Papers*, p. 8.

(11) Convention of October 29, 1888, regarding the establishment of a definite arrangement guaranteeing the free use of the Suez Canal.

Note to X, 282 (11)

The convention is printed at 79 *British and Foreign Papers*, p. 18. During the application of article 16 of the Covenant of the League of Nations to Italy in 1935-36 some discussion arose as to the collective closing of the Suez Canal. Italy and the United Kingdom in their protocol of April 16, 1938 declared that the 1888 convention "guarantees at all times and for all powers free use of the Suez Canal" (United Kingdom, Treaty Series 31 (1938), Cmd. 5726; 195 League of Nations Treaty Series, p. 88).

(12) Conventions of September 23, 1910, respecting the unification of certain regulations regarding collisions and salvage at sea.

Note to X, 282 (12)

The conventions are printed at 103 *British and Foreign State Papers*, p. 434; the convention regarding assistance and salvage at sea is in Treaty Series 576, at 37 Stat. 1658, and at *Treaties, Conventions, etc.*, 1910-23, III, 2953.

(13) Convention of December 21, 1904, regarding the exemption of hospital ships from dues and charges in ports.

Note to X, 282 (13)

The convention is printed at 98 *British and Foreign State Papers*, p. 624.

(14) Convention of February 4, 1898, regarding the tonnage measurement of vessels for inland navigation.

Note to X, 282 (14)

The convention is printed at 90 *British and Foreign State Papers*, p. 303.

(15) Convention of September 26, 1906, for the suppression of nightwork for women.

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Note to X, 282 (15)

The convention is printed at 100 *British and Foreign State Papers*, p. 794.

(16) Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

Note to X, 282 (16)

The convention is printed at 99 *British and Foreign State Papers*, p. 986.

(17) Conventions of May 18, 1904, and May 4, 1910, regarding the suppression of the White Slave Traffic.

Note to X, 282 (17)

The 1904 convention is printed in Treaty Series 496, at *Treaties, Conventions, etc.*, 1776-1909, II, 2131, at 1 League of Nations Treaty Series, p. 83, and at 97 *British and Foreign State Papers*, p. 95; that of 1910, at 103 *British and Foreign State Papers*, p. 244.

(18) Convention of May 4, 1910, regarding the suppression of obscene publications.

Note to X, 282 (18)

The convention is printed in Treaty Series 559, at 37 Stat. 1511, at *Treaties, Conventions, etc.*, 1910-23, III, 2918, and at 103 *British and Foreign State Papers*, p. 251.

(19) Sanitary Conventions of January 30, 1892, April 15, 1893, April 3, 1894, March 19, 1897, and December 3, 1903.

Text of May 7:

Sanitary Conventions of Paris and Venice of the 3rd April, 1894, 19th March, 1897, and 3rd December, 1903.

Note to X, 282 (19)

The convention concerning the sanitary regime of the Suez Canal, Venice, January 30, 1892, is printed at 84 *British and Foreign State Papers*, p. 12; the international sanitary convention, Dresden, April 15, 1893, is at 85 *ibid.*, p. 7; the international sanitary convention for the protection from disease of the pilgrimage to Mecca and for establishing sanitary inspection in the Persian Gulf, Paris, April 3, 1894, is at 87 *ibid.*, p. 78; the international sanitary convention and regulations, Venice, March 19, 1897, is at 89 *ibid.*, p. 159; the

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to X, 282 (19)—Continued

sanitary convention and regulations, Paris, December 3, 1903, is in Treaty Series 466 and at *Treaties, Conventions, etc., 1776-1909*, II, 2066. The international sanitary convention, Paris, January 17, 1912 (Treaty Series 649; 42 Stat. 1823; *Treaties, Conventions, etc., 1910-23*, III, 2972), which consolidated and modified the conventions of 1897 and 1903 which themselves consolidated earlier instruments, was not in force at the signing of the treaty of peace. The procès-verbal of ratification which brought it into force was deposited at Paris on October 7, 1920. Germany subsequently deposited its ratification. A convention revising the 1912 convention was signed at Paris on June 21, 1926 and entered into force by a first deposit of ratifications on March 10, 1928 (Treaty Series 792; 45 Stat. 2492; *Treaties, Conventions, etc., 1923-37*, IV, 4962).

A convention amending the 1926 convention was signed at Paris on October 31, 1938 and entered into force on July 24, 1939 (198 League of Nations Treaty Series, p. 205).

(20) Convention of May 20, 1875, regarding the unification and improvement of the metric system.

Note to X, 282 (20)

The convention is printed in Treaty Series 378, at *Treaties, Conventions, etc., 1776-1909*, II, 1924, and at 66 *British and Foreign State Papers*, p. 562.

(21) Convention of November 29, 1906, regarding the unification of pharmacopœial formulæ for potent drugs.

Note to X, 282 (21)

The agreement is printed at *Treaties, Conventions, etc., 1776-1909*, II, 2209 and at 99 *British and Foreign State Papers*, p. 179.

(22) Convention of November 16 and 19, 1885, regarding the establishment of a concert pitch.

Note to X, 282 (22)

The declarations of the International Conference on Concert Pitch convened by the Austrian Ministerium des Kultus und Unterricht at Vienna, November 16-19, 1885 were published by that ministry and are also in Italy, Ministro degli affari esteri, *Trattati e convenzioni tra il regno d'Italia e gli altri stati*, XII, 727.

(23) Convention of June 7, 1905, regarding the creation of an International Agricultural Institute at Rome.

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Note to X, 282 (23)

The convention is printed in Treaty Series 489, at *Treaties, Conventions, etc., 1776-1909*, II, 2140, and at 100 *British and Foreign State Papers*, p. 595.

(24) Conventions of November 3, 1881, and April 15, 1889, regarding precautionary measures against phylloxera.

Note to X, 282 (24)

The 1881 convention is printed at 73 *British and Foreign State Papers*, p. 323; the 1889 convention, at 81 *ibid.*, p. 1311.

(25) Convention of March 19, 1902, regarding the protection of birds useful to agriculture.

Note to X, 282 (25)

The convention is printed at 102 *British and Foreign State Papers*, p. 969.

(26) Convention of June 12, 1902, as to the protection of minors.

Note to X, 282 (26)

The convention is printed at 95 *British and Foreign State Papers*, p. 421.

ARTICLE 283.

From the coming into force of the present Treaty the High Contracting Parties shall apply the conventions and agreements hereinafter mentioned, in so far as concerns them, on condition that the special stipulations contained in this Article are fulfilled by Germany.

Postal Conventions:

Conventions and agreements of the Universal Postal Union concluded at Vienna, July 4, 1891.

Conventions and agreements of the Postal Union signed at Washington, June 15, 1897.

Conventions and agreements of the Postal Union signed at Rome, May 26, 1906.

Telegraphic Conventions:

International Telegraphic Conventions signed at St. Petersburg July 10/22, 1875.

Regulations and Tariffs drawn up by the International Telegraphic Conference, Lisbon, June 11, 1908.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Germany undertakes not to refuse her assent to the conclusion by the new States of the special arrangements referred to in the conventions and agreements relating to the Universal Postal Union and to the International Telegraphic Union, to which the said new States have adhered or may adhere.

Note to X, 283

The main 1891 postal convention is printed at 83 *British and Foreign State Papers*, p. 513; that of 1897, at 89 *ibid.*, p. 65; and that of 1906, at 99 *ibid.*, p. 254. The latest universal postal convention supersedes the previous one for all parties when it enters into force; in 1919 the 1906 convention was in force.

The subsidiary postal conventions and arrangements, with their regulations, enter into force when accepted and revisions do not similarly supersede one another. The instruments of the three congresses mentioned dealt with parcel post, letters, etc., of declared value, money orders, postal subscriptions to newspapers, postal certificates of identity, and the *Service des recouvrements*.

Germany was a party to the convention and agreements of the Universal Postal Union signed at Madrid, November 30, 1920 (3 League of Nations Treaty Series, p. 267) and to subsequent revisions up to that of Cairo, March 20, 1934.

The 1875 telegraphic convention is printed at 66 *British and Foreign State Papers*; p. 19; the 1908 regulations, at 102 *ibid.*, p. 214. Both were replaced by the international telecommunication convention and regulations signed at Madrid, December 9, 1932 (Treaty Series 867; 49 Stat. 2391; *Treaties, Conventions, etc.*, 1923-37, IV, 5379). The regulations were revised at Cairo, April 4 and 8, 1938 (Treaty Series 948; 54 Stat. 1417).

The international service regulations provided for by article 13 of the 1875 convention were revised at Paris on October 29, 1925 (57 League of Nations Treaty Series, p. 201).

ARTICLE 284.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the International Radio-Telegraphic Convention of July 5, 1912, on condition that Germany fulfils the provisional regulations which will be indicated to her by the Allied and Associated Powers.

If within five years after the coming into force of the present Treaty a new convention regulating international radio-telegraphic communications should have been concluded to take the place of

PART X: ARTICLES 284 TO 285

the Convention of July 5, 1912, this new convention shall bind Germany, even if Germany should refuse either to take part in drawing up the convention, or to subscribe thereto.

Text of May 7:

When a new convention regulating international radio-telegraphic communications has been concluded to take the place of the Convention of the 5th July, 1912, this new Convention shall bind Germany even if Germany should refuse either to take part in drawing up the convention, or to subscribe thereto.

This new convention will likewise replace the provisional regulations in force.

Note to X, 284

The 1912 convention is in Treaty Series 581, at 38 Stat. 1707, and at *Treaties, Conventions, etc.*, 1910-23, III, 3048. Germany was a party to the following: to the radiotelegraph convention and regulations signed at Washington, November 25, 1927 (Treaty Series 767; 45 Stat. 2760; *Treaties, Conventions, etc.*, 1923-37, IV, 5031); to the telecommunication convention and regulations signed at Madrid, December 9, 1932, which abrogated and replaced the 1912 and 1927 conventions (Treaty Series 867; 49 Stat. 2391; *Treaties, Conventions, etc.*, 1923-37, IV, 5379); and to the revised regulations signed at Cairo, April 4 and 8, 1938 (Treaty Series 948; 54 Stat. 1417).

ARTICLE 285.

From the coming into force of the present Treaty, the High Contracting Parties shall apply in so far as concerns them and under the conditions stipulated in Article 272, the conventions hereinafter mentioned:

- (1) The Conventions of May 6, 1882, and February 1, 1889, regulating the fisheries in the North Sea outside territorial waters.
- (2) The Conventions and Protocols of November 16, 1887, February 14, 1893, and April 11, 1894, regarding the North Sea liquor traffic.

Note to X, 285

The convention for regulating the police of the North Sea fisheries signed at The Hague, May 6, 1882, is printed at 73 *British and Foreign State Papers*, p. 39; the declaration modifying the convention signed at The Hague, February 1, 1889, is at 81 *ibid.*, p. 9.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to X, 285—Continued

The convention respecting the liquor traffic in the North Sea, The Hague, November 16, 1887, the protocol of February 14, 1893 regarding its entry into force, and the procès-verbal of April 11, 1894 are printed at 79 *ibid.*, p. 894.

ARTICLE 286.

The International Convention of Paris of March 20, 1883, for the protection of industrial property, revised at Washington on June 2, 1911; and the International Convention of Berne of September 9, 1886, for the protection of literary and artistic works, revised at Berlin on November 13, 1908, and completed by the additional Protocol signed at Berne on March 20, 1914, will again come into effect as from the coming into force of the present Treaty, in so far as they are not affected or modified by the exceptions and restrictions resulting therefrom.

Text of May 7 :

The International Convention of Paris of the 20th March, 1883, for the protection of industrial property, revised at Washington on the 2nd June, 1911; the agreement of the 14th April, 1891, regarding the suppression of false indications of origin of goods; the agreement of the 14th April, 1891, concerning the international registration of trade marks; and the International Convention of Berne of the 9th September, 1886, for the protection of literary and artistic works, revised at Berlin on the 13th November, 1908, and completed by the additional Protocol signed at Berne on the 20th March, 1914, will again come into effect as from the coming into force of the present Treaty, in so far as they are not affected or modified by the exceptions and restrictions resulting therefrom.

Note to X, 286

The Paris convention of 1883 is in Treaty Series 379 and at *Treaties, Conventions, etc.*, 1776-1909, II, 1935. The 1911 revision is in Treaty Series 579 and at *Treaties, Conventions, etc.*, 1910-23, III, 2953. A revisionary convention was signed at The Hague, November 6, 1925 (Treaty Series 834; 47 Stat. 1789; *Treaties, Conventions, etc.*, 1923-37, IV, 4945).

For a special provision with respect to German trade marks, see part X, section 12, annex, paragraph 5. See further, articles 306 and 308, for reference to industrial and literary property.

The Berlin convention of 1908 is printed at 102 *British and Foreign State Papers*, p. 619; the additional protocol is at 107 *ibid.*, p. 353. A revision was effected by a convention concluded at Rome on June 2, 1928 (123 League of Nations Treaty Series, p. 233).

PART X: ARTICLES 286 TO 289

Note to X, 286—Continued

An agreement concluded by Germany, France, Netherlands, Poland, Portugal, Sweden, Switzerland, Czechoslovakia, and Tunis on June 30, 1920 concerned the preservation or the reestablishment of the rights of industrial property affected by the war.

With respect to article 4 of the Paris convention as revised, periods for registration, deposit, payment of fees, and other formalities which were interrupted as of August 1, 1914 were extended from six months to a year from the coming into force of the agreement, which for Germany was September 30, 1920 (1 League of Nations Treaty Series, p. 59).

ARTICLE 287.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the Convention of the Hague of July 17, 1905, relating to civil procedure. This renewal, however, will not apply to France, Portugal and Roumania.

Note to X, 287

The convention is printed at 99 *British and Foreign State Papers*, p. 990.

ARTICLE 288.

The special rights and privileges granted to Germany by Article 3 of the Convention of December 2, 1899, relating to Samoa shall be considered to have terminated on August 4, 1914.

Note to X, 288

The 1899 convention was concluded between Germany, Great Britain, and the United States and provided for a division of Samoan Islands between Germany and the United States (Treaty Series 314; *Treaties, Conventions, etc.*, 1776-1909, II, 1595). Germany renounced its title thereto under article 119. The termination of rights and privileges dates from the British declaration of war against Germany.

ARTICLE 289.

Each of the Allied or Associated Powers, being guided by the general principles or special provisions of the present Treaty, shall notify to Germany the bilateral treaties or conventions which such Allied or Associated Power wishes to revive with Germany.

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The notification referred to in the present Article shall be made either directly or through the intermediary of another Power. Receipt thereof shall be acknowledged in writing by Germany. The date of the revival shall be that of the notification.

The Allied and Associated Powers undertake among themselves not to revive with Germany any conventions or treaties which are not in accordance with the terms of the present Treaty.

Text of May 7:

The Allied and Associated Powers undertake among themselves not to revive with Germany any conventions or treaties which are not in accordance with the terms of the present Treaty. In case of any difference of opinion, the League of Nations will be called on to decide.

The notification shall mention any provisions of the said conventions and treaties which, not being in accordance with the terms of the present Treaty, shall not be considered as revived.

Text of May 7:

The notification referred to in the present Article shall be made either directly or through the intermediary of another Power. Receipt thereof shall be acknowledged in writing by Germany. The date of the revival shall be that of the notification.

In case of any difference of opinion, the League of Nations will be called on to decide.

A period of six months from the coming into force of the present Treaty is allowed to the Allied and Associated Powers within which to make the notification.

Only those bilateral treaties and conventions which have been the subject of such a notification shall be revived between the Allied and Associated Powers and Germany; all the others are and shall remain abrogated.

The above regulations apply to all bilateral treaties or conventions existing between all the Allied and Associated Powers signatories to the present Treaty and Germany, even if the said Allied and Associated Powers have not been in a state of war with Germany.

Note to X, 289

A considerable network of bilateral engagements was cleared away by the provision of this article that all treaties not specifically revived by any Allied and Associated Power were abrogated as of January 10, 1920. By the last paragraph, states which had broken off relations

PART X: ARTICLES 290 TO 291

Note to X, 289—Continued

with Germany and were signatories to the treaty of peace were entitled to abrogate their treaties.

A note from the British Government to the German Government gave notice of the revival of certain bilateral treaties between the British Empire and Germany as from the date of the note, June 25, 1920 (5 League of Nations Treaty Series, p. 303). The note stated that, with respect to an agreement for the exchange of money orders, the words "German protectorate" and "German postal agencies in foreign countries" must be regarded as excised from the revived agreement, being contrary to the stipulations of the treaty of peace.

Comparatively few bilateral treaties were revived under these provisions. The action of five states is recorded as follows: for Belgium, see *Reichsgesetzblatt*, 1920, II, 1397; France, *ibid.*, I, 946; Great Britain, *ibid.*, II, 1543; Greece, *ibid.*, p. 1544; Italy, *ibid.*, p. 1577.

ARTICLE 290.

Germany recognises that all the treaties, conventions or agreements which she has concluded with Austria, Hungary, Bulgaria or Turkey since August 1, 1914, until the coming into force of the present Treaty are and remain abrogated by the present Treaty.

Note to X, 290

The principal German political treaties abrogated by this article were:

Austria-Hungary, military treaty, May 12, 1918.

Hungary, Bulgaria, Turkey, treaty of alliance, Sofia, July 17, 1915.

Turkey, notice extending most-favored-nation treatment to Turkish subjects for duration of the war, June 24, 1915 (*Reichsgesetzblatt*, 1915, p. 347).

Turkey, treaty of alliance, Constantinople, August 2, 1914.

Turkey, settlement treaty and nine other treaties, Berlin, January 11, 1917 (*ibid.*, 1918, pp. 192-357).

ARTICLE 291.

Germany undertakes to secure to the Allied and Associated Powers, and to the officials and nationals of the said Powers, the enjoyment of all the rights and advantages of any kind which she may have granted to Austria, Hungary, Bulgaria or Turkey, or to the officials and nationals of these States by treaties, conventions or

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arrangements concluded before August 1, 1914, so long as those treaties, conventions or arrangements remain in force.

The Allied and Associated Powers reserve the right to accept or not the enjoyment of these rights and advantages.

ARTICLE 292.

Germany recognises that all treaties, conventions or arrangements which she concluded with Russia, or with any State or Government of which the territory previously formed a part of Russia, or with Roumania, before August 1, 1914, or after that date until the coming into force of the present Treaty, are and remain abrogated.

Note to X, 292

The principal treaties abrogated by this article, which reads with articles 116 and 117 and with equivalent provisions in the treaties of peace with Austria, Bulgaria, and Hungary, were:

Treaty of peace between Germany, Austria, Hungary, Bulgaria, and Turkey of the one part and the Ukrainian People's Republic, Brest-Litovsk, February 9, 1918 (*Reichsgesetzblatt*, 1918, p. 1010; Department of State, *Texts of the Ukraine "Peace"*, p. 9).

Supplementary legal-political treaty between Germany and the Ukrainian People's Republic, Brest-Litovsk, February 9, 1918 (*Reichsgesetzblatt*, 1918, p. 1030; Department of State, *Texts of the Ukraine "Peace"*, p. 29).

Agreements on grain and oil seeds and economic matters between Germany and Austria-Hungary and the Ukraine, Kiev, April 9 and 23, 1918 (Department of State, *Texts of the Ukraine "Peace"*, pp. 143, 146).

Financial treaty between Germany and Austria-Hungary and the Ukraine, Kiev, May 15, 1918 (*ibid.*, p. 153).

Treaty of peace between Germany, Austria-Hungary, Bulgaria, and Turkey of the one part and Russia, Brest-Litovsk, March 3, 1918 (*Reichsgesetzblatt*, 1918, p. 479; Department of State, *Texts of the Russian "Peace"*, p. 13).

Supplementary legal-political treaty between Germany and Russia, Brest-Litovsk, March 3, 1918 (*Reichsgesetzblatt*, 1918, p. 2622; Department of State, *Texts of the Russian "Peace"*, p. 115).

Supplementary financial and civil-law agreements between Germany and Russia, Berlin, August 27, 1918 (*Reichsgesetzblatt*, 1918, pp. 1154, 1172, 1190; Department of State, *Texts of the Russian "Peace"*, pp. 177, 191, 203).

Note to X, 292—Continued

Treaty of peace between Germany and Finland, Berlin, March 7, 1918 (*Reichsgesetzblatt*, 1918, p. 701; Department of State, *Texts of the Finland "Peace"*, p. 13).

Convention concerning commerce and navigation between Germany and Finland, Berlin, March 7, 1918 (*Reichsgesetzblatt*, 1918, p. 712; Department of State, *Texts of the Finland "Peace"*, p. 27).

Additional protocol to the treaty of peace and convention concerning commerce and navigation between Germany and Finland, Brest-Litovsk, March 7, 1918 (*Reichstagsdrucksachen*, II. Session 1914/1918, No. 1396; Department of State, *Texts of the Finland "Peace"*, p. 39).

Treaty of peace between Germany, Austria-Hungary, Bulgaria, and Turkey of the one part and Rumania, Bucharest, May 7, 1918 (Germany, Auswärtiges Amt, *Der Friedensvertrag mit Rumänien nebst den deutschen Zusatzverträgen*; Department of State, *Texts of the Roumanian "Peace"*, p. 7).

Treaty concerning economic policy supplementary to the treaty of peace with Rumania, Bucharest, May 7, 1918 (Department of State, *Texts of the Roumanian "Peace"*, p. 57).

Treaty concerning legal matters supplementary to the treaty of peace with Rumania between Germany and Rumania, Bucharest, May 7, 1918 (*ibid.*, p. 113).

ARTICLE 293.

Should an Allied or Associated Power, Russia, or a State or Government of which the territory formerly constituted a part of Russia, have been forced since August 1, 1914, by reason of military occupation or by any other means or for any other cause, to grant or to allow to be granted by the act of any public authority, concessions, privileges and favours of any kind to Germany or to a German national, such concessions, privileges and favours are *ipso facto* annulled by the present Treaty.

No claims or indemnities which may result from this annulment shall be charged against the Allied or Associated Powers or the Powers, States, Governments or public authorities which are released from their engagements by the present Article.

ARTICLE 294.

From the coming into force of the present Treaty Germany undertakes to give the Allied and Associated Powers and their

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nationals the benefit *ipso facto* of the rights and advantages of any kind which she has granted by treaties, conventions, or arrangements to non-belligerent States or their nationals since August 1, 1914, until the coming into force of the present Treaty, so long as those treaties, conventions or arrangements remain in force.

ARTICLE 295.

Those of the High Contracting Parties who have not yet signed, or who have signed but not yet ratified, the Opium Convention signed at The Hague on January 23, 1912, agree to bring the said Convention into force, and for this purpose to enact the necessary legislation without delay and in any case within a period of twelve months from the coming into force of the present Treaty.

Furthermore, they agree that ratification of the present Treaty should in the case of Powers which have not yet ratified the Opium Convention be deemed in all respects equivalent to the ratification of that Convention and to the signature of the Special Protocol which was opened at The Hague in accordance with the resolutions adopted by the Third Opium Conference in 1914 for bringing the said Convention into force.

For this purpose the Government of the French Republic will communicate to the Government of the Netherlands a certified copy of the protocol of the deposit of ratifications of the present Treaty, and will invite the Government of the Netherlands to accept and deposit the said certified copy as if it were a deposit of ratifications of the Opium Convention and a signature of the Additional Protocol of 1914.

Note to X, 295

This article had an important effect in establishing a broad basis of agreement for the development of the program for combating the traffic in opium and other dangerous drugs under article 23(c) of the Covenant of the League of Nations. This article resulted in 34 additional ratifications to the 1912 convention, which increase made it possible for the League to proceed steadily with its program.

The convention is in Treaty Series 612, at *Treaties, Conventions, etc.*, 1910-23, III, 3025, and at 8 League of Nations Treaty Series, p. 187. For the subsequent instruments see p. 120.

SECTION III.—*Debts.***Note to X, sec. III**

Germany accepted the principle of a clearing system for private debts, but objected that the treaty did not establish reciprocity and that the parties were deprived of freedom of communication and the free right to decide what to do (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 885). Many individual provisions of article 296 were criticized in detail.

The Allies declined to admit that reciprocity was generally denied, asserting that it was complete as regards individuals, except in the matter of non-payment to Germany of balances due by the Allied and Associated Powers (*ibid.*, p. 980). One minor change was conceded in article 296 (*e*) by substituting one month for six. A German objection to applying the usual procedure to debts contracted in Alsace-Lorraine before November 1918 (instead of "before the war") was overruled on the ground that the debts concerned only German nationals and Alsace-Lorrainers who acquired French nationality.

For special application to Alsace-Lorraine, see articles 72 and 74.

For the inapplication to Siam of this article, see note under article 137.

ARTICLE 296.

There shall be settled through the intervention of Clearing Offices to be established by each of the High Contracting Parties within three months of the notification referred to in paragraph (*e*) hereafter the following classes of pecuniary obligations:

(1) Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory, to a national of an Opposing Power, residing within its territory;

(2) Debts which became payable during the war to nationals of one Contracting Power residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the declaration of war;

Note to X, 296 (2)

Great Britain concluded with Belgium and France conventions applying the provisions of section III of part X and article 296 (1) and (2), as to enemy debts, to Belgian and French nationals resident within the United Kingdom, Canada, New Zealand, and India, British colonies not possessing responsible government, and British

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Note to X, 296 (2)—Continued

protectorates with the exception of Egypt. The conventions were signed at London, July 20, 1921 and were effective September 30 (8 League of Nations Treaty Series, pp. 115, 301).

(3) Interest which has accrued due¹ before and during the war to a national of one of the Contracting Powers in respect of securities issued by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war;

Text of May 7:

Interest which has accrued due during the war to a national of one of the Contracting Powers in respect of securities issued by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war.

(4) Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

Text of May 7:

Capital sums which have become payable during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

The proceeds of liquidation of enemy property, rights and interests mentioned in Section IV and in the Annex thereto will be accounted for through the Clearing Offices, in the currency and at the rate of exchange hereinafter provided in paragraph (d), and disposed of by them under the conditions provided by the said Section and Annex.

The settlements provided for in this Article shall be effected according to the following principles and in accordance with the Annex to this Section:

(a) Each of the High Contracting Parties shall prohibit, as from the coming into force of the present Treaty, both the payment and the acceptance of payment of such debts, and also all communica-

¹ The French text of this clause reads: "3° Les intérêts échus avant et pendant la guerre, et dus à un ressortissant d'une des Puissances Contractantes". . .

tions between the interested parties with regard to the settlement of the said debts otherwise than through the Clearing Offices;

(b) Each of the High Contracting Parties shall be respectively responsible for the payment of such debts due by its nationals, except in the cases where before the war the debtor was in a state of bankruptcy or failure, or had given formal indication of insolvency or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. Nevertheless, debts due by the inhabitants of territory invaded or occupied by the enemy before the Armistice will not be guaranteed by the States of which those territories form a part;

(c) The sums due to the nationals of one of the High Contracting Parties by the nationals of an Opposing State will be debited to the Clearing Office of the country of the debtor, and paid to the creditor by the Clearing Office of the country of the creditor;

(d) Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, or the British Dominions or India, as may be concerned. If the debts are payable in some other currency they shall be paid or credited in the currency of the country concerned, whether an Allied or Associated Power, Colony, Protectorate, British Dominion or India, at the pre-war rate of exchange.

For the purpose of this provision the pre-war rate of exchange shall be defined as the average cable transfer rate prevailing in the Allied or Associated country concerned during the month immediately preceding the outbreak of war between the said country concerned and Germany.

If a contract provides for a fixed rate of exchange governing the conversion of the currency in which the debt is stated into the currency of the Allied or Associated country concerned, then the above provisions concerning the rate of exchange shall not apply.

In the case of new States the currency in which and the rate of exchange at which debts shall be paid or credited shall be determined by the Reparation Commission provided for in Part VIII (Reparation);

(e) The provisions of this Article and of the Annex hereto shall not apply as between Germany on the one hand and any one of the Allied and Associated Powers, their colonies or protectorates, or any one of the British Dominions or India on the other hand, unless within a period of one month from the deposit of the ratification of the present Treaty by the Power in question, or of the ratification on behalf of such Dominion or of India, notice to that effect is given

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to Germany by the Government of such Allied or Associated Power or of such Dominion or of India as the case may be;

Text of May 7:

The provisions of this Article and of the Annex hereto shall not apply as between Germany on the one hand and any one of the Allied and Associated Powers, their colonies or protectorates, or any one of the British Dominions or India on the other hand, unless within a period of six months from the coming into force of the present Treaty notice to that effect is given to Germany by the Government of such Allied or Associated Power or of such Dominion or of India as the case may be.

(f) The Allied and Associated Powers who have adopted this Article and the Annex hereto may agree between themselves to apply them to their respective nationals established in their territory so far as regards matters between their nationals and German nationals. In this case the payments made by application of this provision will be subject to arrangements between the Allied and Associated Clearing Offices concerned.

Note to X, 296 (4) (f)

Belgium and France concluded a convention for the application of these provisions to their respective nationals at Paris, July 24, 1920 (1 League of Nations Treaty Series, p. 311).

France and Greece concluded a convention defining the power and duties of their respective offices at Paris on August 27, 1921 (8 League of Nations Treaty Series, p. 137). As in other cases, notice of the convention was given to Germany, and the six-month period laid down in annex 5, paragraph 1, began from the date of that notice.

Note to X, 296, in toto

By an agreement between the German Government and the Belgian, British, French, Greek, Italian, and Siamese Clearing Offices, signed at London, June 10, 1921, the final date for submitting claims of nationals was September 30, 1921 (8 League of Nations Treaty Series, p. 297).

For the law on the Clearing Office of the Reich (*Reichsausgleichsgesetz*) see *Reichsgesetzblatt*, 1923, Teil I, 1135.

For treatment of debts of United States nationals, see note under article 304.

An agreement between the German Government and the Saar Governing Commission signed at Berlin, September 15 and Saarbrücken, September 20, 1924 concerned the application in the Saar

PART X: ARTICLE 296

Note to X, 296, in toto—Continued

Territory of the procedure for the regulation of pre-war debts and claims by way of compensation (30 League of Nations Treaty Series, p. 127).

An agreement regarding the complete and final settlement of the question of reparation was signed at The Hague on January 20, 1930 (104 League of Nations Treaty Series, p. 243) between Germany, Belgium, Great Britain and Northern Ireland, Canada, Australia, New Zealand, Union of South Africa, France, India, Greece, Italy, Japan, Poland, Portugal, Rumania, Czechoslovakia, and Yugoslavia.

Article 3 of the agreement gives effect to section 143 of the report of the Committee of Experts, June 7, 1929, officially known as the New Plan and popularly called the Young Plan, which reads as follows:

“The creditor Governments, under this plan, will be reducing the whole body of their claims arising out of the war or under the treaty of Versailles to a considerable extent. The experts of the creditor countries are aware that past transactions have given or may give rise to claims by Germany, some of which are still unsettled, and, while they are not able to go into the merits of these claims, they consider that the creditor Governments are fully entitled to expect that Germany should waive them in consideration of the consolidation of the creditors' claims at a reduced figure. Any other course would be inconsistent with their intention that, just as the new annuities cover all the claims defined in Part XI of the Dawes Plan, so they should be paid free of deduction in respect of any past transactions. The committee recognizes, however, that this is entirely a matter for the Governments to deal with.”

Article 3 B of the agreement of January 20, 1930 reads as follows:

“(a) In execution of paragraph 143 of the Experts' Report of June 7, 1929, on the understanding that the following declaration is to be considered as a full compliance with the requirements of that paragraph as to a waiver, Germany declares that she waives every claim as defined by the following list, whether for a payment or for property, which she may have addressed or might hereafter address to the Reparation Commission or to any Creditor Power signatory to the present agreement for any transaction prior in date to the signature of this agreement, connected with the World War, the Armistice conventions, the treaty of Versailles or any agreements made for their execution:

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Note to X, 296, in toto—Continued

- “(1) claims relating to property or pecuniary rights of prisoners of war in so far as they have not already been settled by special agreements;
- “(2) claims seeking to obtain the reimbursement of payments made under paragraph 11 of the Annex to Article 296 of the treaty of Versailles;
- “(3) claims relating to loans issued by the former German colonies;
- “(4) any claims, whether for a payment or for property, which the German Government has presented or might present for its own account other than state claims notified, under the clearing procedure provided for under Articles 296 and 72 of the treaty of Versailles, by the Creditor to the Debtor Office.

“(b) By way of reciprocity the Creditor Powers accept in conformity with the recommendation of paragraph 96 of the Experts' Report of June 7, 1929, the payment in full of the annuities fixed thereby as a final discharge of all the liabilities of Germany still remaining undischarged and waive every claim additional to those annuities, either for a payment or for property, which has been addressed or might be addressed to Germany for any past transaction falling under the same heads of claim as those appearing under (1) to (4) above.”

Part 9 of the New (Young) Plan of June 7, 1929 called for “a general liquidation of the financial questions raised by the war and the subsequent Treaty of Peace, a liquidation which alone can ensure the definite return of Europe to normal financial and economic conditions”. Nine instruments to carry out this recommendation, with the consequent effect of halting the execution of part X of this treaty, were concluded as follows by Germany:

Agreement with Belgium concerning German property, rights and interests in Belgium, Berlin, July 13, 1929;

Agreement with Belgium for the definitive regulation of questions resulting from part X, sections III–VII, of the Treaty of Versailles, Brussels, January 16, 1930;

Arrangement with Poland, Warsaw, October 31, 1929;

Agreement with the United Kingdom, London, December 28, 1929;

Note to X, 296, in toto—Continued

Agreement with France concerning the liquidation of German property, Paris, December 31, 1929;

Agreement with Canada, The Hague, January 14, 1930;

Agreement with Australia regarding the release of property, rights, and interests of German nationals subject to the charge created in pursuance of the Treaty of Versailles, The Hague, January 17, 1930;

Agreement with New Zealand regarding the release of property, rights, and interests of German nationals subject to the charge created in pursuance of the Treaty of Versailles, The Hague, January 17, 1930;

Agreement with Italy for the definitive regulation of any unsolved questions relating to part X of the Treaty of Versailles, The Hague, January 20, 1930.

The German law putting these agreements in force with respect to Germany was promulgated on March 18, 1930 (*Reichsgesetzblatt*, 1930, II, 539). All of them went into force with the New (Young) Plan, May 17, 1930.

Note to X, 296, in toto—Continued

“ENEMY DEBTS” AS AT MARCH 31, 1932¹

(British Commonwealth accounts complete; Belgian and Italian figures not available)

Owing to Allied Creditors by German Debtors

Country	Claims notified to German Clearing Office		Admitted by German Clearing Office		Contested, withdrawn, or disallowed by Mixed Arbitral Tribunal	Under consideration	Cash	
	No.	Amount	No.	Total (Principal and interest)			From German Clearing Office	Paid to Allied Creditors
Great Britain . . .	94,833	£ 67,348,761	74,916	£ 52,030,440	£ 25,025,577	£ 30,907	£ 28,659,677	£ 52,030,440
France— Paris Office . . .	126,352	Fcs. 1,426,207,597	92,748	Fcs. 904,787,322	Fcs. 605,004,839	Fcs. 58,257,768	Fcs. 375,638,335	Fcs. 893,093,673
Strasbourg Office	203,409	Fcs. 1,439,327,417	184,175	Fcs. 896,267,252	Fcs. 569,201,741	Fcs. 27,938,538	Fcs. 251,288,517	Fcs. 887,319,385
Greece	2,005	Dr. 318,111,907	576	Dr. 36,736,088	Dr. 284,767,393	Dr. 465,000	Dr. 912,984	Dr. 24,811,185
Siam	75	Ticals 1,131,464	64	Ticals 295,885	Ticals 835,579	Nil	Ticals 188,163	Ticals 295,885

¹ Adapted from United Kingdom, 12th Annual Report of the Controller of the Clearing Office, 12, 13 (51-22-0-32).

Note to X, 296, in toto—Continued

“ENEMY DEBTS” AS AT MARCH 31, 1932—Continued

Owing to German Creditors by Allied Debtors

Country	Claims notified to Allied Clearing Office		Admitted to German Clearing Office		Contested	Under consideration
	No.	Amount	No.	Total (Principal and interest)		
Great Britain	266,191	£ 63,199,925	173,892	£ 22,218,709	£ 46,485,432	Nil
France—						
Paris Office	179,931	Fcs. 784,047,990	162,289	Fcs. 380,347,363	Fcs. 425,464,117	Fcs. 50,776,964
Strasbourg Office	163,607	Fcs. 424,082,992	145,219	Fcs. 120,456,747	Fcs. 298,414,469	Fcs. 15,258,010
Greece	7,012	Dr. 118,452,662	5,929	Dr. 21,838,403	Dr. 98,233,863	Dr. 166,266
Siam	495	Ticals 2,785,375	390	Ticals 454,920	Ticals 2,330,455	Nil

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to X, 296, in toto—Continued

The credit balance of the Greek Clearing Office closed June 30, 1928 at 28,186,455.43 drachmas, charged to the German Government.

A N N E X .

1.

Each of the High Contracting Parties will, within three months from the notification provided for in Article 296, paragraph (e), establish a Clearing Office for the collection and payment of enemy debts.

Local Clearing Offices may be established for any particular portion of the territories of the High Contracting Parties. Such local Clearing Offices may perform all the functions of a central Clearing Office in their respective districts, except that all transactions with the Clearing Office in the Opposing State must be effected through the central Clearing Office.

2.

In this Annex the pecuniary obligations referred to in the first paragraph of Article 296 are described "as enemy debts", the persons from whom the same are due as "enemy debtors", the persons to whom they are due as "enemy creditors", the Clearing Office in the country of the creditor is called the "Creditor Clearing Office", and the Clearing Office in the country of the debtor is called the "Debtor Clearing Office".

3.

The High Contracting Parties will subject contraventions of paragraph (a) of Article 296 to the same penalties as are at present provided by their legislation for trading with the enemy. They will similarly prohibit within their territory all legal process relating to payment of enemy debts, except in accordance with the provisions of this Annex.

4.

The Government guarantee specified in paragraph (b) of Article 296 shall take effect whenever, for any reason, a debt shall not be recoverable, except in a case where at the date of the outbreak of war the debt was barred by the laws of prescription in force in the country of the debtor, or where the debtor was at that time in a

PART X: ARTICLE 296, ANNEX

state of bankruptcy or failure or had given formal indication of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. In such case the procedure specified by this Annex shall apply to payment of the dividends.

The terms "bankruptcy" and "failure" refer to the application of legislation providing for such juridical conditions. The expression "formal indication of insolvency" bears the same meaning as it has in English law.

5.

Creditors shall give notice to the Creditor Clearing Office within six months of its establishment of debts due to them, and shall furnish the Clearing Office with any documents and information required of them.

The High Contracting Parties will take all suitable measures to trace and punish collusion between enemy creditors and debtors. The Clearing Offices will communicate to one another any evidence and information which might help the discovery and punishment of such collusion.

The High Contracting Parties will facilitate as much as possible postal and telegraphic communication at the expense of the parties concerned and through the intervention of the Clearing Offices between debtors and creditors desirous of coming to an agreement as to the amount of their debt.

The Creditor Clearing Office will notify the Debtor Clearing Office of all debts declared to it. The Debtor Clearing Office will, in due course, inform the Creditor Clearing Office which debts are admitted and which debts are contested. In the latter case, the Debtor Clearing Office will give the grounds for the non-admission of debt.

6.

When a debt has been admitted, in whole or in part, the Debtor Clearing Office will at once credit the Creditor Clearing Office with the amount admitted, and at the same time notify it of such credit.

7.

The debt shall be deemed to be admitted in full and shall be credited forthwith to the Creditor Clearing Office unless within three months from the receipt of the notification or such longer time as may be agreed to by the Creditor Clearing Office notice has been given by the Debtor Clearing Office that it is not admitted.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

8.

When the whole or part of a debt is not admitted the two Clearing Offices will examine into the matter jointly and will endeavor to bring the parties to an agreement.

9.

The Creditor Clearing Office will pay to the individual creditor the sums credited to it out of the funds placed at its disposal by the Government of its country and in accordance with the conditions fixed by the said Government, retaining any sums considered necessary to cover risks, expenses or commissions.

10.

Any person having claimed payment of an enemy debt which is not admitted in whole or in part shall pay to the clearing office, by way of fine, interest at 5 per cent. on the part not admitted. Any person having unduly refused to admit the whole or part of a debt claimed from him shall pay, by way of fine, interest at 5 per cent. on the amount with regard to which his refusal shall be disallowed.

Such interest shall run from the date of expiration of the period provided for in paragraph 7 until the date on which the claim shall have been disallowed or the debt paid.

Each Clearing Office shall in so far as it is concerned take steps to collect the fines above provided for, and will be responsible if such fines cannot be collected.

The fines will be credited to the other Clearing Office, which shall retain them as a contribution towards the cost of carrying out the present provisions.

11.

The balance between the Clearing Offices shall be struck monthly and the credit balance paid in cash by the debtor State within a week.

Nevertheless, any credit balances which may be due by one or more of the Allied and Associated Powers shall be retained until complete payment shall have been effected of the sums due to the Allied or Associated Powers or their nationals on account of the war.

12.

To facilitate discussion between the Clearing Offices each of them shall have a representative at the place where the other is established.

13

Except for special reasons all discussions in regard to claims will, so far as possible, take place at the Debtor Clearing Office.

14.

In conformity with Article 296, paragraph (b), the High Contracting Parties are responsible for the payment of the enemy debts owing by their nationals.

The Debtor Clearing Office will therefore credit the Creditor Clearing Office with all debts admitted, even in case of inability to collect them from the individual debtor. The Governments concerned will, nevertheless, invest their respective Clearing Offices with all necessary powers for the recovery of debts which have been admitted.

As an exception, the admitted debts owing by persons having suffered injury from acts of war shall only be credited to the Creditor Clearing Office when the compensation due to the person concerned in respect of such injury shall have been paid.

15.

Each Government will defray the expenses of the Clearing Office set up in its territory, including the salaries of the staff.

16.

Where the two Clearing Offices are unable to agree whether a debt claimed is due, or in case of a difference between an enemy debtor and an enemy creditor or between the Clearing Offices, the dispute shall either be referred to arbitration if the parties so agree under conditions fixed by agreement between them, or referred to the Mixed Arbitral Tribunal provided for in Section VI hereafter.

At the request of the Creditor Clearing Office the dispute may, however, be submitted to the jurisdiction of the Courts of the place of domicile of the debtor.

17.

Recovery of sums found by the Mixed Arbitral Tribunal, the Court, or the Arbitration Tribunal to be due shall be effected through the Clearing Offices as if these sums were debts admitted by the Debtor Clearing Office.

18.

Each of the Governments concerned shall appoint an agent who will be responsible for the presentation to the Mixed Arbitral Tribunal of the cases conducted on behalf of its Clearing Office. This agent will exercise a general control over the representatives or counsel employed by its nationals.

Decisions will be arrived at on documentary evidence, but it will be open to the Tribunal to hear the parties in person, or according to their preference by their representatives approved by the two Governments, or by the agent referred to above, who shall be competent to intervene along with the party or to re-open and maintain a claim abandoned by the same.

19.

The Clearing Offices concerned will lay before the Mixed Arbitral Tribunal all the information and documents in their possession, so as to enable the Tribunal to decide rapidly on the cases which are brought before it.

20.

Where one of the parties concerned appeals against the joint decision of the two Clearing Offices he shall make a deposit against the costs, which deposit shall only be refunded when the first judgment is modified in favour of the appellant and in proportion to the success he may attain, his opponent in case of such a refund being required to pay an equivalent proportion of the costs and expenses. Security accepted by the Tribunal may be substituted for a deposit.

A fee of 5 per cent. of the amount in dispute shall be charged in respect of all cases brought before the Tribunal. This fee shall, unless the Tribunal directs otherwise, be borne by the unsuccessful party. Such fee shall be added to the deposit referred to. It is also independent of the security.

The Tribunal may award to one of the parties a sum in respect of the expenses of the proceedings.

Any sum payable under this paragraph shall be credited to the Clearing Office of the successful party as a separate item.

21.

With a view to the rapid settlement of claims, due regard shall be paid in the appointment of all persons connected with the

PART X: ARTICLE 296, ANNEX

Clearing Offices or with the Mixed Arbitral Tribunal to their knowledge of the language of the other country concerned.

Each of the Clearing Offices will be at liberty to correspond with the other and to forward documents in its own language.

22.

Subject to any special agreement to the contrary between the Governments concerned, debts shall carry interest in accordance with the following provisions:

Interest shall not be payable on sums of money due by way of dividend, interest or other periodical payments which themselves represent interest on capital.

The rate of interest shall be 5 per cent. per annum except in cases where, by contract, law or custom, the creditor is entitled to payment of interest at a different rate. In such cases the rate to which he is entitled shall prevail.

Interest shall run from the date of commencement of hostilities (or, if the sum of money to be recovered fell due during the war, from the date at which it fell due) until the sum is credited to the Clearing Office of the creditor.

Sums due by way of interest shall be treated as debts admitted by the Clearing Offices and shall be credited to the Creditor Clearing Office in the same way as such debts.

23.

Where by decision of the Clearing Offices or the Mixed Arbitral Tribunal a claim is held not to fall within Article 296, the creditor shall be at liberty to prosecute the claim before the Courts or to take such other proceedings as may be open to him.

The presentation of a claim to the Clearing Office suspends the operation of any period of prescription.

24.

The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

Text of May 7:

The High Contracting Parties agree to regard the decisions arrived at in accordance with the provisions of this Annex as final and conclusive, and to render them binding upon their nationals.

In any case where a Creditor Clearing Office declines to notify a claim to the Debtor Clearing Office, or to take any step provided for in this Annex, intended to make effective in whole or in part a request of which it has received due notice, the enemy creditor shall be entitled to receive from the Clearing Office a certificate setting out the amount of the claim, and shall then be entitled to prosecute the claim before the courts or to take such other proceedings as may be open to him.

SECTION IV.—Property, Rights and Interests.

Note to X, sec. IV

On May 22 the German delegation registered various "objections of principle" to the provisions of the treaty with respect to the treatment of private property (*Foreign Relations*, The Paris Peace Conference, 1919, v, 865). The use of private property to meet the obligations of the German Government was not only "illegal" in itself, but there were no provisions for reciprocity. Moreover German private property in Russia, China, Austria, Hungary, Bulgaria, and Turkey was to be made available by empowering the Reparation Commission to demand from the German Government the immediate expropriation of these holdings, and the proceeds of these sales could be used for the settlement not only of private claims against Germany and German nationals, but even of private claims against nationals of Germany's allies, e.g. of British nationals against the Turkish Government and Turkish nationals. All these provisions were declared "opposed to the most elementary conceptions of a plea of Right". The liquidation by the Allies of German property in their own countries was declared to be confiscatory and calculated to lead to "a general undermining of the fundamental principles of international legal intercourse".

The Allies, in their general reply of June 16, asserted that the "immediate resources" of Germany were not adequate to meet the obligations of Germany and that just as they had sold foreign investments to meet their foreign obligations, "Germany must do what she has forced her opponents to do" (*ibid.*, vi, 978). The German note was quoted to show that Germany recognized the necessity of doing so. The lack of reciprocity referred only to post-war measures, "exceptional war measures being confirmed on both sides". For the rest, "the compensation to the German property owners must

PART X: ARTICLE 297

Note to X, sec. IV—Continued

be made by Germany itself". The principle of joint liability against which Germany complained had been initiated by Germany itself (e.g. by the seizure of French credit balances in Belgian banks). Nevertheless, the Allies would omit the charge on the property of German nationals to satisfy the unpaid debts of nationals of Germany's allies. The charge that the Allied demands amounted to confiscation was rejected, since all proceeds from the seizure of German property would be applied to reducing Germany's debt, and the German Government was required to compensate its own nationals.

In the "Observations" of May 29, the German delegation complained that several states—France, Belgium, China, and Guatemala—had taken advantage of the armistice to institute forcible liquidation proceedings against German private property before agreement had been reached by the treaty (*ibid.*, p. 889). Exceptions were taken to many details of article 297 and the annex. Finally Germany expected that German institutions of research and education in Allied territories would be left with their landed properties.

In reply the Allies offered explanations of the various articles mentioned and argued that they were not unjust (*ibid.*, p. 982). The claim that the property of German institutions for research and education should be wholly exempt from liquidation was rejected "in view of the past activities of some of the institutions which nominally exist for the above purposes", but "full regard would be paid to the interests of bona fide institutions". If persons in the Allied States had been guilty of "corrupt or fraudulent machinations" in the liquidation of German property, the Allied Governments would welcome information and evidence from the German Government. Any disputes as regards the amount of claims by Allied nationals in respect of acts committed by Germany between July 31, 1914 and the date at which an Allied or Associated State entered the war could be referred to Gustave Ador, president of the Swiss Confederation in 1919, or to an arbitrator appointed by the Mixed Arbitral Tribunal.

For special application to Alsace-Lorraine, see articles 73 and 74.

ARTICLE 297.

The question of private property, rights and interests in an enemy country shall be settled according to the principles laid down in this Section and to the provisions of the Annex hereto.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

(a) The exceptional war measures and measures of transfer (defined in paragraph 3 of the Annex hereto) taken by Germany with respect to the property, rights and interests of nationals of Allied or Associated Powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights and interests concerned restored to their owners, who shall enjoy full rights therein in accordance with the provisions of Article 298.

(b) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests belonging at the date of the coming into force of the present Treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions and protectorates, including territories ceded to them by the present Treaty.

Text of May 7:

Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests of German nationals, or companies controlled by them, within their territories, colonies, possessions and protectorates including territories ceded to them by the present Treaty.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the German owner shall not be able to dispose of such property, rights or interests nor to subject them to any charge without the consent of that State.

German nationals who acquire *ipso facto* the nationality of an Allied or Associated Power in accordance with the provisions of the present Treaty will not be considered as German nationals within the meaning of this paragraph.

(c) The price or the amount of compensation in respect of the exercise of the right referred to in the preceding paragraph (b) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

(d) As between the Allied and Associated Powers or their nationals on the one hand and Germany or her nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined

PART X: ARTICLE 297

in paragraphs 1 and 3 of the Annex hereto shall be considered as final and binding upon all persons except as regards the reservations laid down in the present Treaty.

(e) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights or interests, including any company or association in which they are interested, in German territory as it existed on August 1, 1914, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI or by an Arbitrator appointed by that Tribunal. This compensation shall be borne by Germany, and may be charged upon the property of German nationals within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of this compensation may be made by the Allied or Associated State, and the amount will be debited to Germany.

Note to X, 297 (e)

An agreement between the British and German Governments relating to the operation of this provision was signed at London, November 23, 1921 (8 League of Nations Treaty Series, p. 381).

(f) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in German territory and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (e) shall be satisfied by the restitution of the said property if it still exists in specie.

In such case Germany shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution.

If the restitution provided for in this paragraph cannot be effected, private agreements arranged by the intermediation of the Powers concerned or the Clearing Offices provided for in the Annex to Section III may be made, in order to secure that the national of the Allied or Associated Power may secure compensa-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

tion for the injury referred to in paragraph (e) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights or interests of which he was deprived.

Through restitution in accordance with this Article, the price or the amount of compensation fixed by the application of paragraph (e) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

(g) The rights conferred by paragraph (f) are reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights or interests were not applied before the signature of the Armistice.

(h) Except in cases where, by application of paragraph (f), restitutions in specie have been made, the net proceeds of sales of enemy property, rights or interests wherever situated carried out either by virtue of war legislation, or by application of this Article, and in general all cash assets of enemies, shall be dealt with as follows:

(1) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder; any credit balance in favour of Germany resulting therefrom shall be dealt with as provided in Article 243.

Note to X, 297(h) (1)

A proposal of agreement between Siam and Germany submitted to the Reparation Commission on November 15, 1922 was approved provisionally if ratified before December 31, 1924. By this agreement Siam would renounce any claim to credits under part VIII of the treaty and turn over to the Reparation Commission the Clearing Office balances under article 296, annex, paragraph 2, and article 297 (h) (1), after deduction of at least 1,500,000 ticals to pay for property of the Siamese Government seized in Germany during the war. Though the agreement was not ratified, Siam turned over to the Reparation Commission 3,249,868.14 gold marks. The Arbitral Tribunal of Interpretation on May 29, 1928 decided that these payments were not to be reckoned against the annuities of the Experts' (Dawes) Plan, since they did not constitute an asset of value in the experts' estimate of what Germany could pay.

An annex to the provisional economic arrangement between Germany and Siam signed at Berlin, February 28, 1924, and in force

Note to X, 297 (h) (1)—Continued

February 15, 1925 (32 League of Nations Treaty Series, p. 399), touches the matter in section I, which reads:

“The German Government, in order to give a proof of their earnest readiness to remove all obstacles which may still stand in the way of resuming the relations of a perfect amity between the two countries, oblige themselves to indemnify the Royal Siamese Government, apart from and in addition to the obligation of the German Government under part VIII of the Treaty of Versailles, for the seizure of Siamese property, rights, and interests in German territory during the war. This compensation is hereby settled and fixed in the amount of two million (2,000,000) ticals, which sum shall be paid solely out of the proceeds of liquidation of German property, rights, and interests in Siam and not otherwise. The German Government, however, shall not be regarded as having, by this arrangement, prejudiced themselves as to the application of article 297 of the Treaty of Versailles.

“The Royal Siamese Government, on their part, shall instantly withdraw the claims which they have instituted before the German-Siamese Mixed Arbitral Tribunal in Paris against the German Government and the Direction der Disconto Gesellschaft, Berlin.”

(2) As regards Powers not adopting Section III and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets, of the nationals of Allied or Associated Powers held by Germany shall be paid immediately to the person entitled thereto or to his Government; the proceeds of the property, rights and interests, and the cash assets, of German nationals received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the Annex hereto. Any property, rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power and if retained the cash value thereof shall be dealt with as provided in Article 243.

In the case of liquidations effected in new States, which are signatories of the present Treaty as Allied and Associated Powers, or in States which are not entitled to share in the reparation payments to be made by Germany, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Articles 235

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and 260, be paid direct to the owner. If on the application of that owner, the Mixed Arbitral Tribunal, provided for by Section VI of this Part, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by that State.

Note to X, 297 (h) (2)

For an interpretation of this section by the Department of State with respect to proposed Haitian legislation, see *Foreign Relations*, 1921, II, 234.

For the states entitled to share in reparation, see note under article 233.

See article 260 for the relation of liquidations under its terms to the application of this provision. The rule was applied on March 4, 1922 to Czechoslovakia and Poland.

(i) Germany undertakes to compensate her nationals in respect of the sale or retention of their property, rights or interests in Allied or Associated States.

(j) The amount of all taxes and imposts upon capital levied or to be levied by Germany on the property, rights and interests of the nationals of the Allied or Associated Powers from November 11, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights or interests which have been subjected to exceptional measures of war, until restitution in accordance with the present Treaty, shall be restored to the owners.

Note to X, 297 (j)

The Conference of Ambassadors on March 26, 1924 decided to represent to Germany that its legislation on clearing offices violated this provision.

Note to X, 297, in toto

German estimates of the transfers of values required by the economic provisions of part X were large. In pre-war currency the costs of liquidating property, rights, and interests were said to reach 8,000,000,000 marks and the Russian holdings relinquished were set at 1,500,000,000 marks. Germany made much of a reputed depreciation of 1,500,000,000 marks in values of property, rights, and interests because of the liquidations required by the treaty.

PART X: ARTICLE 297

Note to X, 297, in toto—Continued

French and German Bureaus of Private Property and Interests were established for liquidation and restitution by an exchange of notes effected at Berlin, March 20–25, 1920 (1 League of Nations Treaty Series, p. 347). The notes gave effect to resolutions of a Franco-German commission dated February 6, 1920.

Claims of Liberia were filed at \$3,977,877.92 and were settled on May 5, 1930 for £29,121 15s. 10½d. by retention of all German property liquidated by Liberia; out of the proceeds of this property £9,410 10s. 3d. had been allocated to meet Liberian claims under part X, section IV, annex, paragraph 4.

An agreement between Germany and Portugal signed at Lisbon, June 29, 1936 and in force December 18 released German property, rights, and interests from the further operation of articles 297, 300 (a), 301, and 306 (*Reichsgesetzblatt*, 1937, II, 8).

Note to X, 297, in toto—Continued

COMPENSATION IN RESPECT OF PROPERTY, RIGHTS AND INTERESTS,

AS AT MARCH 31, 1932¹

CLAIMS BY ALLIED NATIONALS BY REASON OF DAMAGE
INFLECTED IN GERMAN TERRITORY

(British Commonwealth accounts complete; Belgian, Greek and Italian figures not available.)

Credited to Germany

Country	Notified to Germany (297 h and e)	Liquidations (297 h)	Property restored (297 f)	Compensation by Mixed Tribunal or agreement (297 e)	Total	German property realized in Allied territory
Great Britain	£ 68,985,114	£ 20,027,734	£ 118,037	£ 14,472,270	£ 34,618,041	£ 66,000,000
France— Paris Office } . . .	Fcs. 1,181,191,025	Fcs. 303,435,388	Fcs. 83,742,991	Fcs. 775,459,785	Fcs. 1,162,638,164	Fcs. 2,665,410,098
Strasbourg Office } . . .	. . . . .	Ticals 31,010	. . . . .	. . . . .	Ticals 31,010	Ticals 4,089,266
Siam . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .

¹ Adapted from United Kingdom, 12th Annual Report of the Controller of the Clearing Office, 14 (51-22-0-32).

PART X: ARTICLE 298

ARTICLE 298.

Germany undertakes, with regard to the property, rights and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associated Powers in accordance with the provisions of Article 297, paragraph (a) or (f) :

(a) to restore and maintain, except as expressly provided in the present Treaty, the property, rights and interests of the nationals of Allied or Associated Powers in the legal position obtaining in respect of the property, rights and interests of German nationals under the laws in force before the war ;

(b) not to subject the property, rights or interests of the nationals of the Allied or Associated Powers to any measures in derogation of property rights which are not applied equally to the property, rights and interests of German nationals, and to pay adequate compensation in the event of the application of these measures.

Note to X, 298

The Reparation Commission denied on February 25, 1925 a claim of the German Government to credit its payments to German nationals under articles 260 or 297 to the annuities of the Experts' (Dawes) Plan. They did not, thought the commission, constitute payments emanating from Germany considered as an economic entity nor payments representing an economic advantage during the period of the plan to an Allied or Associated Government or national. Readjustments of the national German economy between that government and its nationals were not to be credited.

A N N E X .

1.

In accordance with the provisions of Article 297, paragraph (a), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions or instructions of any court or any department of the Government of any of the High Contracting Parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision or instruction dealing with property in which they may be interested, whether

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

or not such interests are specifically mentioned in the order, direction, decision, or instruction. No question shall be raised as to the regularity of a transfer of any property, rights or interests dealt with in pursuance of any such order, direction, decision or instruction. Every action taken with regard to any property, business, or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision, or winding up, the sale or management of property, rights or interests, the collection or discharge of debts, the payment of costs, charges or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions, or instructions of any court or of any department of the Government of any of the High Contracting Parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights or interests, is confirmed. Provided that the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the Allied and Associated Powers.

The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the German authorities in invaded or occupied territory, nor to such of the above mentioned measures as have been taken by Germany or the German authorities since November 11, 1918, all of which shall be void.

Text of May 7:

The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the German authorities in invaded or occupied territory.

2.

No claim or action shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or Department of the Government of such a Power by Germany or by any German national wherever resident in respect of any act or omission with regard to his property, rights or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws or regulations of any Allied or Associated Power.

3.

In Article 297 and this Annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, the use of, or the interference with enemy assets, for whatsoever motive, under whatsoever form or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges or expenses, or the collecting of fees.

Text of May 7:

. . . Acts in the execution of these measures include all detentions, instructions, orders or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges, or expenses, collecting of fees.

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation, or devolution of ownership in enemy property, or the cancelling of titles or securities.

Text of May 7:

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation, or devolution of ownership in enemy property, the cancelling of titles or securities.

4.

All property, rights and interests of German nationals within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights and interests in the territory of other enemy Powers, in so far as those claims are otherwise unsatisfied.

Text of May 7:

All property, rights and interests of German nationals within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights, and interests, including companies and associations in which they are interested in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since the 31st July, 1914, and before that Allied or Associated Power entered into the war. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights, and interests in the territory of other enemy Powers, or debts owing to them by nationals of such Powers in so far as those claims or debts are otherwise unsatisfied.

Note to X, 298, Annex (4)

By an award of the Arbitral Tribunal of Interpretation delivered May 29, 1928, the net proceeds of liquidations under this clause

PART X: ARTICLE 298, ANNEX

Note to X, 298, Annex (4)—Continued

“are not to be reckoned against the annuities to be paid under the Experts’ Plan in so far as in the accounts between Germany and the Allied Power concerned” credits and debits to Germany since August 31, 1924 have balanced or will balance one another; nor if the net proceeds are not dealt with under this clause or not released to German owners.

5.

Notwithstanding the provisions of Article 297, where immediately before the outbreak of war a company incorporated in an Allied or Associated State had rights in common with a company controlled by it and incorporated in Germany to the use of trade-marks in third countries, or enjoyed the use in common with such company of unique means of reproduction of goods or articles for sale in third countries, the former company shall alone have the right to use these trade-marks in third countries to the exclusion of the German company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action taken under German war legislation with regard to the later company or its business, industrial property or shares. Nevertheless, the former company, if requested, shall deliver to the latter company derivative copies permitting the continuation of reproduction of articles for use within German territory.

6.

Up to the time when restitution is carried out in accordance with Article 297, Germany is responsible for the conservation of property, rights and interests of the nationals of Allied or Associated Powers, including companies and associations in which they are interested, that have been subjected by her to exceptional war measures.

7.

Within one year from the coming into force of the present Treaty the Allied or Associated Powers will specify the property, rights and interests over which they intend to exercise the right provided in Article 297, paragraph (f).

8.

The restitution provided in Article 297 will be carried out by order of the German Government or of the authorities which have been

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substituted for it. Detailed accounts of the action of administrators shall be furnished to the interested persons by the German authorities upon request, which may be made at any time after the coming into force of the present Treaty.

9.

Until completion of the liquidation provided for by Article 297, paragraph (b), the property, rights and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

10.

Germany will, within six months from the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights or interests situated in the territory of that Allied or Associated Power, including any shares, stock, debentures, debenture stock, or other obligations of any company incorporated in accordance with the laws of that Power.

Germany will at any time on demand of any Allied or Associated Power furnish such information as may be required with regard to the property, rights and interests of German nationals within the territory of such Allied or Associated Power, or with regard to any transactions concerning such property, rights or interests effected since July 1, 1914.

11.

The expression "cash assets" includes all deposits or funds established before or after the declaration of war, as well as all assets coming from deposits, revenues, or profits collected by administrators, sequestrators, or others from funds placed on deposit or otherwise, but does not include sums belonging to the Allied or Associated Powers or to their component States, Provinces, or Municipalities.

12.

All investments wheresoever effected with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or

PART X: ARTICLE 298, ANNEX

of any authority whatsoever shall be annulled. These cash assets shall be accounted for irrespective of any such investment.

13.

Within one month from the coming into force of the present Treaty, or on demand at any time, Germany will deliver to the Allied and Associated Powers all accounts, vouchers, records, documents and information of any kind which may be within German territory, and which concern the property, rights and interests of the nationals of those Powers, including companies and associations in which they are interested, that have been subjected to an exceptional war measure, or to a measure of transfer either in German territory or in territory occupied by Germany or her allies.

The controllers, supervisors, managers, administrators, sequestrators, liquidators and receivers shall be personally responsible under guarantee of the German Government for the immediate delivery in full of these accounts and documents, and for their accuracy.

14.

The provisions of Article 297 and this Annex relating to property, rights and interests in an enemy country, and the proceeds of the liquidation thereof, apply to debts, credits and accounts, Section III regulating only the method of payment.

In the settlement of matters provided for in Article 297 between Germany and the Allied or Associated States, their colonies or protectorates, or any one of the British Dominions or India, in respect of any of which a declaration shall not have been made that they adopt Section III, and between their respective nationals, the provisions of Section III respecting the currency in which payment is to be made and the rate of exchange and of interest shall apply unless the Government of the Allied or Associated Power concerned shall within six months of the coming into force of the present Treaty notify Germany that the said provisions are not to be applied.

Text of May 7:

In the settlement of matters provided for in Article 297 between Germany and the Allied or Associated States, their colonies or protectorates, or any one of the British Dominions or India, in respect of any of which a declaration shall not have been made that they adopt Section III, and between their respective nationals, the provisions of Article 296 respecting the currency in which payment is

Text of May 7—Continued

to be made and the rate of exchange shall apply unless the Government of the Allied or Associated Power concerned shall within six months of the coming into force of the present Treaty notify Germany that the said provisions are not to be applied.

15.

The provisions of Article 297 and this Annex apply to industrial, literary and artistic property which has been or will be dealt with in the liquidation of property, rights, interests, companies or businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of Article 297, paragraph (b).

SECTION V.—Contracts, Prescriptions, Judgments.

Note to X, sec. V

For special application to Alsace-Lorraine, see article 75.

ARTICLE 299.

(a) Any contract concluded between enemies shall be regarded as having been dissolved as from the time when any two of the parties became enemies, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder, and subject to the exceptions and special rules with regard to particular contracts or classes of contracts contained herein or in the Annex hereto.

Text of May 7:

Any contract of which the execution shall be required in the general interest, within six months from the date of coming into force of the present Treaty, by the Allied or Associated Government of which one of the parties is a national, shall be excepted from dissolution under this Article.

(b) Any contract of which the execution shall be required in the general interest, within six months from the date of the coming into force of the present Treaty, by the Allied or Associated Governments of which one of the parties is a national, shall be excepted from dissolution under this Article.

When the execution of the contract thus kept alive would, owing to the alteration of trade conditions, cause one of the parties substantial prejudice the Mixed Arbitral Tribunal provided for by Section VI shall be empowered to grant to the prejudiced party equitable compensation.

PART X: ARTICLES 299 TO 300

Note to X, 299 (b)

For the list of contracts with French nationals maintained by a notification to Germany on July 6, 1920, see *Journal officiel*, July 27, 1920, p. 10749.

(c) Having regard to the provisions of the constitution and law of the United States of America, of Brazil, and of Japan, neither the present Article, nor Article 300, nor the Annex hereto shall apply to contracts made between nationals of these States and German nationals; nor shall Article 305 apply to the United States of America or its nationals.

(d) The present Article and the annex hereto shall not apply to contracts the parties to which became enemies by reason of one of them being an inhabitant of territory of which the sovereignty has been transferred, if such party shall acquire under the present Treaty the nationality of an Allied or Associated Power, nor shall they apply to contracts between nationals of the Allied and Associated Powers between whom trading has been prohibited by reason of one of the parties being in Allied or Associated territory in the occupation of the enemy.

(e) Nothing in the present Article or the annex hereto shall be deemed to invalidate a transaction lawfully carried out in accordance with a contract between enemies if it has been carried out with the authority of one of the belligerent Powers.

ARTICLE 300.

(a) All periods of prescription, or limitation of right of action, whether they began to run before or after the outbreak of war, shall be treated in the territory of the High Contracting Parties, so far as regards relations between enemies, as having been suspended for the duration of the war. They shall begin to run again at earliest three months after the coming into force of the present Treaty. This provision shall apply to the period prescribed for the presentation of interest or dividend coupons or for the presentation for repayment of securities drawn for repayment or repayable on any other ground.

(b) Where, on account of failure to perform any act or comply with any formality during the war, measures of execution have been taken in German territory to the prejudice of a national of an Allied or Associated Power, the claim of such national shall, if the matter does not fall within the competence of the Courts of an

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Allied or Associated Power, be heard by the Mixed Arbitral Tribunal provided for by Section VI.

(c) Upon the application of any interested person who is a national of an Allied or Associated Power the Mixed Arbitral Tribunal shall order the restoration of the rights which have been prejudiced by the measures of execution referred to in paragraph (b), wherever, having regard to the particular circumstances of the case, such restoration is equitable and possible.

If such restoration is inequitable or impossible the Mixed Arbitral Tribunal may grant compensation to the prejudiced party to be paid by the German Government.

(d) Where a contract between enemies has been dissolved by reason either of failure on the part of either party to carry out its provisions or of the exercise of a right stipulated in the contract itself the party prejudiced may apply to the Mixed Arbitral Tribunal for relief. The Tribunal will have the powers provided for in paragraph (c).

Text of May 7:

Where a contract has been dissolved by reason either of failure on the part of either party to carry out its provisions or of the exercise of a right stipulated in the contract itself the party prejudiced may apply to the Mixed Arbitral Tribunal for relief. The Tribunal will have the powers provided for in paragraph (c).

(e) The provisions of the preceding paragraphs of this Article shall apply to the nationals of Allied and Associated Powers who have been prejudiced by reason of measures referred to above taken by Germany in invaded or occupied territory, if they have not been otherwise compensated.

(f) Germany shall compensate any third party who may be prejudiced by any restitution or restoration ordered by the Mixed Arbitral Tribunal under the provisions of the preceding paragraphs of this Article.

(g) As regards negotiable instruments, the period of three months provided under paragraph (a) shall commence as from the date on which any exceptional regulations applied in the territories of the interested Power with regard to negotiable instruments shall have definitely ceased to have force.

Note to X, 300

Articles 300 (b)-(e), 302, 304 (b), paragraph 2, and 305 were not applicable to the relations between Belgium and Germany and their respective nationals, except for cases pending before a Mixed

PART X: ARTICLES 301 TO 302

Note to X, 300—Continued

Arbitral Tribunal after May 17, 1930, the date of the entrance into force of the agreement between the two countries for the final settlement of the questions resulting from sections III to VII of part X of the Treaty of Versailles, which was signed at Brussels, January 16, 1930 (104 League of Nations Treaty Series, p. 223).

ARTICLE 301.

As between enemies no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment or to give notice of non-acceptance or non-payment to drawers or indorsers or to protest the instrument, nor by reason of failure to complete any formality during the war.

Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or indorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment or protest may be made.

ARTICLE 302.

Judgments given by the Courts of an Allied or Associated Power in all cases which under the present Treaty, they are competent to decide, shall be recognised in Germany as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment in respect of any dispute which may have arisen has been given during the war by a German Court against a national of an Allied or Associated State in a case in which he was not able to make his defence, the Allied and Associated national who has suffered prejudice thereby shall be entitled to recover compensation, to be fixed by the Mixed Arbitral Tribunal provided for in Section VI.

At the instance of the national of the Allied or Associated Power the compensation above-mentioned may, upon order to that effect of the Mixed Arbitral Tribunal, be effected where it is possible by

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

replacing the parties in the situation which they occupied before the judgment was given by the German Court.

The above compensation may likewise be obtained before the Mixed Arbitral Tribunal by the nationals of Allied or Associated Powers who have suffered prejudice by judicial measures taken in invaded or occupied territories, if they have not been otherwise compensated.

ARTICLE 303.

For the purpose of Sections III, IV, V and VII, the expression "during the war" means for each Allied or Associated Power the period between the commencement of the state of war between that Power and Germany and the coming into force of the present Treaty.

Text of May 7:

For the purpose of Section III, IV, V and VII, the expression "during the war" means for each Allied or Associated Power the period between the state of war between that Power and Germany and the coming into force of the present Treaty.

Note to X, 303

The dates of state of war are:

America,		India	Aug. 4, 1914
United States of	Apr. 6, 1917	Italy	Aug. 28, 1916
Australia	Aug. 4, 1914	Japan	Aug. 23, 1914
Belgium	Aug. 4, 1914	Liberia	Aug. 4, 1917
Brazil	Oct. 26, 1917	New Zealand	Aug. 4, 1914
Canada	Aug. 4, 1914	Nicaragua	May 8, 1918
China	Aug. 14, 1917	Panama	Apr. 10, 1917
Cuba	Apr. 7, 1917	Portugal	Mar. 8, 1916
Czechoslovakia	Oct. 28, 1918	Rumania	Aug. 28, 1916
France	Aug. 3, 1914	Russia	Aug. 1, 1914
Great Britain	Aug. 4, 1914	Serbia (Serb-Croat-	
Greece	June 27, 1917	Slovene State)	Aug. 6, 1914
Guatemala	Apr. 30, 1918	Siam	July 22, 1917
Haiti	July 12, 1918	South Africa,	
Honduras	June 19, 1918	Union of	Aug. 4, 1914

ANNEX .

Note to X, 303, Annex

The German delegation complained that the question of the maintenance of contracts between nationals or residents of belligerent states was not decided in a uniform manner and that the continuance was made dependent on the inclination of the Allies or their nationals

PART X: ARTICLE 303, ANNEX

Note to X, 303, Annex—Continued

(*Foreign Relations*, The Paris Peace Conference, 1919, vi, 891). Furthermore the same principle, whether of cancelation or of validity, could not always be carried out. Thus there were "serious objections" to the proposal that all pre-war contracts were void. A mixed commission of experts was needed to clear up this question. Several articles of the annex were protested against; also the special provision that the French Government should have the right to cancel contracts between Germans and Alsace-Lorrainers "for reasons of public interest". Explanations were asked about several clauses of article 300, while certain provisions of article 302 were declared incompatible with the dignity of German courts.

The Allies replied that the constitutions of the United States, Japan, and Brazil stood in the way of a uniform treatment of contracts, that the question of continuing a contract depended on an Allied Government, not on a national of that state, and that action must be taken within six months (*ibid.*, p. 985). Certain classes of contracts were in fact exempted from the general rule of dissolution. The several articles criticized by the Germans were explained and defended.

I. *General Provisions.*

1.

Within the meaning of Articles 299, 300 and 301, the parties to a contract shall be regarded as enemies when trading between them shall have been prohibited by or otherwise became unlawful under laws, orders or regulations to which one of those parties was subject. They shall be deemed to have become enemies from the date when such trading was prohibited or otherwise became unlawful.

2.

The following classes of contracts are excepted from dissolution by Article 299 and, without prejudice to the rights contained in Article 297 (b) of Section IV, remain in force subject to the application of domestic laws, orders or regulations made during the war by the Allied and Associated Powers and subject to the terms of the contracts:

- (a) Contracts having for their object the transfer of estates or of real or personal property where the property therein had passed or the object had been delivered before the parties became enemies;
- (b) Leases and agreements for leases of land and houses;

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

- (c) Contracts of mortgage, pledge or lien ;
- (d) Concessions concerning mines, quarries or deposits ;
- (e) Contracts between individuals or companies and States, provinces, municipalities, or other similar juridical persons charged with administrative functions, and concessions granted by States, provinces, municipalities, or other similar juridical persons charged with administrative functions.

3.

If the provisions of a contract are in part dissolved under Article 299, the remaining provisions of that contract shall, subject to the same application of domestic laws as is provided for in paragraph 2, continue in force if they are severable, but where they are not severable the contract shall be deemed to have been dissolved in its entirety.

II. *Provisions relating to certain classes of Contracts.*

Stock Exchange and Commercial Exchange Contracts.

4.

(a) Rules made during the war by any recognized Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy are confirmed by the High Contracting Parties, as also any action taken thereunder, provided :

- (1) That the contract was expressed to be made subject to the rules of the Exchange or Association in question ;
- (2) That the rules applied to all persons concerned ;
- (3) That the conditions attaching to the closure were fair and reasonable.

(b) The preceding paragraph shall not apply to rules made during the occupation by Exchanges or Commercial Associations in the districts occupied by the enemy.

(c) The closure of contracts relating to cotton "futures", which were closed as on July 31, 1914, under the decision of the Liverpool Cotton Association, is also confirmed.

Security.

5.

The sale of a security held for an unpaid debt owing by an enemy shall be deemed to have been valid irrespective of notice to

PART X: ARTICLE 303, ANNEX

the owner if the creditor acted in good faith and with reasonable care and prudence, and no claim by the debtor on the ground of such sale shall be admitted.

This stipulation shall not apply to any sale of securities effected by an enemy during the occupation in regions invaded or occupied by the enemy.

Negotiable Instruments.

6.

As regards Powers which adopt Section III and the Annex thereto the pecuniary obligations existing between enemies and resulting from the issue of negotiable instruments shall be adjusted in conformity with the said Annex by the instrumentality of the Clearing Offices, which shall assume the rights of the holder as regards the various remedies open to him.

7.

If a person has either before or during the war become liable upon a negotiable instrument in accordance with an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of his liability notwithstanding the outbreak of war.

III. *Contracts of Insurance.*

8.

Contracts of insurance entered into by any person with another person who subsequently became an enemy will be dealt with in accordance with the following paragraphs.

Fire Insurance.

9.

Contracts for the insurance of property against fire entered into by a person interested in such property with another person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy, or on account of the failure during the war and for a period of three months thereafter to perform his obligations under the contract, but they shall be dissolved at the date when the annual premium becomes payable for the first time after

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

the expiration of a period of three months after the coming into force of the present Treaty.

A settlement shall be effected of unpaid premiums which became due during the war, or of claims for losses which occurred during the war.

10.

Where by administrative or legislative action an insurance against fire effected before the war has been transferred during the war from the original to another insurer, the transfer will be recognised and the liability of the original insurer will be deemed to have ceased as from the date of the transfer. The original insurer will, however, be entitled to receive on demand full information as to the terms of the transfer, and if it should appear that these terms were not equitable they shall be amended so far as may be necessary to render them equitable.

Furthermore, the insured shall, subject to the concurrence of the original insurer, be entitled to retransfer the contract to the original insurer as from the date of the demand.

Life Insurance.

11.

Contracts of life insurance entered into between an insurer and a person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy.

Any sum which during the war became due upon a contract deemed not to have been dissolved under the preceding provision shall be recoverable after the war with the addition of interest at five per cent. per annum from the date of its becoming due up to the day of payment.

Where the contract has lapsed during the war owing to non-payment of premiums, or has become void from breach of the conditions of the contract, the assured or his representatives or the persons entitled shall have the right at any time within twelve months of the coming into force of the present Treaty to claim from the insurer the surrender value of the policy at the date of its lapse or avoidance.

Where the contract has lapsed during the war owing to non-payment of premiums the payment of which has been prevented by the enforcement of measures of war, the assured or his representative or the persons entitled shall have the right to restore the

PART X: ARTICLE 303, ANNEX

contract on payment of the premiums with interest at five per cent. per annum within three months from the coming into force of the present Treaty.

12.

Any Allied or Associated Power may within three months of the coming into force of the present Treaty cancel all the contracts of insurance running between a German insurance company and its nationals under conditions which shall protect its nationals from any prejudice.

To this end the German insurance company will hand over to the Allied or Associated Government concerned the proportion of its assets attributable to the policies so cancelled and will be relieved from all liability in respect of such policies. The assets to be handed over shall be determined by an actuary appointed by the Mixed Arbitral Tribunal.

Note to X, 303, Annex (12)

This provision was particularly in favor of Belgium, many nationals of which were insured with German companies. The paragraph, with the reference to it in paragraph 22, is omitted from the treaties of peace with Austria and Hungary which otherwise reproduce part X, section V, *mutatis mutandis*.

13.

Where contracts of life insurance have been entered into by a local branch of an insurance company established in a country which subsequently became an enemy country, the contract shall, in the absence of any stipulation to the contrary in the contract itself, be governed by the local law, but the insurer shall be entitled to demand from the insured or his representatives the refund of sums paid on claims made or enforced under measures taken during the war, if the making or enforcement of such claims was not in accordance with the terms of the contract itself or was not consistent with the laws or treaties existing at the time when it was entered into.

14.

In any case where by the law applicable to the contract the insurer remains bound by the contract notwithstanding the non-payment of premiums until notice is given to the insured of the termination of the contract, he shall be entitled where the giving of such notice was prevented by the war to recover the unpaid premiums with interest at five per cent. per annum from the insured.

15.

Insurance contracts shall be considered as contracts of life assurance for the purpose of paragraphs 11 to 14 when they depend on the probabilities of human life combined with the rate of interest for the calculation of the reciprocal engagements between the two parties.

Marine Insurance.

16.

Contracts of marine insurance including time policies and voyage policies entered into between an insurer and a person who subsequently became an enemy, shall be deemed to have been dissolved on his becoming an enemy, except in cases where the risk undertaken in the contract had attached before he became an enemy.

Where the risk had not attached, money paid by way of premium or otherwise shall be recoverable from the insurer.

Where the risk had attached effect shall be given to the contract notwithstanding the party becoming an enemy, and sums due under the contract either by way of premiums or in respect of losses shall be recoverable after the coming into force of the present Treaty.

In the event of any agreement being come to for the payment of interest on sums due before the war to or by the nationals of States which have been at war and recovered after the war, such interest shall in the case of losses recoverable under contracts of marine insurance run from the expiration of a period of one year from the date of the loss.

17.

No contract of marine insurance with an insured person who subsequently became an enemy shall be deemed to cover losses due to belligerent action by the Power of which the insurer was a national or by the allies or associates of such Power.

18.

Where it is shown that a person who had before the war entered into a contract of marine insurance with an insurer who subsequently became an enemy entered after the outbreak of war into a new contract covering the same risk with an insurer who was not an enemy, the new contract shall be deemed to be substituted for the original contract as from the date when it was entered into, and the premiums payable shall be adjusted on the basis of the

original insurer having remained liable on the contract only up till the time when the new contract was entered into.

Other Insurances.

19.

Contracts of insurance entered into before the war between an insurer and a person who subsequently became an enemy, other than contracts dealt with in paragraphs 9 to 18, shall be treated in all respects on the same footing as contracts of fire insurance between the same persons would be dealt with under the said paragraphs.

Re-insurance.

20.

All treaties of re-insurance with a person who became an enemy shall be regarded as having been abrogated by the person becoming an enemy, but without prejudice in the case of life or marine risks which had attached before the war to the right to recover payment after the war for sums due in respect of such risks.

Nevertheless if, owing to invasion, it has been impossible for the re-insured to find another re-insurer, the treaty shall remain in force until three months after the coming into force of the present Treaty.

Where a re-insurance treaty becomes void under this paragraph, there shall be an adjustment of accounts between the parties in respect both of premiums paid and payable and of liabilities for losses in respect of life or marine risks which had attached before the war. In the case of risks other than those mentioned in paragraphs 11 to 18 the adjustment of accounts shall be made as at the date of the parties becoming enemies without regard to claims for losses which may have occurred since that date.

21.

The provisions of the preceding paragraph will extend equally to re-insurances existing at the date of the parties becoming enemies of particular risks undertaken by the insurer in a contract of insurance against any risks other than life or marine risks.

22.

Re-insurance of life risks effected by particular contracts and not under any general treaty remain in force.

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The provisions of paragraph 12 apply to treaties of re-insurance of life insurance contracts in which enemy companies are the re-insurers.

23.

In case of a re-insurance effected before the war of a contract of marine insurance, the cession of a risk which had been ceded to the re-insurer shall, if it had attached before the outbreak of war, remain valid and effect be given to the contract notwithstanding the outbreak of war; sums due under the contract of re-insurance in respect either of premiums or of losses shall be recoverable after the war.

24.

The provisions of paragraphs 17 and 18 and the last part of paragraph 16 shall apply to contracts for the re-insurance of marine risks.

SECTION VI.—Mixed Arbitral Tribunal.

ARTICLE 304.

(a) Within three months from the date of the coming into force of the present Treaty, a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Germany on the other hand. Each such Tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the President of the Tribunal and two other persons either of whom may in case of need take his place, shall be chosen by the Council of the League of Nations, or, until this is set up, by M. Gustave Ador if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

If any Government does not proceed within a period of one month in case there is a vacancy to appoint a member of the Tribunal, such member shall be chosen by the other Government from the two persons mentioned above other than the President.

The decision of the majority of the members of the Tribunal shall be the decision of the Tribunal.

(b) The Mixed Arbitral Tribunals established pursuant to paragraph (a), shall decide all questions within their competence under Sections III, IV, V and VII.

PART X: ARTICLE 304

In addition, all questions, whatsoever their nature, relating to contracts concluded before the coming into force of the present Treaty between nationals of the Allied and Associated Powers and German nationals shall be decided by the Mixed Arbitral Tribunal, always excepting questions which, under the laws of the Allied, Associated or Neutral Powers, are within the jurisdiction of the National Courts of those Powers. Such questions shall be decided by the National Courts in question, to the exclusion of the Mixed Arbitral Tribunal. The party who is a national of an Allied or Associated Power may nevertheless bring the case before the Mixed Arbitral Tribunal if this is not prohibited by the laws of his country.

(c) If the number of cases justifies it, additional members shall be appointed and each Mixed Arbitral Tribunal shall sit in divisions. Each of these divisions will be constituted as above.

(d) Each Mixed Arbitral Tribunal will settle its own procedure except in so far as it is provided in the following Annex, and is empowered to award the sums to be paid by the loser in respect of the costs and expenses of the proceedings.

(e) Each Government will pay the remuneration of the member of the Mixed Arbitral Tribunal appointed by it and of any agent whom it may appoint to represent it before the Tribunal. The remuneration of the President will be determined by special agreement between the Governments concerned; and this remuneration and the joint expenses of each Tribunal will be paid by the two Governments in equal moieties.

(f) The High Contracting Parties agree that their courts and authorities shall render to the Mixed Arbitral Tribunals direct all the assistance in their power, particularly as regards transmitting notices and collecting evidence.

(g) The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

Text of May 7:

The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

Note to X, 304

According to the German delegation, mixed arbitral tribunals should be established on the principle that "unity of administration of justice may be assured for all litigants in matters of private law, and that the execution of the verdicts may be carried out uniformly in all contracting states" (*Foreign Relations, The Paris Peace Con-*

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to X, 304—Continued

ference, 1919, VI, 894). In the Conditions of Peace, however, national courts of the Allies often took precedence over the arbitral tribunals. These provisions should be eliminated, and the tribunal should be given a comprehensive and exclusive competence to deal with all questions of the same kind; to give questions within the framework of the treaty to national courts would involve the risk of exposing their verdicts to attacks of the nationalistic press. All verdicts should be valid and executed in the territories of all the contracting states. The appointment of the president of the tribunal by the League of Nations would be acceptable if Germany were admitted to the League. Germany also protested against the provision that the language of the court and the place and time of its sessions would be determined by the former enemy state interested. These points should be determined by the president. There should be full reciprocity between the states in matters of exchange of notices and collecting evidence.

The Allies replied that the purpose of the tribunal was not only to decide new rights but also to provide a forum to which disputes concerning existing rights could be referred (*ibid.*, p. 987). As to the latter, the courts of the Allies already possessed jurisdiction and could not be deprived of it; these courts received no new jurisdiction. The Allies agreed that the language of the mixed tribunal might be English, French, Italian, or Japanese, and that the time and place of meeting should be determined by the president. They further agreed to accept the German suggestion that the parties should furnish to the tribunals all assistance in their power as regards transmitting notice and collecting evidence. To a German request for information as to the property of German nationals in Allied countries, the Allies replied that it was not possible to furnish a reliable estimate.

For special application to Poland, see article 92.

Mixed arbitral tribunals were set up with Germany by Belgium, Czechoslovakia, France, Great Britain, Greece, Italy, Japan, Poland, Rumania, Serb-Croat-Slovene State, and Siam. The tribunals set up with Austria, Bulgaria, Hungary, and Turkey, which were less numerous for each of those states, worked alongside the German tribunals at Paris or London. The same personnel, where possible, served throughout the system. There were 24 presidents for half again as many tribunals. Agents-general for the governments appeared before several tribunals.

The tribunals began their work in 1920 and, with few exceptions,

Note to X, 304—Continued

completed it in 1930. The members of the tribunals collaborated in issuing the *Recueil des décisions des Tribunaux arbitraux mixtes institués par les traités de paix*, published under the auspices of the Office français des biens et intérêts privés by Recueil Sirey, 1922–30, in 10 volumes. This collection contains the texts, usually in French, of the decisions of all the tribunals, the rules of procedure of the various tribunals, relevant national court decisions, and agreements between the parties.

Though part X, section VI, was so drafted as to relate to the “Allied and Associated Powers”, the United States did not establish a mixed arbitral tribunal under these provisions, as it was privileged to do in virtue of the treaty of August 25, 1921 restoring friendly relations with Germany. Instead, the agreement of August 10, 1922 (Treaty Series 665; *Treaties, Conventions, etc.*, 1910–23, III, 2601) provided for the establishment of the Mixed Claims Commission, United States and Germany, which was empowered to consider cases that arose both while the United States was neutral and while it was a belligerent.

An arrangement was effected by exchange of notes between the United States and Great Britain on January 4, and February 23, 1927 regarding the release of property seized under the American and British trading-with-the-enemy acts. With respect to corporations, it was stated that the British position was “governed by decisions of the Courts and of the Mixed Arbitral Tribunals” (Treaty Series 754-A).

The Mixed Claims Commission, United States and Germany, established in pursuance of the agreement of August 10, 1922, consisted of a citizen of the United States as umpire (at the request of the German Government) and American and German commissioners. Administrative Decision No. 1 dated November 1, 1923 gave the meaning of certain terms which served to differentiate United States-German settlements from those effected under the treaty of peace. These meanings were:

“*Germany or her allies*: the German Empire or the Austro-Hungarian Empire, Bulgaria, and/or Turkey;

“*War period*: the period between August 1, 1914, and July 2, 1921, both inclusive, the latter date being that on which the joint resolution passed by the Congress of the United States declaring the war at an end became effective;

“*Period of neutrality*: the period between August 1, 1914, and April 5, 1917, both inclusive;

Note to X, 304—Continued

“Period of belligerency: the period between April 6, 1917, and July 2, 1921, both inclusive, the former date being that on which the joint resolution declaring a state of war to exist between Germany and the United States became effective”.

This commission had functions, so far as they were adopted by the United States, which in the treaty of peace were assigned to

1. The Reparation Commission (art. 231–244 and annexes) ;
2. The Clearing Offices (art. 296 and annex) ;
3. The Mixed Arbitral Tribunal (art. 304 and annex) ;
4. The Arbitrator (part X, sec. IV, annex, par. 4).

From the commission’s jurisdiction there were excepted claims included under the treaty of peace of three categories (Mixed Claims Commission, United States and Germany, Administrative Decision No. 1) :

“There are expressly excepted from this decision (1) claims of the United States as such against Germany, (2) claims based on debts owing to American nationals by Germany or by German nationals, and (3) claims arising out of the application of either exceptional war measures or measures of transfer as defined in paragraph 3 of the Annex to Section IV of Part X of the Treaty of Versailles.”

The financial obligations of Germany to the United States arising from the treaty of August 25, 1921 restoring friendly relations put forward by the United States on behalf of its nationals pursuant to the agreement of August 10, 1922 embraced (Mixed Claims Commission, United States and Germany, Administrative Decision No. 1) :

“(A) all losses, damages, or injuries to them, including losses, damages, or injuries to their property wherever situated, suffered directly or indirectly during the war period, caused by acts of Germany or her agents in the prosecution of the war, provided, however, that during the period of belligerency damages with respect to injuries to and death of persons, other than prisoners of war, shall be limited to injuries to and death of civilians; and also

“(B) all damages suffered by American nationals during the period of belligerency caused by :

“(1) Germany through any kind of maltreatment of prisoners of war;

“(2) Germany or her allies and falling within the following categories :

“(a) damage wherever arising to civilian victims of acts of cruelty, violence, or maltreatment (including injuries

PART X: ARTICLE 304

Note to X, 304—Continued

to life or health as a consequence of imprisonment, deportation, internment, or evacuation, of exposure at sea, or of being forced to labor), and to the surviving dependents of such victims;

“(b) damage, in territory of Germany or her allies or in occupied or invaded territory, to civilian victims of all acts injurious to health or capacity of work, or to honor, and to the surviving dependents of such victims;

“(c) damage to civilians by being forced to labor without just remuneration;

“(d) damage in the form of levies, fines, and other similar exactions imposed upon the civilian population;

“(e) damage in respect of all property (with the exception of naval and military works or materials) wherever situated, which has been carried off, seized, injured, or destroyed, on land, on sea, or from the air;

“(3) Any belligerent and falling within the following categories:

“(a) damage directly in consequence of hostilities or of any operations of war in respect of all property (with the exception of naval and military works or materials) wherever situated;

“(b) damage wherever arising to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war.”

Altogether 20,434 claims were submitted to the commission and 7025 items of award were made, 4 of which were on behalf of the United States and the rest on behalf of private claimants. The Settlement of War Claims Act, approved March 10, 1928 (45 Stat. 254), provided for the domestic payment of the awards, which bore interest according to their terms up to January 1, 1928 and thereafter at 5 percent per annum. Up to March 31, 1941 the Treasury had paid out principal and interest on private awards amounting to \$158,599,739.22 and the balance due them was \$96,673,460.34. The 4 awards to the Government of the United States were of a principal amount of about \$42,000,000, or \$59,800,000 with interest up to March 31, 1941; payment was deferred until the private claims

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to X, 304—Continued

are liquidated. The corresponding recovery from Germany up to July 1, 1941 amounted to \$53,396,763.57. This sum was derived from the annuities of the Experts' (Dawes) Plan in virtue of article 3, A, of the Finance Ministers' Agreement with Germany of January 14, 1925 and the debt agreement with Germany of June 23, 1930, under which no payments were made after September 30, 1931.

An agreement (Treaty Series 730; 44 Stat. 2213) between the United States and Austria and Hungary was signed at Washington, November 26, 1924 for the determination of the amounts to be paid by Austria and by Hungary in satisfaction of their obligations under the treaties concluded on August 24 and 29, 1921, respectively, with Austria and Hungary by the United States establishing friendly relations (Treaty Series 659 and 660; 42 Stat. 1946 and 1951). The agreement, which entered into force on December 12, 1925, established the Tripartite Claims Commission (United States, Austria, and Hungary) which performed functions similar to the Mixed Claims Commission, United States and Germany. Claims aggregating 1631 were filed.

The Settlement of War Claims Act of 1928, approved March 10, 1928 (45 Stat. 254), provides the national procedure for paying the claims involving Germany, Austria, and Hungary.

A N N E X .

1.

Should one of the members of the Tribunal either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure will be followed for filling the vacancy as was followed for appointing him.

2.

The Tribunal may adopt such rules of procedure as shall be in accordance with justice and equity and decide the order and time at which each party must conclude its arguments, and may arrange all formalities required for dealing with the evidence.

3.

The agent and counsel of the parties on each side are authorized to present orally and in writing to the Tribunal arguments in support or in defence of each case.

PART X: ARTICLE 304, ANNEX

4.

The Tribunal shall keep record of the questions and cases submitted and the proceedings thereon, with the dates of such proceedings.

5.

Each of the Powers concerned may appoint a secretary. These secretaries shall act together as joint secretaries of the Tribunal and shall be subject to its direction. The Tribunal may appoint and employ any other necessary officer or officers to assist in the performance of its duties.

6.

The Tribunal shall decide all questions and matters submitted upon such evidence and information as may be furnished by the parties concerned.

7.

Germany agrees to give the Tribunal all facilities and information required by it for carrying out its investigations.

8.

The language in which the proceedings shall be conducted shall, unless otherwise agreed, be English, French, Italian or Japanese, as may be determined by the Allied or Associated Power concerned.

Text of May 7:

The language in which the proceedings shall be conducted shall be determined by the Allied or Associated Power concerned.

9.

The place and time for the meetings of each Tribunal shall be determined by the President of the Tribunal.

Text of May 7:

The place and time for the meetings of each Tribunal shall be determined by the Allied or Associated Power concerned.

Note to X, 304, Annex

The mixed arbitral tribunals ceased to exist by mutual agreement about 1932. Typically, the Anglo-German Mixed Arbitral Tribunal was provisionally dissolved as from February 7, 1932 by an agreement signed at London July 26, 1932 (United Kingdom, *12th Annual*

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Note to X, 304, Annex—Continued

Report of the Controller of the Clearing Office, p. 20). An exchange of notes with the agreement recorded the understandings.

(a) "that the right to call for the reconstitution of the Tribunal is limited to cases involving claims arising under the Articles of the Treaty of Versailles specifically mentioned in the Agreement, i.e., Articles 304 (b) and 305, and it is only cases arising under these Articles of the Treaty that the Tribunal, when reconstituted, shall have jurisdiction to decide in accordance with the provisions of the Treaty"; and

(b) "that it shall be a matter for discussion between the German Government and His Majesty's Government in the United Kingdom, should the reconstitution of the Tribunal be required by either Government, whether and, if so, to what extent, the expense involved in the reconstitution shall be borne by the parties concerned in the case or cases in respect of which the reconstitution of the Tribunal is desired."

ARTICLE 305.

Whenever a competent court has given or gives a decision in a case covered by Sections III, IV, V or VII, and such decision is inconsistent with the provisions of such Sections, the party who is prejudiced by the decision shall be entitled to obtain redress which shall be fixed by the Mixed Arbitral Tribunal. At the request of the national of an Allied or Associated Power, the redress may, whenever possible, be effected by the Mixed Arbitral Tribunal directing the replacement of the parties in the position occupied by them before the judgment was given by the German court.

Text of May 7:

Whenever a competent Tribunal has given or gives a decision in a case covered by Sections III, IV, V or VII, and such decision is inconsistent with the provisions of such Sections, the party who is prejudiced by the decision shall be entitled to obtain redress which shall be fixed by the Mixed Arbitral Tribunal. At the request of the national of an Allied or Associated Power, the redress may, whenever possible, be effected by the Mixed Arbitral Tribunal directing the replacement of the parties in the position occupied by them before the judgment was given by the German Court.

SECTION VII.—*Industrial Property.*

Note to X, sec. VII

While the restoration of rights of industrial, literary, and artistic property was welcomed, the German delegation complained that

Note to X, sec. VII—Continued

the draft treaty in article 306, paragraph 1, did not make entirely clear who (“legal representatives”, “*ayants droit*”) were included in this benefit, and that under paragraph 15 of the annex to article 298 the Allies could apparently withdraw recognition of rights which had been restored (*Foreign Relations, The Paris Peace Conference, 1919, VI, 896*). Furthermore, Germany was compelled to recognize whatever action had been taken during the war by the Allied and Associated Governments against German patents, without benefit of reciprocity; while paragraph 5 of article 306 would permit them, in certain circumstances, to seize German patent rights in time of peace. All in all, the Allies would be “free to appropriate the fruits of German inventiveness without any compensation and for an incalculable time”. Germany also objected to the application of wartime legislation of the Allies to any patents which might be revived under articles 307 and 308, and to the provision in respect of contracts for licenses by which disputes involving a German license must be settled by the Mixed Arbitral Tribunal, whereas in the case of a license of an Allied or Associated Power, the decision was entrusted to a court of that power. Finally, if under article 311 the inhabitants of German territories separated from the Reich by the treaty were to continue to enjoy in Germany the patent rights to which they had been entitled, then an addition should be made to article 76 which would assure the exercise of German patent rights in Germany for inhabitants of Alsace-Lorraine.

The Allies declined to grant the reciprocity demanded by Germany, but denied that they intended to outlaw or confiscate German property rights (*ibid.*, p. 989). Their measures would be confined to rights arising before or during the war and would not be applied to post-war patents and German fears were exaggerated; in several cases clauses were added safeguarding German rights.

For special application to Alsace-Lorraine, see article 76.

ARTICLE 306.

Subject to the stipulations of the present Treaty, rights of industrial, literary and artistic property, as such property is defined by the International Conventions of Paris and of Berne, mentioned in Article 286, shall be re-established or restored, as from the coming into force of the present Treaty, in the territories of the High Contracting Parties, in favour of the persons entitled to the benefit of them at the moment when the state of war com-

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menced or their legal representatives. Equally, rights which, except for the war, would have been acquired during the war in consequence of an application made for the protection of industrial property, or the publication of a literary or artistic work, shall be recognised and established in favour of those persons who would have been entitled thereto, from the coming into force of the present Treaty.

Nevertheless, all acts done by virtue of the special measures taken during the war under legislative, executive or administrative authority of any Allied or Associated Power in regard to the rights of German nationals in industrial, literary or artistic property shall remain in force and shall continue to maintain their full effect.

No claim shall be made or action brought by Germany or German nationals in respect of the use during the war by the Government of any Allied or Associated Power, or by any persons acting on behalf or with the assent of such Government, of any rights in industrial, literary or artistic property, nor in respect of the sale, offering for sale, or use of any products, articles or apparatus whatsoever to which such rights applied.

Unless the legislation of any one of the Allied or Associated Powers in force at the moment of the signature of the present Treaty otherwise directs, sums due or paid in virtue of any act or operation resulting from the execution of the special measures mentioned in paragraph I of this Article shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty, and sums produced by any special measures taken by the German Government in respect of rights in industrial, literary or artistic property belonging to the nationals of the Allied or Associated Powers shall be considered and treated in the same way as other debts due from German nationals.

Text of May 7:

Unless the legislation of any one of the Allied or Associated Powers otherwise directs, sums due or paid in virtue of any act or operation resulting from the execution of the special measures mentioned in paragraph I of this article shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the German Government in respect of rights in industrial, literary, or artistic property belonging to the nationals of the Allied or Associated Powers shall be considered and treated in the same way as other debts due from German nationals.

Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions or restrictions on rights of industrial, literary or artistic property (with the exception of trade-marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation, by German nationals, whether by granting licences, or by the working, or by preserving control over their exploitation, or in any other way, as may be considered necessary for national defence, or in the public interest, or for assuring the fair treatment by Germany of the rights of industrial, literary and artistic property held in German territory by its nationals, or for securing the due fulfilment of all the obligations undertaken by Germany in the present Treaty. As regards rights of industrial, literary and artistic property acquired after the coming into force of the present Treaty, the right so reserved by the Allied and Associated Powers shall only be exercised in cases where these limitations, conditions or restrictions may be considered necessary for national defence or in the public interest.

In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties, which shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty.

Text of May 7:

Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions, or restrictions on rights of industrial, literary, or artistic property (with the exception of trade-marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation, by German nationals, whether by granting licences, or by the working, or by preserving control over their exploitation, or in any other way, as may be considered necessary for national defence, or in the public interest, or for assuring the fair treatment by Germany of the rights of industrial, literary, and artistic property held in German territory by its nationals, or for securing the due fulfilment of all the obligations undertaken by Germany in the present Treaty.

Each of the Allied or Associated Powers reserves the right to treat as void and of no effect any transfer in whole or in part or other dealing with rights of or in respect of industrial, literary or artistic property effected after August 1, 1914, or in the future, which would have the result of defeating the objects of the provisions of this Article.

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The provisions of this Article shall not apply to rights in industrial, literary or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied or Associated Powers, or which may be so dealt with by virtue of Article 297, paragraph (b).

Note to X, 306

For the inapplication to Siam, of paragraph 5 of this article, see note under article 137.

ARTICLE 307.

A minimum of one year after the coming into force of the present Treaty shall be accorded to the nationals of the High Contracting Parties, without extension fees or other penalty, in order to enable such persons to accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws or regulations of the respective States relating to the obtaining, preserving, or opposing rights to, or in respect of, industrial property either acquired before August 1, 1914, or which, except for the war, might have been acquired since that date as a result of an application made before the war or during its continuance, but nothing in this Article shall give any right to reopen interference proceedings in the United States of America where a final hearing has taken place.

All rights in, or in respect of, such property which may have lapsed by reason of any failure to accomplish any act, fulfil any formality, or make any payment, shall revive, but subject in the case of patents and designs to the imposition of such conditions as each Allied or Associated Power may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject matter of such property while the rights had lapsed. Further, where rights to patents or designs belonging to German nationals are revived under this Article, they shall be subject in respect of the grant of licences to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present Treaty.

Text of May 7:

. . . Further, where rights to patents or designs belonging to German nationals are revived under this article, they shall be subject to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present Treaty.

PART X: ARTICLES 307 TO 309

The period from August 1, 1914, until the coming into force of the present Treaty shall be excluded in considering the time within which a patent should be worked or a trade mark or design used, and it is further agreed that no patent, registered trade mark or design in force on August 1, 1914, shall be subject to revocation or cancellation by reason only of the failure to work such patent or use such trade mark or design for two years after the coming into force of the present Treaty.

ARTICLE 308.

The rights of priority, provided by Article 4 of the International Convention for the Protection of Industrial Property of Paris, of March 20, 1883, revised at Washington in 1911 or by any other convention or Statute, for the filing or registration of applications for patents or models of utility, and for the registration of trade marks, designs and models which had not expired on August 1, 1914, and those which have arisen during the war, or would have arisen but for the war, shall be extended by each of the High Contracting Parties in favour of all nationals of the other High Contracting Parties for a period of six months after the coming into force of the present Treaty.

Nevertheless, such extension shall in no way affect the right of any of the High Contracting Parties or of any person who before the coming into force of the present Treaty was *bona fide* in possession of any rights of industrial property conflicting with rights applied for by another who claims rights of priority in respect of them, to exercise such rights by itself or himself personally, or by such agents or licensees as derived their rights from it or him before the coming into force of the present Treaty; and such persons shall not be amenable to any action or other process of law in respect of infringement.

Note to X, 307-308

For the treaties of peace with Austria, Bulgaria, and Hungary, which reproduced articles 307 and 308, periods of six months and one year expired on March 30 and September 30, 1921 as a consequence of an agreement between certain of the Allied and Associated Powers made on the initiative of the International Bureau of Industrial Property.

ARTICLE 309.

No action shall be brought and no claim made by persons residing or carrying on business within the territories of Germany on the

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one part and of the Allied or Associated Powers on the other, or persons who are nationals of such Powers respectively, or by any one deriving title during the war from such persons, by reason of any action which has taken place within the territory of the other party between the date of the declaration of war and that of the coming into force of the present Treaty, which might constitute an infringement of the rights of industrial property or rights of literary and artistic property, either existing at any time during the war or revived under the provisions of Articles 307 and 308.

Equally, no action for infringement of industrial, literary or artistic property rights by such persons shall at any time be permissible in respect of the sale or offering for sale for a period of one year after the signature of the present Treaty in the territories of the Allied or Associated Powers on the one hand or Germany on the other, of products or articles manufactured, or of literary or artistic works published, during the period between the declaration of war and the signature of the present Treaty, or against those who have acquired and continue to use them. It is understood, nevertheless, that this provision shall not apply when the possessor of the rights was domiciled or had an industrial or commercial establishment in the districts occupied by Germany during the war.

This Article shall not apply as between the United States of America on the one hand and Germany on the other.

Note to X, 309

The last paragraph of this article and of article 310 originated with the American representatives on the Subcommittee on Industrial Property of the Economic Commission at the Paris Peace Conference. These articles (Nos. V and VI in draft) were first entitled "Reciprocal Amnesty" and "Prewar Licenses" and were intended to reinstate the methods of application of the conventions as they were understood before the German Government and German concerns systematically utilized protective features of the conventions in their preclusive commercial policy. The two articles sought to disinvest rights acquired under those practices. The delegate of the United States on the subcommittee (J. Baily Brown) filed a note in which he stated that the United States could not admit the provisions of the two articles. As no other delegates were of that mind, the articles were adopted with exception made of the United States. "Our opinion", said the note, "is that the provisions are in contradiction with the principles of public law and perhaps with the Constitution of the United States, seeing that they deprive our nationals

Note to X, 309—Continued

of property rights without contemplating an evaluation of their value and just compensation therefor.”

ARTICLE 310.

Licences in respect of industrial, literary or artistic property concluded before the war between nationals of the Allied or Associated Powers or persons residing in their territory or carrying on business therein, on the one part, and German nationals, on the other part, shall be considered as cancelled as from the date of the declaration of war between Germany and the Allied or Associated Power. But, in any case, the former beneficiary of a contract of this kind shall have the right, within a period of six months after the coming into force of the present Treaty, to demand from the proprietor of the rights the grant of a new licence, the conditions of which, in default of agreement between the parties, shall be fixed by the duly qualified tribunal in the country under whose legislation the rights had been acquired, except in the case of licences held in respect of rights acquired under German law. In such cases the conditions shall be fixed by the Mixed Arbitral Tribunal referred to in Section VI of this Part. The tribunal may, if necessary, fix also the amount which it may deem just should be paid by reason of the use of the rights during the war.

No licence in respect of industrial, literary or artistic property, granted under the special war legislation of any Allied or Associated Power, shall be affected by the continued existence of any licence entered into before the war, but shall remain valid and of full effect, and a licence so granted to the former beneficiary of a licence entered into before the war shall be considered as substituted for such licence.

Where sums have been paid during the war by virtue of a licence or agreement concluded before the war in respect of rights of industrial property or for the reproduction or the representation of literary, dramatic or artistic works, these sums shall be dealt with in the same manner as other debts or credits of German nationals, as provided by the present Treaty.

This Article shall not apply as between the United States of America on the one hand and Germany on the other.

ARTICLE 311.

The inhabitants of territories separated from Germany by virtue of the present Treaty shall, notwithstanding this separation and

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the change of nationality consequent thereon, continue to enjoy in Germany all the rights in industrial, literary and artistic property to which they were entitled under German legislation at the time of the separation.

Rights of industrial, literary and artistic property which are in force in the territories separated from Germany under the present Treaty at the moment of the separation of these territories from Germany, or which will be re-established or restored in accordance with the provisions of Article 306 of the present Treaty, shall be recognized by the State to which the said territory is transferred and shall remain in force in that territory for the same period of time given them under the German law.

SECTION VIII.—Social and State Insurance in Ceded Territory.

ARTICLE 312.

Without prejudice to the provisions contained in other Articles of the present Treaty, the German Government undertakes to transfer to any Power to which German territory in Europe is ceded, and to any Power administering former German territory as a mandatory under Article 22 of Part I (League of Nations), such portion of the reserves accumulated by the Government of the German Empire or of German States, or by public or private organisations under their control, as is attributable to the carrying on of Social or State Insurance in such territory.

The Powers to which these funds are transferred must apply them to the performance of the obligations arising from such insurances.

The conditions of the transfer will be determined by special conventions to be concluded between the German Government and the Governments concerned.

In case these special conventions are not concluded in accordance with the above paragraph within three months after the coming into force of the present Treaty, the conditions of transfer shall in each case be referred to a Commission of five members, one of whom shall be appointed by the German Government, one by the other interested Government and three by the Governing Body of the International Labour Office from the nationals of other States. This Commission shall by majority vote within three months after appointment adopt recommendations for submission to the Council of the League of Nations, and the decisions of the

Council shall forthwith be accepted as final by Germany and the other Government concerned.

Note to X, 312

The transfer of social insurance funds created difficulties which called for final reference to the Council of the League of Nations, according to the procedure of the last paragraph of this article, on three occasions.

The resolution of the Council of July 17, 1921 (League of Nations *Official Journal*, 1922, pp. 789, 831) disposed of the question of the transfer of funds by Germany in respect to territory ceded to Poland.

The two other cases coming before the Council were dealt with in a resolution of June 21, 1921 (*ibid.*, Minutes of the 13th Session of the Council, pp. 22, 176) relating to transfers under article 77 of funds relating to Alsace-Lorraine and resolutions of December 9, 1924 and June 9, 1925 (League of Nations, *Official Journal*, 1925, pp. 127, 200-2, 576, 478, 862, 946-8) relating to the transfers in respect to Upper Silesia. Both of these questions were submitted to the Arbitral Tribunal of Interpretation by an agreement of August 28, 1925 between the Reparation Commission and the German Government.

The tribunal by its award of March 24, 1926 included the transfer of social insurance funds relating to Alsace-Lorraine to be made by Germany to France in the annuities prescribed by the Experts' (Dawes) Plan.

The Upper Silesia fund was transferred to the extent of 30,000,000 German marks by article 207 of the German-Polish convention of May 15, 1922. The League Council's recommendation of December 9, 1924 was for a further payment of 26,000,000 gold marks in six annual instalments, of which 6,000,000 was payable February 1, 1925. This payment was not effected because Germany had not been authorized to make it by the Agent-General for Reparation Payments. The Council of the League on June 9, 1925 approved a report in which it recommended that the Reparation Commission and the German Government submit the question to the Arbitral Tribunal of Interpretation. Its award of March 24, 1926 was to the effect that, as between the Reparation Commission and Germany and as between the German and Polish Governments, "the annuities prescribed by the Experts' Plan comprise—

"2. The transfers to be made by Germany to Poland in pursuance of Article 312 of the Treaty of Versailles in respect of social in-

Note to X, 312—Continued

surance funds relating to Upper Silesia, the amounts of which transfers (others than that of the miners' superannuation fund which still remains to be settled) were determined by a decision of the Council of the League of Nations dated the 9th December, 1924."

As Poland was not one of the recipients under the Experts' Plan, the amount was not paid. Subsequently in the Chorzów case before the Permanent Court of International Justice, Poland attempted unsuccessfully to offset the amount against the indemnity which it was to pay for the nitrate works.

For agreement of April 10, 1922 between Germany and Denmark carrying out this article as respects North Slesvig, see 10 League of Nations Treaty Series, p. 281 (English).

The application of this article was determined for the Free City of Danzig and Poland by their agreement with Germany signed at Berlin, January 24, 1927 (70 League of Nations Treaty Series, p. 453).

PART XI.

AERIAL NAVIGATION.

Notes to Part XI, Articles 313 to 320

The treaty restoring friendly relations between the United States and Germany signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates that "Germany undertakes to accord to the United States and the United States shall have and enjoy . . . all the rights and advantages" stipulated for its benefit by this part of this treaty, "notwithstanding the fact that such treaty has not been ratified by the United States". The rights and advantages of nationals of the United States specified in the joint resolution of Congress, approved July 2, 1921 (p. 18) were specifically mentioned in an understanding included in the Senate's resolution of advice and consent to ratification of October 18, 1921. The Senate in that resolution made a further condition "that the United States shall not be

Notes to Part XI, Articles 313 to 320—Continued

represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation.”

This part is, *ipsissimis verbis*, an annex, technically a schedule, of the treaty restoring friendly relations as printed by the Department of State in Treaty Series 658, but not as printed in 42 Stat. 1939.

ARTICLE 313.

The aircraft of the Allied and Associated Powers shall have full liberty of passage and landing over and in the territory and territorial waters of Germany, and shall enjoy the same privileges as German aircraft, particularly in case of distress by land or sea.

ARTICLE 314.

The aircraft of the Allied and Associated Powers shall, while in transit to any foreign country whatever, enjoy the right of flying over the territory and territorial waters of Germany without landing, subject always to any regulations which may be made by Germany, and which shall be applicable equally to the aircraft of Germany and to those of the Allied and Associated countries.

ARTICLE 315.

All aerodromes in Germany open to national public traffic shall be open for the aircraft of the Allied and Associated Powers, and in any such aerodrome such aircraft shall be treated on a footing of equality with German aircraft as regards charges of every description, including charges for landing and accommodation.

ARTICLE 316.

Subject to the present provisions, the rights of passage, transit and landing, provided for in Articles 313, 314 and 315, are subject to the observance of such regulations as Germany may consider it necessary to enact, but such regulations shall be applied without distinction to German aircraft and to those of the Allied and Associated countries.

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Text of May 7:

Subject to the present provisions, the rights of passage, transit and landing, provided for in Article 313, 314 and 315, are subject to the observance of such regulations as Germany may consider it necessary to enact, but such regulations shall be applied without distinction to German aircraft and to the aircraft of Allied and Associated Countries.

ARTICLE 317.

Certificates of nationality, airworthiness, or competency, and licences, issued or recognised as valid by any of the Allied or Associated Powers, shall be recognised in Germany as valid and as equivalent to the certificates and licences issued by Germany.

ARTICLE 318.

As regards internal commercial air traffic, the aircraft of the Allied and Associated Powers shall enjoy in Germany most favoured nation treatment.

ARTICLE 319.

Germany undertakes to enforce the necessary measures to ensure that all German aircraft flying over her territory shall comply with the Rules as to lights and signals, Rules of the Air and Rules for Air Traffic on and in the neighbourhood of aerodromes, which have been laid down in the Convention relative to Aerial Navigation concluded between the Allied and Associated Powers.

ARTICLE 320.

The obligations imposed by the preceding provisions shall remain in force until January 1, 1923, unless before that date Germany shall have been admitted into the League of Nations or shall have been authorised, by consent of the Allied and Associated Powers, to adhere to the Convention relative to Aerial Navigation concluded between those Powers.

Note to XI, 320

The Conference of Ambassadors permitted from May 5, 1922 the German manufacture for import and export of civil aeronautic material as defined under article 198.

The aeronautical Inter-Allied Commission of Control set up by article 210 ceased to exist in March 1922. On June 8, 1921 the Conference of Ambassadors had approved 7 of 9 rules for discriminat-

Note to XI, 320—Continued

ing between military and civil aircraft and submitted the remaining two rules to the Supreme Council. The rules were communicated to Germany by a decision of May 10, 1922, to be effective on November 5. For supervising their execution the appointment of the Aeronautic Committee of Guarantee was organized and notified to the German Government on April 15, 1922. Within those rules, which were revised by the Allied Military Committee of Versailles in a report of January 27, 1925, Germany was free to manufacture and trade in aviation material after May 5, 1922.

The restrictions upon German civil aviation set forth in articles 313-19 expired on January 1, 1923 in virtue of this article. On January 13 the Conference of Ambassadors decided to inform the International Commission for Air Navigation that Germany had been invited to adhere to the international convention for air navigation signed at Paris October 13, 1919 as one of the instruments of the peace conference. At that time an amendment to article 5 of the convention was open for ratification, which would relax its provision closing the air space above contracting states to all non-contracting states by permitting derogations through bilateral conventions. Also under way was an amendment to article 34, which was protocolized for ratification on June 23, to establish voting equality for members of the commission.

The occupation of the Ruhr at that time brought to a halt Germany's movement toward adhering to the international convention which had been intended to furnish the foundation for a system of civil aviation. Germany promulgated on April 23, 1923 a decree requiring special authorization for all commercial aircraft which flew over German territory and orders were issued to arrest all pilots and confiscate all aircraft that lacked the proper authorization. Exceptions were made for nationals of states with which Germany had bilateral conventions: Switzerland, September 14, 1920 (2 League of Nations Treaty Series, p. 331); Denmark, April 25, 1922 (18 *ibid.*, p. 227); Netherlands, July 24, 1922 (*Reichsgesetzblatt*, 1929, II, 390); and the Free City of Danzig. Altogether 14 French aircraft were confiscated under the decree, French Government protests notwithstanding.

After the conclusion of the Locarno settlement on October 16, 1925, further steps were taken. The relations with individual neighbors were adjusted by a series of conventions on air navigation between Germany and other states. The most significant of these in their effect were the conventions of May 22, 1926 with France (Inter-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to XI, 320—Continued

national Commission for Air Navigation, *Official Bulletin*, No. 12, p. 6) and with Belgium of May 29, 1926 (*ibid.*, No. 13, p. 28). They were, however, preceded by a treaty with Austria signed at Vienna on May 19, 1925 (52 League of Nations Treaty Series, p. 121) and a provisional agreement with Sweden signed at Stockholm on May 29, 1925 (46 *ibid.*, p. 121). The Belgian convention was followed by a convention on aerial navigation and an agreement on the establishment and operation of regular airways with Czechoslovakia signed at Prague on January 22, 1927 (89 *ibid.*, pp. 231, 261); a convention with Italy signed at Berlin on May 20, 1927 (79 *ibid.*, p. 179); an agreement with Great Britain signed at Berlin on June 29, 1927 (71 *ibid.*, p. 165); a general convention with Spain signed at Madrid on December 9, 1927 (79 *ibid.*, p. 203); a convention with Norway signed at Berlin on January 23, 1929 (93 *ibid.*, p. 197); a convention with the Governing Commission of the Saar of April 25, 30, 1930 (International Commission for Air Navigation, *Official Bulletin*, No. 16, p. 17); and an agreement with Poland, signed at Berlin on August 28, 1929 (*ibid.*, No. 22, p. 29).

The Aeronautic Committee of Guarantee was dissolved by the Conference of Ambassadors on September 1, 1926, a week before Germany's admission to the League of Nations. At Geneva Germany was represented on the Preparatory Commission for the Disarmament Conference, which spent several years in working out the distinctions to be drawn between civil and military aviation, of which Germany was supposed to have none. The rules which had been in force for Germany were a basis of that inquiry.

German commercial aviation made rapid strides after 1926. Though its objections to the 1919 international convention were considered by the International Commission for Air Navigation in 1929 and amendments meeting German points drawn up, German policy was not reconciled to the multilateral system. Instead, the series of bilateral treaties was the basis of the German network of commercial air routes.

PART XII.

PORTS, WATERWAYS AND RAILWAYS.

Notes to Part XII, Articles 321 to 386

The treaty restoring friendly relations between the United States and Germany signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates that "Germany undertakes to accord to the United States and the United States shall have and enjoy . . . all the rights and advantages" stipulated for its benefit by this part of this treaty, "notwithstanding the fact that such treaty has not been ratified by the United States". The rights and advantages of nationals of the United States specified in the joint resolution of Congress, approved July 2, 1921 (p. 18) were specifically mentioned in an understanding included in the Senate's resolution of advice and consent to ratification of October 18, 1921. The Senate in that resolution made a further condition "that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation."

This part is, *ipsisssimis verbis*, an annex, technically a schedule, of the treaty restoring friendly relations as printed by the Department of State in Treaty Series 658, but not as printed in 42 Stat. 1939.

SECTION I.—General Provisions.

ARTICLE 321.

Germany undertakes to grant freedom of transit through her territories on the routes most convenient for international transit, either by rail, navigable waterway, or canal, to persons, goods, vessels, carriages, wagons and mails coming from or going to the territories of any of the Allied and Associated Powers (whether contiguous or not); for this purpose the crossing of territorial waters shall be allowed. Such persons, goods, vessels, carriages, wagons and mails shall not be subjected to any transit duty or to any undue delays or restrictions, and shall be entitled in Germany

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

to national treatment as regards charges, facilities, and all other matters.

Goods in transit shall be exempt from all Customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic. No charge, facility or restriction shall depend directly or indirectly on the ownership or on the nationality of the ship or other means of transport on which any part of the through journey has been, or is to be, accomplished.

ARTICLE 322.

Germany undertakes neither to impose nor to maintain any control over transmigration traffic through her territories beyond measures necessary to ensure that passengers are *bonâ fide* in transit; nor to allow any shipping company or any other private body, corporation or person interested in the traffic to take any part whatever in, or to exercise any direct or indirect influence over, any administrative service that may be necessary for this purpose.

Note to XII, 321-322

The note of the Supreme Council dated May 5, 1921 found Germany in default as regarded fulfilment of articles 321-22, and the German Government on May 11 stated its resolve to execute the unfulfilled portions of the treaty.

ARTICLE 323.

Germany undertakes to make no discrimination or preference, direct or indirect, in the duties, charges and prohibitions relating to importations into or exportations from her territories, or, subject to the special engagements contained in the present Treaty, in the charges and conditions of transport of goods or persons entering or leaving her territories, based on the frontier crossed; or on the kind, ownership or flag of the means of transport (including aircraft) employed; or on the original or immediate place of departure of the vessel, wagon or aircraft or other means of transport employed, or its ultimate or intermediate destination; or on the route of or places of trans-shipment on the journey; or on whether any port through which the goods are imported or exported is a German port or a port belonging to any foreign country or on whether the goods are imported or exported by sea, by land or by air.

PART XII: ARTICLES 322 TO 325

Germany particularly undertakes not to establish against the ports and vessels of any of the Allied and Associated Powers any surtax or any direct or indirect bounty for export or import by German ports or vessels, or by those of another Power, for example by means of combined tariffs. She further undertakes that persons or goods passing through a port or using a vessel of any of the Allied and Associated Powers shall not be subjected to any formality or delay whatever to which such persons or goods would not be subjected if they passed through a German port or a port of any other Power, or used a German vessel or a vessel of any other Power.

Note to XII, 323

For the inapplication of articles 325-26 to Siam, see note under article 137.

In virtue of this article and article 267 the Conference of Ambassadors on August 12, 1921 called on Germany to modify its law of August 8, 1917.

See also article 268.

ARTICLE 324.

All necessary administrative and technical measures shall be taken so shorten, as much as possible, the transmission of goods across the German frontiers and to ensure their forwarding and transport from such frontiers, irrespective of whether such goods are coming from or going to the territories of the Allied and Associated Powers or are in transit from or to those territories, under the same material conditions in such matters as rapidity of carriage and care *en route* as are enjoyed by other goods of the same kind carried on German territory under similar conditions of transport.

In particular, the transport of perishable goods shall be promptly and regularly carried out, and the customs formalities shall be effected in such a way as to allow the goods to be carried straight through by trains which make connection.

ARTICLE 325.

The seaports of the Allied and Associated Powers are entitled to all favours and to all reduced tariffs granted on German railways or navigable waterways for the benefit of German ports or of any port of another Power.

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Text of May 7:

Germany undertakes not to take any measures the effect of which would be to divert traffic of any kind from its normal itinerary for the benefit of her own transport routes.

ARTICLE 326.

Germany may not refuse to participate in the tariffs or combinations of tariffs intended to secure for ports of any of the Allied and Associated Powers advantages similar to those granted by Germany to her own ports or the ports of any other Power.

Text of May 7:

The seaports of the Allied and Associated Powers are entitled to all favours and to all reduced tariffs granted on German railways or navigable waterways for the benefit of German ports or of any port of another Power.

Germany may not refuse to participate in the tariffs or combinations of tariffs intended to secure for ports of any of the Allied and Associated Powers advantages similar to those granted by Germany to her own ports or the ports of any other Power.

SECTION II.—*Navigation.*

Note to XII, sec. II

The German delegation complained that “the German rivers, together with all streams and canals connected therewith, are to be administered by International Commissions on which Germany never has the majority” and the scope of the powers of which were not defined. The commissions would in fact exercise unlimited economic power over German rivers, canals, and, indirectly, over German railways. This would have a decisive influence on the internal regulation of Germany’s whole economic life incompatible with its sovereignty (e.g. Germany would have to build canals against its wishes), and was unacceptable. Germany was willing, however, to revise existing conventions to meet new needs and to open up German rivers to the utmost extent to the traffic of all nations, subject to the principle that only the riparian states should participate in the administration.

As to the Elbe, Germany was ready to consider the requirements of Czechoslovakia; as regards the Rhine, the existing Central Commission was adequate but Germany was willing to accept suggestions for improvement; in the case of the Danube, Germany demanded immediate representation on the commission; for the Oder, a purely German river, no commission was necessary; as regards the Vistula and the Niemen, negotiations would be accepted with Poland and the

Note to XII, sec. II—Continued

riparian states respectively. Germany was not willing, however, without more detailed negotiations, to agree to place the port of Kehl under French administration located at Strasbourg, or to accept the stipulations concerning the Rhine bridges and waterworks. Germany was prepared to negotiate a treaty with Czechoslovakia for the use of Hamburg and Stettin. The division of river tonnage between the interested states could also be arranged by negotiations. The Kiel Canal could be opened to the traffic of all nations, under conditions of reciprocity, although the international commission could be accepted only if other straits were similarly treated (*Foreign Relations, The Paris Peace Conference*, vi, 869).

The reply of the Allies noted that Germany admitted the proposed measures to be practicable but opposed them on principle—infringement of sovereignty and lack of reciprocity. The Allies pointed out that article 23 (e) of the Covenant of the League of Nations provided for “freedom of communications and of transit, and equitable treatment for the commerce of all members of the League” (*ibid.*, p. 992), and part XII of the treaty was intended to secure these on the territory of Germany. Reciprocity was not possible immediately, lest Germany “profit indirectly from the material devastation and the economic ruin” for which the German armies were responsible. The Allies had not attempted to prevent the “legitimate” but only the “abusive” use of German economic independence; but above all they had aimed at securing freedom of communications and transit to or from young land-locked states, which would otherwise “fall once again under the economic tutelage of Germany”. The various provisions for the benefit of Czechoslovakia were justified in detail, as well as those concerning the Rhine-Meuse canal, the Rhine-Danube waterway to be constructed, and the Kiel Canal. As regards French control of water power on the Rhine, France was prepared to pay Germany one half the value of the power produced, less the cost of the works. Five small concessions were made to Germany.

The provisions of this section of the treaty were applied according to their terms, with implementation, until the German Government in 1936 unilaterally withdrew from existing arrangements affecting international river systems.

On November 14, 1936, the German Government transmitted to the Governments of Belgium, Bulgaria, Denmark, France, Greece, the United Kingdom, Italy, Yugoslavia, the Netherlands, Austria, Poland, Rumania, Sweden, Switzerland, Czechoslovakia, and Hungary a notification (file 862.811/63) “that it no longer recognizes

Note to XII, sec. II—Continued

as binding on it the regulations contained in the Treaty of Versailles concerning the navigable streams in German territory nor the international stream acts based on these regulations". It gave notice of termination with immediate effect of the *modus vivendi* concerning the Rhine reached on May 4, 1936 (see p. 671) and would not sign the agreement of similar character drafted for the Elbe. Further "collaboration of Germany in the Versailles streams commissions ceases" and the full powers of German delegates were ended.

Freedom of shipping and equal treatment for almost one hundred years before the world war had been the bases of fruitful cooperation between the riparian countries of navigable streams, Germany stated. But an "artificial system opposed to the practical requirements of shipping . . . created at Versailles in contradiction with the basic idea of equal rights . . . sought to impose upon Germany permanent international supervision of [its] navigable streams by transferring more or less the German sovereign rights to international commissions". The German Government's "most serious efforts to replace this unbearable arrangement" by January 1, 1937, "were not successful" because the other states involved would not "relinquish a system which in its fundamentals is incompatible with German sovereign rights".

The Germans made several complaints. On the Rhine, the riparian state most important after Germany, the Netherlands, did not adhere to the agreements of May 4. On the Elbe it was not possible to do away with the Versailles condition that four non-riparian states not particularly interested in Elbe shipping claimed the right to be guarantors of the freedom of shipping. For the Oder streams there was, without German participation, an international commission with a French Secretary-General provisionally appointed in the year 1920 without German collaboration. Ten years of effort for German reentry into the Danube Commission had no success and revision of the Danube Act made "no progress whatsoever despite all Germany's concessions". With regard to the Kaiser Wilhelm Canal the other states adhered to "the arbitrary restriction of German sovereign rights forced upon Germany at Versailles".

In closing its unilateral declaration Germany announced: "Shipping on the navigable streams in German territory is open to the ships of all states living at peace with the German Reich. No differential treatment of German and foreign ships takes place;

PART XII: ARTICLE 327

Note to XII, sec. II—Continued

this applies also to the question of shipping fees. Hereby the German Government presupposes that reciprocity will be granted on the navigable streams of the other states involved."

This notification, which was given some sort of status by publication in the *Reichsgesetzblatt* (1936, II, 361) on November 26, was made to the governments represented on the Danube, Elbe, Oder, and Rhine commissions. Those governments did not enter a joint protest with the German Government, as the French Government first suggested. By December 3, 1936 the Governments of the United Kingdom, France, Czechoslovakia, Poland, Rumania, and Yugoslavia made formal representations against the unilateral nature of the German action purporting to terminate part of a multilateral treaty. Bulgaria, the Netherlands, Italy, and Switzerland made no protest and Italy later withdrew from the Central Rhine Commission. The prospect held out to the Netherlands and Switzerland of concluding bilateral agreements with Germany which would secure their interests on the Rhine did not materialize.

CHAPTER I.—FREEDOM OF NAVIGATION.

ARTICLE 327.

The nationals of any of the Allied and Associated Powers as well as their vessels and property shall enjoy in all German ports and on the inland navigation routes of Germany the same treatment in all respects as German nationals, vessels and property.

In particular the vessels of any one of the Allied or Associated Powers shall be entitled to transport goods of any description, and passengers, to or from any ports or places in German territory to which German vessels may have access, under conditions which shall not be more onerous than those applied in the case of national vessels; they shall be treated on a footing of equality with national vessels as regards port and harbour facilities and charges of every description, including facilities for stationing, loading and unloading, and duties and charges of tonnage, harbour, pilotage, lighthouse, quarantine, and all analogous duties and charges of whatsoever nature, levied in the name of or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind.

In the event of Germany granting a preferential regime to any of the Allied or Associated Powers or to any other foreign Power,

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this regime shall be extended immediately and unconditionally to all the Allied and Associated Powers.

There shall be no impediment to the movement of persons or vessels other than those arising from prescriptions concerning customs, police, sanitation, emigration and immigration, and those relating to the import and export of prohibited goods. Such regulations must be reasonable and uniform and must not impede traffic unnecessarily.

Note to XII, 327

The note of the Supreme Council dated May 5, 1921 found Germany in default as regarded fulfilment of article 327, and the German Government on May 11 stated its resolve to execute the unfulfilled portions of the treaty.

For the inapplication of this article to Siam, see note under article 137.

CHAPTER II.—FREE ZONES IN PORTS.

ARTICLE 328.

The free zones existing in German ports on August 1, 1914, shall be maintained. These free zones, and any other free zones which may be established in German territory by the present Treaty, shall be subject to the régime provided for in the following Articles.

Goods entering or leaving a free zone shall not be subjected to any import or export duty, other than those provided for in Article 330.

Vessels and goods entering a free zone may be subjected to the charges established to cover expenses of administration, upkeep and improvement of the port, as well as to the charges for the use of various installations, provided that these charges shall be reasonable having regard to the expenditure incurred, and shall be levied in the conditions of equality provided for in Article 327.

Goods shall not be subjected to any other charge except a statistical duty which shall not exceed 1 per mille *ad valorem*, and which shall be devoted exclusively to defraying the expenses of compiling statements of the traffic in the port.

ARTICLE 329.

The facilities granted for the erection of warehouses, for packing and for unpacking goods, shall be in accordance with trade re-

PART XII: ARTICLES 328 TO 331

quirements for the time being. All goods allowed to be consumed in the free zone shall be exempt from duty, whether of excise or of any other description, apart from the statistical duty provided for in Article 328 above.

There shall be no discrimination in regard to any of the provisions of the present Article between persons belonging to different nationalities or between goods of different origin or destination.

ARTICLE 330.

Import duties may be levied on goods leaving the free zone for consumption in the country on the territory of which the port is situated. Conversely, export duties may be levied on goods coming from such country and brought into the free zone. These import and export duties shall be levied on the same basis and at the same rates as similar duties levied at the other Customs frontiers of the country concerned. On the other hand, Germany shall not levy, under any denomination, any import, export or transit duty on goods carried by land or water across her territory to or from the free zone from or to any other State.

Germany shall draw up the necessary regulations to secure and guarantee such freedom of transit over such railways and waterways in her territory as normally give access to the free zone.

CHAPTER III.—CLAUSES RELATING TO THE ELBE, THE ODER,
THE NIEMEN (RUSSTROM-MEMEL-NIEMEN) AND THE
DANUBE.

(1)—*General Clauses.*

ARTICLE 331.

The following rivers are declared international :

the Elbe (*Labe*) from its confluence with the Vltava (*Moldau*),
and the Vltava (*Moldau*) from Prague;

the Oder (*Odra*) from its confluence with the Oppa;
the Niemen (*Russstrom-Memel-Niemen*) from Grodno;
the Danube from Ulm;

and all navigable parts of these river systems which naturally provide more than one State with access to the sea, with or without transshipment from one vessel to another; together with lateral canals and channels constructed either to duplicate or to improve

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

naturally navigable sections of the specified river systems, or to connect two naturally navigable sections of the same river.

The same shall apply to the Rhine-Danube navigable waterway, should such a waterway be constructed under the conditions laid down in Article 353.

ARTICLE 332.

On the waterways declared to be international in the preceding Article, the nationals, property and flags of all Powers shall be treated on a footing of perfect equality, no distinction being made to the detriment of the nationals, property or flag of any Power between them and the nationals, property or flag of the riparian State itself or of the most favoured nation.

Nevertheless, German vessels shall not be entitled to carry passengers or goods by regular services between the ports of any Allied or Associated Power, without special authority from such Power.

ARTICLE 333.

Where such charges are not precluded by any existing conventions, charges varying on different sections of a river may be levied on vessels using the navigable channels or their approaches, provided that they are intended solely to cover equitably the cost of maintaining in a navigable condition, or of improving, the river and its approaches, or to meet expenditure incurred in the interests of navigation. The schedule of such charges shall be calculated on the basis of such expenditure and shall be posted up in the ports. These charges shall be levied in such a manner as to render any detailed examination of cargoes unnecessary, except in cases of suspected fraud or contravention.

ARTICLE 334.

The transit of vessels, passengers and goods on these waterways shall be effected in accordance with the general conditions prescribed for transit in Section I above.

When the two banks of an international river are within the same State goods in transit may be placed under seal or in the custody of customs agents. When the river forms a frontier goods and passengers in transit shall be exempt from all customs formalities; the loading and unloading of goods, and the embarkation and disembarkation of passengers, shall only take place in the ports specified by the riparian State.

PART XII: ARTICLES 332 TO 338

ARTICLE 335.

No dues of any kind other than those provided for in the present Part shall be levied along the course or at the mouth of these rivers.

This provision shall not prevent the fixing by the riparian States of customs, local octroi or consumption duties, or the creation of reasonable and uniform charges levied in the ports, in accordance with public tariffs, for the use of cranes, elevators, quays, warehouses, etc.

ARTICLE 336.

In default of any special organisation for carrying out the works connected with the upkeep and improvement of the international portion of a navigable system, each riparian State shall be bound to take suitable measures to remove any obstacle or danger to navigation and to ensure the maintenance of good conditions of navigation.

If a State neglects to comply with this obligation any riparian State, or any State represented on the International Commission, if there is one, may appeal to the tribunal instituted for this purpose by the League of Nations.

Note to XII, 336

The Organization for Communications and Transit of the League of Nations became the tribunal for the consideration of appeals; for its establishment see article 379.

ARTICLE 337.

The same procedure shall be followed in the case of a riparian State undertaking any works of a nature to impede navigation in the international section. The tribunal mentioned in the preceding Article shall be entitled to enforce the suspension or suppression of such works, making due allowance in its decisions for all rights in connection with irrigation, water-power, fisheries, and other national interests, which, with the consent of all the riparian States or of all the States represented on the International Commission, if there is one, shall be given priority over the requirements of navigation.

Appeal to the tribunal of the League of Nations does not require the suspension of the works.

ARTICLE 338.

The régime set out in Articles 332 to 337 above shall be superseded by one to be laid down in a General Convention drawn up by the

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Allied and Associated Powers, and approved by the League of Nations, relating to the waterways recognised in such Convention as having an international character. This Convention shall apply in particular to the whole or part of the above-mentioned river systems of the Elbe (*Labe*), the Oder (*Odra*), the Niemen (*Russstrom-Memel-Niemen*), and the Danube, and such other parts of these river systems as may be covered by a general definition.

Germany undertakes, in accordance with the provisions of Article 379, to adhere to the said General Convention as well as to all projects prepared in accordance with Article 343 below for the revision of existing international agreements and regulations.

Note to XII, 338

The convention and statute on the regime of waterways of international concern were prepared by the Organization for Communications and Transit and were concluded at the first general conference of the organization on April 20, 1921.

For the establishment of the Organization for Communications and Transit of the League of Nations, see article 379.

ARTICLE 339.

Germany shall cede to the Allied and Associated Powers concerned, within a maximum period of three months from the date on which notification shall be given her, a proportion of the tugs and vessels remaining registered in the ports of the river systems referred to in Article 331 after the deduction of those surrendered by way of restitution or reparation. Germany shall in the same way cede material of all kinds necessary to the Allied and Associated Powers concerned for the utilisation of those river systems.

The number of the tugs and boats, and the amount of the material so ceded, and their distribution, shall be determined by an arbitrator or arbitrators nominated by the United States of America, due regard being had to the legitimate needs of the parties concerned, and particularly to the shipping traffic during the five years preceding the war.

All craft so ceded shall be provided with their fittings and gear, shall be in a good state of repair and in condition to carry goods, and shall be selected from among those most recently built.

The cessions provided for in the present Article shall entail a credit of which the total amount, settled in a lump sum by the arbitrator or arbitrators, shall not in any case exceed the value of the capital expended in the initial establishment of the material ceded,

PART XII: ARTICLE 339

and shall be set off against the total sums due from Germany; in consequence, the indemnification of the proprietors shall be a matter for Germany to deal with.

Note to XII, 339

On March 9, 1920 the president of the peace conference drew up the following declaration for transmission to the Government of the United States (*Foreign Relations*, 1920, II, 263) :

“With a view to expediting the execution of certain duties entrusted to an arbitrator or arbitrators to be nominated by the United States of America by paragraph 6 of annex 3 of part 8 and articles 339 and 357 of the Treaty of Versailles and by paragraph 5 of annex 3 of part 8 and article 300 of the Treaty of Saint Germain and by article 228 of the Treaty of Neuilly-sur-Seine, the British, French, Italian, Belgian, Greek, Polish, Roumanian, Serb-Croat-Slovene and Czecho-Slovak Governments have the honor to request that the Government of the United States should immediately nominate the arbitrator or arbitrators independently of the position of the United States as a signatory of the treaties of peace, it being understood that no part of the expenses of the execution of these provisions of the treaties will be borne by the Government of the United States.”

In response to this request the President appointed Walker D. Hines on April 30.

A German protest was made to this action, and the United States correctly replied (*ibid.*, p. 266) that Mr. Hines would function in no manner as a representative of the United States. In this instance, the United States had simply complied with a request to designate an appropriate person for a specific task, but the note made a point of discussing the general question of American participation in bodies growing out of the treaty, which was said to be “largely dictated by the desire for sane solutions of various questions”. To the German objection that the United States had not ratified the treaty, the note asserted “that its position as one of the principal Allied and Associated Powers and its fundamental interest in solution of problems arising out of war gives the right to official or unofficial representation of the United States on all administrative bodies until ratification of Peace Treaty or other arrangement.”

On September 8, the Conference of Ambassadors reiterated to Germany the right of the Allies to make the appointment, and Germany thereupon decided not to pursue its objection further. However, it had “not altered its standpoint that the Government

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Note to XII, 339—Continued

of the United States cannot be called upon to participate as arbitrator in the execution of the treaty as long as the latter has not ratified the treaty and consequently still is in a state of war with Germany" (*ibid.*, p. 273).

The award of the arbitrator of June 14, 1921 decided that under article 339 Germany must deliver to Czechoslovakia barges, tugs, motor merchant boats and small equipment from the ports of the Elbe of the total value of 8,350,000 gold marks. Deliveries were to be completed by January 1, 1922; by January 1, 1923 they were 92 per cent completed.

The award of the arbitrator of August 2, 1921 fixed Germany's share in the deliveries of the Danube fleet to be made to Czechoslovakia at 5,083 tons in barges, credited at 338,490 gold marks. Deliveries were completed by December 31, 1922.

The award of the arbitrator of July 6, 1922 decided that Germany must deliver from the Oder to Czechoslovakia 35,688 tons in barges and 5,669 horsepower in tugs, both amounting to 1,833,000 gold marks, and to Poland 39,735 tons in barges and 4,903 horsepower in tugs, together with a site for a shipyard, amounting in all to 2,195,000 gold marks. Deliveries were made after December 31, 1922.

The final adjusted credits for German river craft delivered to Czechoslovakia, in gold marks, were: on the Danube, 338,490; on the Elbe, 8,141,750; on the Oder, 1,776,507.

(2) *Special Clauses relating to the Elbe, the Oder and the Niemen (Russstrom-Memel-Niemen).*

ARTICLE 340.

The Elbe (*Labe*) shall be placed under the administration of an International Commission which shall comprise:

- 4 representatives of the German States bordering on the river;
- 2 representatives of the Czecho-Slovak State;
- 1 representative of Great Britain;
- 1 representative of France;
- 1 representative of Italy;
- 1 representative of Belgium.

Whatever be the number of members present, each delegation shall have the right to record a number of votes equal to the number of representatives allotted to it.

PART XII: ARTICLES 340 TO 341

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

Note to XII, 340

The commission met at Baden-Baden on March 15, 1920 and administered the waterway until the convention instituting a statute of navigation of the Elbe was signed at Dresden, February 22, 1922 and entered into force on October 1, 1923 (26 League of Nations Treaty Series, p. 219). The international system of the Elbe comprised the Elbe from the open sea to its confluence with the Vltava (Moldau), and the Vltava to Prague, Czechoslovakia. Navigation was open without restrictions to the craft of all nations complying with the stipulations of the convention. "The nationals, goods and flags of all nations shall be treated in all respects on a footing of complete equality." The commission, each member of which had a vote, reached decisions by a majority. It was charged with securing freedom of navigation, the maintenance and the improvement of the navigable channel, and with deciding complaints arising out of the application of the convention.

A supplementary convention signed at Prague, January 27, 1923 entered into force on April 1, 1924. It set up tribunals to deal with breaches of the police regulations and to decide disputes relative to the incidents of navigation.

ARTICLE 341.

The Oder (*Odra*) shall be placed under the administration of an International Commission, which shall comprise:

- 1 representative of Poland;
- 3 representatives of Prussia;
- 1 representative of the Czecho-Slovak State;
- 1 representative of Great Britain;
- 1 representative of France;
- 1 representative of Denmark;
- 1 representative of Sweden.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

Text of May 7:

The Oder (*Odra*) shall be placed under the administration of an International Commission, which shall comprise:

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Text of May 7—Continued

- 1 representative of Poland;
- 1 representative of Prussia;
- 1 representative of the Tchecko-Slovak State;
- 1 representative of Great Britain;
- 1 representative of France;
- 1 representative of Denmark;
- 1 representative of Sweden.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

Note to XII, 341

The International Commission of the Oder, set up under article 341 at Baden-Baden on March 15, 1920, encountered difficulty in fixing the limits of this international river system. It certified the difficulty to the Organization for Communications and Transit of the League of Nations by a resolution of January 29, 1924. The Organization's Committee of Inquiry having made suggestions for a solution which was not accepted by Germany and Poland, the Governments of the United Kingdom, Czechoslovak Republic, Denmark, France, Germany, and Sweden of the one part and Poland of the other part submitted their question to the Permanent Court of International Justice by the special agreement concluded at London on October 30, 1928. The Court, by 9 votes to 3, on September 10, 1929 gave a judgment (Series A/23) that "under the provisions of the treaty of Versailles, the jurisdiction of the International Commission of the Oder extends to the sections of the Warthe (Warta) and Netze (Noteć) which are situated in Polish territory", and that the principle laid down in article 331 of that treaty was to be adopted by the parties in determining the upstream limits of the commission's jurisdiction. The commission did not succeed in producing a definitive statute for the Oder before Germany's unilateral repudiation of its authority in 1936.

ARTICLE 342.

On a request being made to the League of Nations by any riparian State, the Niemen (*Russstrom-Memel-Niemen*) shall be placed under the administration of an International Commission, which shall comprise one representative of each riparian State, and three representatives of other States specified by the League of Nations.

Note to XII, 342

The Conference of Ambassadors on February 24, 1921 decided, in connection with the disposition of Memel (see art. 99), that only a provisional regime should be established for the Niemen which, however, should assure the free transit of lumber destined for Memel.

No commission was established for the Niemen, though a certain type of international regime was set up by the Memel convention of May 8, 1924 (29 League of Nations Treaty Series, p. 86) between Lithuania and states represented on the Conference of Ambassadors. Also applicable to the Niemen was the Barcelona convention on the regime of navigable waterways of international concern of April 20, 1921 (7 *ibid.*, p. 35). The International Committee for Communications and Transit adopted a resolution at its third session in 1922 concerning freedom of navigation on the Niemen (League of Nations Doc. A.41. 1922. VIII). The committee on July 30, 1925 adopted a report which called for modification of the regulations on the floating of timber on the Niemen—the principal international use of the river—which had been promulgated by the Lithuanian Government (League of Nations, *Official Journal*, 1925, p. 1223).

For the establishment of the Organization for Communications and Transit of the League of Nations, see article 379.

ARTICLE 343.

The International Commissions referred to in Articles 340 and 341 shall meet within three months of the date of the coming into force of the present Treaty. The International Commission referred to in Article 342 shall meet within three months from the date of the request made by a riparian State. Each of these Commissions shall proceed immediately to prepare a project for the revision of the existing international agreements and regulations, drawn up in conformity with the General Convention referred to in Article 338, should such Convention have been already concluded. In the absence of such Convention, the project for revision shall be in conformity with the principles of Articles 332 to 337 above.

ARTICLE 344.

The projects referred to in the preceding Article shall, *inter alia*:

(a) designate the headquarters of the International Commission, and prescribe the manner in which its President is to be nominated;

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(b) specify the extent of the Commission's powers, particularly in regard to the execution of works of maintenance, control, and improvement on the river system, the financial régime, the fixing and collection of charges, and regulations for navigation;

(c) define the sections of the river or its tributaries to which the international régime shall be applied.

ARTICLE 345.

The international agreements and regulations at present governing the navigation of the Elbe (*Labe*), the Oder (*Odra*), and the Niemen (*Russstrom-Memel-Niemen*) shall be provisionally maintained in force until the ratification of the above-mentioned projects. Nevertheless, in all cases where such agreements and regulations in force are in conflict with the provisions of Articles 332 to 337 above, or of the General Convention to be concluded, the latter provisions shall prevail.

Note to XII, 345

The German-Czechoslovak boundary at the Oder was regulated by a treaty signed at Prague March 22, 1928 and in force July 17, 1929 (*Reichsgesetzblatt*, 1929, II, 7).

(3) *Special Clauses relating to the Danube.*

ARTICLE 346.

The European Commission of the Danube reassumes the powers it possessed before the war. Nevertheless, as a provisional measure, only representatives of Great Britain, France, Italy and Roumania shall constitute this Commission.

ARTICLE 347.

From the point where the competence of the European Commission ceases, the Danube system referred to in Article 331 shall be placed under the administration of an International Commission composed as follows:

- 2 representatives of German riparian States;
- 1 representative of each other riparian State;
- 1 representative of each non-riparian State represented in the future on the European Commission of the Danube.

PART XII: ARTICLES 345 TO 349

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

ARTICLE 348.

The International Commission provided for in the preceding Article shall meet as soon as possible after the coming into force of the present Treaty, and shall undertake provisionally the administration of the river in conformity with the provisions of Articles 332 to 337, until such time as a definitive statute regarding the Danube is concluded by the Powers nominated by the Allied and Associated Powers.

Note to XII, 348

The commission held its first meeting on June 17, 1920. The conference to draw up the statute convened on August 1, 1920.

ARTICLE 349.

Germany agrees to accept the régime which shall be laid down for the Danube by a Conference of the Powers nominated by the Allied and Associated Powers, which shall meet within one year after the coming into force of the present Treaty, and at which German representatives may be present.

Text of May 7:

Germany agrees to accept the regime which shall be laid down for the Danube by a Conference of the Powers nominated by the Allied and Associated Powers, which shall meet within one year after the coming into force of the present Treaty.

Note to XII, 349

The convention instituting the definitive statute of the Danube was signed at Paris, July 23, 1921 and came into force on October 1, 1922, between Belgium, France, Great Britain, Greece, Italy, Rumania, Serb-Croat-Slovene State, and Czechoslovakia (26 League of Nations Treaty Series, p. 173). The convention was negotiated "in the presence and with the participation of the duly authorized plenipotentiaries of Germany, Austria, Bulgaria and Hungary".

The international regime had applied to the Danube since the Treaty of Peace signed at Paris, March 30, 1856 ending the Crimean War (46 *British and Foreign State Papers*, p. 8). That treaty set up the European Commission of the Danube to which a Riverain

Note to XII, 349—Continued

Commission was added by the Treaty of Berlin, July 13, 1878 (69 *ibid.*, p. 749). Both commissions in the period before the war of 1914-18 functioned under the additional act signed at Galatz on May 28, 1881 (72 *ibid.*, p. 7) and the treaty signed at London on March 10, 1883 (74 *ibid.*, p. 20).

The Danube was declared international from Ulm, Bavaria, to the sea, by the convention of 1921. The internationalized river system of the Danube comprises the Morava and the Thaya where they form the frontier between Austria and Czechoslovakia; the Drave from Barcs; the Tisza from the mouth of the Szamos; the Maros from Arad; and lateral canals or waterways thereto.

Navigation on the Danube is unrestricted and open to all flags over the whole navigable course of the system between Ulm, Bavaria, and the Black Sea. Freedom of navigation and equal treatment of all flags were entrusted to the European Commission of the Danube, whose administrative sphere is the maritime Danube from the Black Sea to Braila, and the International Commission, whose authority extends over both the fluvial and maritime parts of the river system and whose unanimous consent is required for placing additional waterways under its authority.

The European Commission, with its seat at Galatz, was provisionally composed of representatives of France, Great Britain, Italy, and Rumania with the powers "which it possessed before the war".

The International Commission, with its seat at Bratislava, was composed as stipulated in article 347 of the Treaty of Peace with Germany; article 302 of that with Austria; article 320 of that with Bulgaria, and article 286 of that with Hungary. Its duties chiefly relate to maintaining the works required for the unrestricted navigation of the river system, in conjunction with the authorities of the riparian states, which could undertake riverain improvements within their own frontiers. The convention lays down general principles with respect to customs, duties, tolls, taxes and navigation dues, port regulations, traffic regulations, and general policing regulations.

Questions of jurisdiction were referred to the League of Nations Committee for Communications and Transit in 1924. An advisory opinion of the Permanent Court of International Justice on December 8, 1927 confirmed the jurisdiction of the European Commission over the sector of the Danube from Galatz to and including Braila (Series B, No. 14).

Rumania from 1881 on had been unreconciled to the control exercised by the European Commission over the Danube within its

Note to XII, 349—Continued

boundaries. After the advisory opinion negotiations between France, the United Kingdom, and Italy continued with Rumania at Geneva, under the auspices of the League Committee for Communications and Transit. A draft declaration covering a draft convention concerning the powers of the various authorities responsible for drawing up and promulgating regulations for the Maritime Danube and for investigating, verifying, and punishing infractions of such regulations were approved by the Council on January 16, 1930 (League of Nations, *Official Journal*, 1930, pp. 109, 188) and the declaration was signed December 5, 1930 (*ibid.*, 1931, p. 736).

It was not, however, until many years later that the alterations desired by Rumania were effected. Protracted negotiations with Rumania to decide on the necessary regulations ensued, and a *modus vivendi* was effected by an arrangement signed by delegates of France, Great Britain, Italy, and Rumania on May 17, 1933 (Permanent Court of International Justice, Series E, No. 9, pp. 115-17). Five years later, on August 18, 1938, France, Great Britain, and Rumania concluded at Sinaia an arrangement introducing "the modifications rendered necessary by present circumstances" in the powers of the European Commission (196 League of Nations Treaty Series, p. 113). By this arrangement the European Commission of the Danube ceased to exercise the powers held by it under the instruments and regulations in force with respect to navigation, the port and roadstead of Sulina, the enactment of regulations relating to navigation for the Maritime Danube and its mouths, preparation and execution of plans for works on the Maritime Danube, levying dues and disposing of the yield thereof, sanitary matters, and jurisdiction over offenses. The Rumanian Government set up the Maritime Danube Board which, with that Government, succeeded to the powers relinquished by the European Commission. The accession of Germany and Italy to this arrangement and the entry of Germany into the European Commission of the Danube were effected by an agreement signed at Bucharest March 1, 1939 (*ibid.*, p. 127). Ratifications of both instruments were deposited with the Rumanian Government and they entered into force on May 13, 1939.

ARTICLE 350.

The mandate given by Article 57 of the Treaty of Berlin of July 13, 1878, to Austria-Hungary, and transferred by her to Hungary,

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to carry out works at the Iron Gates, is abrogated. The Commission entrusted with the administration of this part of the river shall lay down provisions for the settlement of accounts subject to the financial provisions of the present Treaty. Charges which may be necessary shall in no case be levied by Hungary.

Note to XII, 350

The treaty of Berlin modifying the preliminaries of peace of San Stefano between Russia and Turkey, signed on March 3, 1878, was concluded between Austria-Hungary, France, Germany, Great Britain, Italy, Russia, and Turkey. It is printed at 69 *British and Foreign State Papers*, p. 749.

ARTICLE 351.

Should the Czecho-Slovak State, the Serb-Croat-Slovene State or Roumania, with the authorisation of or under mandate from the International Commission, undertake maintenance, improvement, weir, or other works on a part of the river system which forms a frontier, these States shall enjoy on the opposite bank, and also on the part of the bed which is outside their territory, all necessary facilities for the survey, execution and maintenance of such works.

ARTICLE 352.

Germany shall be obliged to make to the European Commission of the Danube all restitutions, reparations and indemnities for damages inflicted on the Commission during the war.

Note to XII, 352

The Reparation Commission on February 4, 1921 decided that it would take up claims of the European Commission of the Danube under this article and article 307 of the treaty of peace with Austria at the request of the Conference of Ambassadors, if Germany and Austria had no objections. Germany, however, did not consent to this procedure and on May 23, 1921 the Reparation Commission notified the Kriegslastenkommission that it would not occupy itself with claims under article 352 nor those of the European Commission of the Danube. The matter was settled directly between Germany and the commission, and article 9 of the Finance Ministers' Agreement of January 14, 1925 stipulated the payment of 266,800 gold francs to the European Commission of the Danube out of the annuities of the Experts' (Dawes) Plan.

PART XII: ARTICLES 351 TO 354

ARTICLE 353.

Should a deep-draught Rhine-Danube navigable waterway be constructed, Germany undertakes to apply thereto the régime prescribed in Articles 332 to 338.

Text of May 7:

In the event of all the Allied and Associated Powers represented on the Central Commission for the Rhine and on the International Commission charged with the administration of the Upper Danube respectively deciding within 25 years from the coming into force of the present Treaty upon the creation of a deep-draught Rhine-Danube navigable waterway, Germany shall be bound to construct such waterway in accordance with plans to be communicated to her by the said Powers.

For this purpose the Central Commission for the Rhine shall have the right to undertake all necessary surveys.

Should Germany fail to carry out all or part of the works, the Central Commission for the Rhine shall be entitled to carry them out instead.

For this purpose the Commission shall be qualified to decide upon and fix the limits of the necessary sites and to occupy the ground after a period of 2 months after notification, subject to the payment of indemnities to be fixed by the Commission and paid by Germany.

This navigable waterway shall be placed under the same administrative régime as the Rhine itself, and the distribution of the initial cost of construction, including the above indemnities, among the States concerned, shall be made by a tribunal to be appointed by the Council of the League of Nations.

Note to XII, 353

For some notice of the waterway project, see article 31, note on Belgo-Netherlands relations.

CHAPTER IV.—CLAUSES RELATING TO THE RHINE AND THE MOSELLE.

ARTICLE 354.

As from the coming into force of the present Treaty, the Convention of Mannheim of October 17, 1868, together with the Final Protocol thereof, shall continue to govern navigation on the Rhine, subject to the conditions hereinafter laid down.

In the event of any provisions of the said Convention being in conflict with those laid down by the General Convention referred

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to in Article 338 (which shall apply to the Rhine) the provisions of the General Convention shall prevail.

Within a maximum period of six months from the coming into force of the present Treaty, the Central Commission referred to in Article 355 shall meet to draw up a project of revision of the Convention of Mannheim. This project shall be drawn up in harmony with the provisions of the General Convention referred to above, should this have been concluded by that time, and shall be submitted to the Powers represented on the Central Commission. Germany hereby agrees to adhere to the project so drawn up.

Further, the modifications set out in the following Articles shall immediately be made in the Convention of Mannheim.

The Allied and Associated Powers reserve to themselves the right to arrive at an understanding in this connection with Holland, and Germany hereby agrees to accede if required to any such understanding.

Note to XII, 354

The Mannheim convention concerning the navigation of the Rhine was concluded between Baden, Bavaria, France, Hesse-Darmstadt, Netherlands, and Prussia (59 *British and Foreign State Papers*, p. 470). After 1871 the interests of the four German states were looked after by the German Empire. The Rhine, since the first steps toward its internationalization by the final report of the commission of the Holy Roman Empire (Reichsdeputationshauptschluss), February 25, 1803, was the subject of numerous arrangements which were consolidated in the Mannheim convention of 1868. From then on to the definition of the regime by the provisions of this treaty (arts. 354-62) the administration of the Central Commission developed a great mass of supplementary agreements and regulations. These are compiled in *Rijndocumenten (Documents concernant la navigation du Rhin)*; *Recueil de conventions et de règlements internationaux, de dispositions légales nationales, 1803-1918* (La Haye, Martinus Nijhoff, 1918).

Adhesion of the Netherlands to the modifications introduced by this treaty in the Mannheim convention of 1868 was accomplished by a protocol signed at Paris January 21, 1921 (20 League of Nations Treaty Series, p. 111) by representatives of Belgium, France, Great Britain, Italy, and the Netherlands. The protocol stipulated that the provisions of the additional act of September 18, 1895 (87 *British and Foreign State Papers*, p. 788) and the convention of June 4, 1898 (Martens, *Nouveau recueil général de traités*, 2^e série,

Note to XII, 354—Continued

xxix, 113) should be applied to the navigation of the Rhine. The Netherlands was given a third representative on the Central Commission. With certain technical understandings, the Netherlands would adhere to articles 65, 354-56, and 358-62 of the treaty of peace after the Conference of Ambassadors had approved the protocol. A further protocol of March 29, 1923 (*ibid.*, p. 117) provided that resolutions of the Central Commission should be adopted by majority votes and "no state shall be obliged to take steps for the execution of any resolution which it may have refused to approve". With this concession, the adhesion of the Netherlands became effective September 8, 1923.

The jurisdiction of the Central Commission for the Navigation of the Rhine extended to the Waal and the Lek.

Police vessels on the river system flew special flags. The French flag was composed of triangular blue, white, and red fields. The German flag was black, white, and red until May 1, 1924, when it became black, red, and golden-yellow (25 League of Nations Treaty Series, p. 261).

The Conference of Ambassadors on June 12, 1925 found it necessary to request the German Government to instruct the representatives of the German states on the Central Commission to observe the provisions of the Barcelona convention of April 20, 1921, pending the revision of the Mannheim convention. On July 2, 1926 Germany addressed to the Conference of Ambassadors a letter in which it argued that article 10 of the Barcelona convention would not obligate German riparian states to subject works for the upkeep of navigability undertaken by them to the decisions of the Rhine Commission. In the reply of March 16, 1927 (file 763.72119/12319, annex I) the Conference of Ambassadors characterized the German attitude "as scarcely favorable in a liberal sense to the revision of the regime of the Rhine Convention" and stated that "the particularism of the German delegates in opposition to the modern public international law is in any case contrary to Articles 354 and 356 of the treaty of peace which Germany is obliged to observe."

A revision of the Mannheim convention of 1868 was eventually prepared, but not itself put into force. A *modus vivendi* signed at Strasbourg May 4, 1936 provided for its partial application from January 1, 1937 until the convention itself entered into force. This *modus vivendi* was signed on behalf of Belgium, France, Germany, Italy, Switzerland, and the United Kingdom, but the Netherlands did not sign it. Germany's repudiation of the international river

Note to XII, 354—Continued

regimes by the declaration of November 14, 1936 (see p. 651) was regarded by it as a denunciation of the *modus vivendi*, which was consequently in force without any question for the six signatories only from August 1 to November 14, 1936. The exceptions specified in the *modus vivendi* to the application of the convention covered customs questions (arts. 11-17, 19-21), free ports and other port questions (arts. 23-27), provisions relating to expenses, voting, the entry of the convention into force and its abrogating effect (arts. 85, 86, 89, 91-93). An exception in the *modus vivendi*, exemplifying Germany's hostility to multilateral methods, would have had the effect of eliminating a stipulation (art. 94, par. 2) submitting the convention to the Secretary-General of the League of Nations for registration and publication.

The undated and unsigned revised convention annexed to the *modus vivendi* (Martens, *Nouveau recueil général de traités*, 3^e série, xxxvi, 769) defined the Rhine to which it applied as extending from the headwaters of the port of Basel to Krimpen (131.18 kilometers) on the one part and Gorinchem (94.5 kilometers) on the other part, the Lek and the Waal being regarded as forming part of the Rhine. Lateral canals and other navigable ways intended to duplicate, improve, or replace any sections of the waterways subject to the convention were included, but the waterways between Krimpen and Gorinchem on the one side and the open sea and Belgium on the other side remained under the Mannheim convention. The revision provided for the seat of the commission remaining at Strasbourg for 10 years, after which it might be changed to the territory of another state. The functions assigned to the commission were chiefly administrative and related largely to policing navigation, supervising the observance of conditions of navigability, the validity of papers pertaining to shipping and crews, ensuring the conformity of bridge constructions with the terms of the convention, providing means for the adjustment of disputes, and advising the governments with respect to the prosperity of navigation on the Rhine. The powers of the commission, by and large, were limited by national laws of the riverain states and Belgium, all of which were entitled to conclude agreements between themselves on the understanding that they were not inconsistent with the terms of the convention.

An agreement between Belgium, France, and the Netherlands regarding certain questions connected with the regime applicable to navigation on the Rhine concluded at Brussels was signed and

Note to XII, 354—Continued

entered into force on April 3, 1939 (195 League of Nations Treaty Series, p. 471). The agreement applied many provisions of the 1936 text to the relations of the parties which were affected by the defection of Germany. One provision was that chapters III, IV, VII, and VIII of the 1936 project of convention should apply to the ports of Rotterdam (including Vlaardingen, Schiedam, and Hook of Holland), Amsterdam, Dordrecht, Antwerp, and Ghent, and to Rhine traffic destined for or originating in those ports either from the high sea or Belgium, which traffic is to be treated as that of the Rhine itself.

The Rhine "stream territory", according to the German shipping police ordinance of January 18, 1939 (*Reichsgesetzblatt*, 1939, II, 41), comprises: (a) the Rhine within German boundaries from the German-Swiss frontiers below Basel down to the Spyck ferry; (b) the Neckar from the mouth upstream to Lauffen; (c) the Main from the mouth to the mouth of the Regnitz and the Regnitz to Bamberg; (d) the Lahm upstream to Steeden (above Limburg); (e) the Moselle from the mouth upstream to the Reich frontier; (f) the Spoy Canal with Griethausen Altrhein.

ARTICLE 355.

The Central Commission provided for in the Convention of Mannheim shall consist of nineteen members, viz.:

- 2 representatives of the Netherlands;
- 2 representatives of Switzerland;
- 4 representatives of German riparian States;
- 4 representatives of France, which in addition shall appoint the President of the Commission;
- 2 representatives of Great Britain;
- 2 representatives of Italy;
- 2 representatives of Belgium.

The headquarters of the Central Commission shall be at Strasbourg.

Whatever be the number of members present, each Delegation shall have the right to record a number of votes equal to the number of representatives allotted to it.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

ARTICLE 356.

Vessels of all nations, and their cargoes, shall have the same rights and privileges as those which are granted to vessels belonging to the Rhine navigation, and to their cargoes.

None of the provisions contained in Articles 15 to 20 and 26 of the above-mentioned Convention of Mannheim, in Article 4 of the Final Protocol thereof, or in later Conventions, shall impede the free navigation of vessels and crews of all nations on the Rhine and on waterways to which such Conventions apply, subject to compliance with the regulations concerning pilotage and other police measures drawn up by the Central Commission.

The provisions of Article 22 of the Convention of Mannheim and of Article 5 of the Final Protocol thereof shall be applied only to vessels registered on the Rhine. The Central Commission shall decide on the steps to be taken to ensure that other vessels satisfy the conditions of the general regulations applying to navigation on the Rhine.

ARTICLE 357.

Within a maximum period of three months from the date on which notification shall be given Germany shall cede to France tugs and vessels, from among those remaining registered in German Rhine ports after the deduction of those surrendered by way of restitution or reparation, or shares in German Rhine navigation companies.

When vessels and tugs are ceded, such vessels and tugs, together with their fittings and gear, shall be in good state of repair, shall be in condition to carry on commercial traffic on the Rhine, and shall be selected from among those most recently built.

The same procedure shall be followed in the matter of the cession by Germany to France of:

(1) the installations, berthing and anchorage accommodation, platforms, docks, warehouses, plant, etc., which German subjects or German companies owned on August 1, 1914, in the port of Rotterdam, and

(2) the shares or interests which Germany or German nationals possessed in such installations at the same date.

The amount and specifications of such cessions shall be determined within one year of the coming into force of the present Treaty by an arbitrator or arbitrators appointed by the United States of

America, due regard being had to the legitimate needs of the parties concerned.

The cessions provided for in the present Article shall entail a credit of which the total amount, settled in a lump sum by the arbitrator or arbitrators mentioned above, shall not in any case exceed the value of the capital expended in the initial establishment of the ceded material and installations, and shall be set off against the total sums due from Germany; in consequence, the indemnification of the proprietors shall be a matter for Germany to deal with.

Note to XII, 357

Walker D. Hines of New York, formerly director-general of the United States Railroad Administration, was appointed Arbitrator for River Craft. On January 8, 1921 he decided that under article 357 Germany must deliver to France 254,150 tons in barges and 23,760 registered horsepower in tugs, together with equipment from the ports of Rotterdam, Ruhrort, Cologne, Mannheim, and Ludwigshafen. Germany was credited with a lump sum of 15,450,000 gold marks and 98 percent of the deliveries were completed by May 15, 1921.

For the appointment of the arbitrator, see article 339.

ARTICLE 358.

Subject to the obligation to comply with the provisions of the Convention of Mannheim or of the Convention which may be substituted therefor, and to the stipulations of the present Treaty, France shall have on the whole course of the Rhine included between the two extreme points of the French frontiers:

- (a) the right to take water from the Rhine to feed navigation and irrigation canals (constructed or to be constructed) or for any other purpose, and to execute on the German bank all works necessary for the exercise of this right;
- (b) the exclusive right to the power derived from works of regulation on the river, subject to the payment to Germany of the value of half the power actually produced, this payment, which will take into account the cost of the works necessary for producing the power, being made either in money or in power and in default of agreement being determined by arbitration. For this purpose France alone shall have the right to carry out in this part of the river all works of regulation (weirs or other works) which

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she may consider necessary for the production of power. Similarly, the right of taking water from the Rhine is accorded to Belgium to feed the Rhine-Meuse navigable waterway provided for below.

Text of May 7:

. . . Similarly, the right of taking water from the Rhine is accorded to Belgium to feed the Rhine-Meuse canal provided for below. . . .

The exercise of the rights mentioned under (a) and (b) of the present Article shall not interfere with navigability nor reduce the facilities for navigation, either in the bed of the Rhine or in the derivations which may be substituted therefor, nor shall it involve any increase in the tolls formerly levied under the Convention in force. All proposed schemes shall be laid before the Central Commission in order that that Commission may assure itself that these conditions are complied with.

To ensure the proper and faithful execution of the provisions contained in (a) and (b) above, Germany:

(1) binds herself not to undertake or to allow the construction of any lateral canal or any derivation on the right bank of the river opposite the French frontiers;

(2) recognises the possession by France of the right of support on and the right of way over all lands situated on the right bank which may be required in order to survey, to build, and to operate weirs which France, with the consent of the Central Commission, may subsequently decide to establish. In accordance with such consent, France shall be entitled to decide upon and fix the limits of the necessary sites, and she shall be permitted to occupy such lands after a period of two months after simple notification, subject to the payment by her to Germany of indemnities of which the total amount shall be fixed by the Central Commission. Germany shall make it her business to indemnify the proprietors whose property will be burdened with such servitudes or permanently occupied by the works.

Should Switzerland so demand, and if the Central Commission approves, the same rights shall be accorded to Switzerland for the part of the river forming her frontier with other riparian States;

(3) shall hand over to the French Government, during the month following the coming into force of the present Treaty, all projects, designs, drafts of concessions and of specifications concerning the regulation of the Rhine for any purpose whatever

PART XII: ARTICLES 359 TO 361

which have been drawn up or received by the Governments of Alsace-Lorraine or of the Grand Duchy of Baden.

ARTICLE 359.

Subject to the preceding provisions, no works shall be carried out in the bed or on either bank of the Rhine where it forms the boundary of France and Germany without the previous approval of the Central Commission or of its agents.

ARTICLE 360.

France reserves the option of substituting herself as regards the rights and obligations resulting from agreements arrived at between the Government of Alsace-Lorraine and the Grand Duchy of Baden concerning the works to be carried out on the Rhine; she may also denounce such agreements within a term of five years dating from the coming into force of the present Treaty.

France shall also have the option of causing works to be carried out which may be recognised as necessary by the Central Commission for the upkeep or improvement of the navigability of the Rhine above Mannheim.

ARTICLE 361.

Should Belgium within a period of 25 years from the coming into force of the present Treaty decide to create a deep-draught Rhine-Meuse navigable waterway, in the region of Ruhrort, Germany shall be bound to construct, in accordance with plans to be communicated to her by the Belgian Government, after agreement with the Central Commission, the portion of this navigable waterway situated within her territory.

The Belgian Government shall, for this purpose, have the right to carry out on the ground all necessary surveys.

Should Germany fail to carry out all or part of these works, the Central Commission shall be entitled to carry them out instead; and, for this purpose, the Commission may decide upon and fix the limits of the necessary sites and occupy the ground after a period of two months after simple notification, subject to the payment of indemnities to be fixed by it and paid by Germany.

This navigable waterway shall be placed under the same administrative régime as the Rhine itself, and the division of the cost of initial construction, including the above indemnities, among the States crossed thereby shall be made by the Central Commission.

Note to XII, 361

In addition to any arrangements with Germany, the realization of a Rhine-Meuse canal by Belgium depended upon its reaching an agreement with the Netherlands for the waterway to traverse Netherlands territory. The project was thus a part of the whole question of the waterways extended from the Meuse, Rhine, and Scheldt that play an important part in the communicative systems of the two countries. In connection with negotiations for the abrogation of the treaty of April 19, 1839 (see art. 31) Belgium and the Netherlands on April 3, 1925 signed a treaty which in article VI gave the consent of the Netherlands to the construction of a Rhine-Meuse-Scheldt canal across its territory. That treaty failed of approval by the First Chamber of the Netherlands Parliament on March 24, 1927 (Belgium, Ministère des affaires étrangères, *Documents diplomatiques relatif à la revision des traités de 1839*).

ARTICLE 362.

Germany hereby agrees to offer no objection to any proposals of the Central Rhine Commission for extending its jurisdiction:

(1) to the Moselle below the Franco-Luxemburg frontier down to the Rhine, subject to the consent of Luxemburg;

(2) to the Rhine above Basle up to the Lake of Constance, subject to the consent of Switzerland;

(3) to the lateral canals and channels which may be established either to duplicate or to improve naturally navigable sections of the Rhine or the Moselle, or to connect two naturally navigable sections of these rivers, and also any other parts of the Rhine river system which may be covered by the General Convention provided for in Article 338 above.

CHAPTER V.—CLAUSES GIVING TO THE CZECHO-SLOVAK STATE
THE USE OF NORTHERN PORTS.

ARTICLE 363.

In the ports of Hamburg and Stettin Germany shall lease to the Czecho-Slovak State, for a period of 99 years, areas which shall be placed under the general régime of free zones and shall be used for the direct transit of goods coming from or going to that State.

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ARTICLE 364.

The delimitation of these areas, and their equipment, their exploitation, and in general all conditions for their utilisation, including the amount of the rental, shall be decided by a Commission consisting of one delegate of Germany, one delegate of the Czecho-Slovak State and one delegate of Great Britain. These conditions shall be susceptible of revision every ten years in the same manner.

Germany declares in advance that she will adhere to the decisions so taken.

Note to XII, 364

The Czechoslovak Government received the right to establish a free port at Stettin for the stipulated period of 99 years, but did not exercise the option.

At Hamburg the Czechoslovakian Elbe Navigation Company acquired the use of a zone of about 28,540 square meters on the Hallesche and Dresdener banks of that part of the Elbe River known as the Saale and Moldau harbors. Official negotiations for a free port began a year or so before the expiration of the non-reciprocal privileges of the treaty at a time when Czechoslovakia was already making use of the Adriatic port of Trieste for export purposes. The governmental negotiations were completed late in 1928.

The arrangement took the form (1) of a decision of the commission provided for in article 364, which was signed and entered into force on November 2, 1929 and which was filed with the Secretary-General of the League of Nations; and (2) of an attached lease for 99 years of the Czechoslovak Leased Area for Inland Navigation in the Free Port of Hamburg which was concluded between the Czechoslovak Republic and the Free and Hanseatic City of Hamburg. The leased area was "intended for the direct transit trade from or to the Czechoslovak Republic" without transshipment or reloading within the German customs area. It was subject to the general regime of free zones set forth in articles 328-30 of the treaty of peace. The rental was at the rate of 2.50 Reichsmarks per square meter after January 1, 1931, with special rates of compensation for the built-over areas, the plant, buildings, and equipment being handed over for use on payment of a lump sum of 230,000 Reichsmarks. Revision was to take place every 10 years (file 662.60 F 24/6). The Leased Area was unaffected by the German declaration of November 14, 1936 denouncing the regime of

Note to XII, 364—Continued

international rivers, but a few months before the expiration of the decade, Germany disrupted the Czechoslovak Republic.

Czechoslovakia and Germany concluded a convention at Hamburg on June 27, 1930 instituting a uniform system of sealing packages with relation to traffic on the Elbe (Martens, *Nouveau recueil général de traités*, 3^e série, xxxiii, 767). The German Minister at Prague informed the Czechoslovak Government that the note of November 14, 1936 (see p. 651) did not affect this situation, and also volunteered the statement that it did not disturb the Barcelona statute of 1921.

SECTION III.—Railways.**CHAPTER I.—CLAUSES RELATING TO INTERNATIONAL TRANSPORT.****ARTICLE 365.**

Goods coming from the territories of the Allied and Associated Powers, and going to Germany, or in transit through Germany from or to the territories of the Allied and Associated Powers, shall enjoy on the German railways as regards charges to be collected (rebates and drawbacks being taken into account), facilities, and all other matters, the most favourable treatment applied to goods of the same kind carried on any German lines, either in internal traffic, or for export, import or in transit, under similar conditions of transport, for example as regards length of route. The same rule shall be applied, on the request of one or more of the Allied and Associated Powers, to goods specially designated by such Power or Powers coming from Germany and going to their territories.

International tariffs established in accordance with the rates referred to in the preceding paragraph and involving through way-bills shall be established when one of the Allied and Associated Powers shall require it from Germany.

Note to XII, 365

The Belgian, French, and Italian Governments authorized the Reparation Commission to notify Germany, on May 17, 1921, that reparation merchandise was not to be charged with heavier transport rates than the cheapest schedules called for by this article.

On July 3, 1924 the Conference of Ambassadors approved conclusions of a British memorandum which found that Germany had

PART XII: ARTICLES 365 TO 366

Note to XII, 365—Continued

violated articles 323 and 325 with respect to its treatment of goods in transit to or coming from territories of the Allied and Associated Powers as this treatment was specified under articles 321 and 365.

ARTICLE 366.

From the coming into force of the present Treaty the High Contracting Parties shall renew, in so far as concerns them and under the reserves indicated in the second paragraph of the present Article, the conventions and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, regarding the transportation of goods by rail.

If within five years from the date of the coming into force of the present Treaty a new convention for the transportation of passengers, luggage and goods by rail shall have been concluded to replace the Berne Convention of October 14, 1890, and the subsequent additions referred to above, this new convention and the supplementary provisions for international transport by rail which may be based on it shall bind Germany, even if she shall have refused to take part in the preparation of the convention or to subscribe to it. Until a new convention shall have been concluded, Germany shall conform to the provisions of the Berne Convention and the subsequent additions referred to above, and to the current supplementary provisions.

Note to XII, 366

Three international conferences of European states on the unification of law concerning railroad transportation were held at Bern under the auspices of the Swiss Government on May 13–June 4, 1878, September 2–October 10, 1881 and July 5–17, 1886. Following the second of those meetings a series of similar conferences on the technical unification of railroads was held also at Bern in October 1882, May 10–15, 1886, and May 6–18, 1907; they elaborated the conventions noticed in article 282, (3) and (4), of this treaty. The 1886 conference on railroad transportation prepared a convention which was remitted to the governments for study with a view to adapting their administrative systems to its principles. The international convention on the transportation of goods by rail was signed at a special meeting on October 14, 1890 (82 *British and Foreign State Papers*, p. 771). Following a technical conference held at Bern June 5–12, 1893, an additional declaration was

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to XII, 366—Continued

signed at Bern on September 20, 1893 (85 *ibid.*, p. 750; *Recueil des traités de la France*, xx, 63).

The subsequent instruments referred to are the additional arrangement signed at Bern July 16, 1895 (87 *British and Foreign State Papers*, p. 806); the additional convention signed at Paris June 16, 1898 (92 *ibid.*, p. 433), and the second additional convention signed at Bern September 19, 1906 (Martens, *Nouveau recueil général de traités*, 3^e série, III, 920).

In execution of the second paragraph of article 366 a draft convention was elaborated at Bern June 8, 1923.

The second General Conference of the Organization for Communications and Transit of the League of Nations opened for signature the international convention and statute on the international regime of railways on December 9, 1923, which entered into force on March 23, 1926 (47 League of Nations Treaty Series, p. 55).

The Bern draft of 1923 was signed as the convention on the transport of goods by rail at Bern on October 23, 1924 by 25 states and entered into force on October 1, 1928 (77 *ibid.*, p. 367). It completely superseded the earlier instruments and established the Central Office for International Transport by Rail.

The international convention concerning the transport of passengers and baggage by rail was also concluded at Bern on October 23, 1924 between 25 European governments and entered into force from October 1, 1928 (78 League of Nations Treaty Series, p. 17). It utilizes the Central Office for International Transport by Rail.

ARTICLE 367.

Germany shall be bound to co-operate in the establishment of through ticket services (for passengers and their luggage) which shall be required by any of the Allied and Associated Powers to ensure their communication by rail with each other and with all other countries by transit across the territories of Germany; in particular Germany shall, for this purpose, accept trains and carriages coming from the territories of the Allied and Associated Powers and shall forward them with a speed at least equal to that of her best long-distance trains on the same lines. The rates applicable to such through services shall not in any case be higher than the rates collected on German internal services for the same distance, under the same conditions of speed and comfort.

The tariffs applicable under the same conditions of speed and comfort to the transportation of emigrants going to or coming from

PART XII: ARTICLES 367 TO 371

ports of the Allied and Associated Powers and using the German railways shall not be at a higher kilometric rate than the most favourable tariffs (drawbacks and rebates being taken into account) enjoyed on the said railways by emigrants going to or coming from any other ports.

ARTICLE 368.

Germany shall not apply specially to such through services, or to the transportation of emigrants going to or coming from the ports of the Allied and Associated Powers, any technical, fiscal or administrative measures, such as measures of customs examination, general police, sanitary police, and control, the result of which would be to impede or delay such services.

ARTICLE 369.

In case of transport partly by rail and partly by internal navigation, with or without through way-bill, the preceding Articles shall apply to the part of the journey performed by rail.

CHAPTER II.—ROLLING-STOCK.

ARTICLE 370.

Germany undertakes that German wagons shall be fitted with apparatus allowing:

(1) of their inclusion in goods trains on the lines of such of the Allied and Associated Powers as are parties to the Berne Convention of May 15, 1886, as modified on May 18, 1907, without hampering the action of the continuous brake which may be adopted in such countries within ten years of the coming into force of the present Treaty, and

(2) of the acceptance of wagons of such countries in all goods trains on the German lines.

The rolling stock of the Allied and Associated Powers shall enjoy on the German lines the same treatment as German rolling stock as regards movement, upkeep and repairs.

CHAPTER III.—CESSIONS OF RAILWAY LINES.

ARTICLE 371.

Subject to any special provisions concerning the cession of ports, waterways and railways situated in the territories over which Ger-

many abandons her sovereignty and to the financial conditions relating to the concessionnaires and the pensioning of the personnel, the cession of railways will take place under the following conditions:

(1) The works and installations of all the railroads shall be handed over complete and in good condition.

(2) When a railway system possessing its own rolling-stock is handed over in its entirety by Germany to one of the Allied and Associated Powers, such stock shall be handed over complete, in accordance with the last inventory before November 11, 1918, and in a normal state of upkeep.

(3) As regards lines without any special rolling-stock, Commissions of experts designated by the Allied and Associated Powers, on which Germany shall be represented, shall fix the proportion of the stock existing on the system to which those lines belong to be handed over. These Commissions shall have regard to the amount of the material registered on these lines in the last inventory before November 11, 1918, the length of track (sidings included), and the nature and amount of the traffic. These Commissions shall also specify the locomotives, carriages and wagons to be handed over in each case; they shall decide upon the conditions of their acceptance, and shall make the provisional arrangements necessary to ensure their repair in German workshops.

(4) Stocks of stores, fittings and plant shall be handed over under the same conditions as the rolling-stock.

The provisions of paragraphs 3 and 4 above shall be applied to the lines of former Russian Poland converted by Germany to the German gauge, such lines being regarded as detached from the Prussian State System.

Note to XII, 371

The Commission for the Division of German Rolling Stock was appointed by the Commission on Ports, Waterways and Railways of the Paris Peace Conference in February 1920. Its work was completed by March 1923.

On December 21, 1921 the Conference of Ambassadors decided that mail cars were not to be included in the divisible rolling stock.

Rolling stock credited under this article at the close of the Reparation Commission accounts on January 20, 1930 was estimated at 270,237,842 gold marks.

See also article 250.

CHAPTER IV.—PROVISIONS RELATING TO CERTAIN RAILWAY LINES.

ARTICLE 372.

When as a result of the fixing of new frontiers a railway connection between two parts of the same country crosses another country, or a branch line from one country has its terminus in another, the conditions of working, if not specifically provided for in the present Treaty, shall be laid down in a convention between the railway administrations concerned. If the administrations cannot come to an agreement as to the terms of such convention, the points of difference shall be decided by commissions of experts composed as provided in the preceding Article.

ARTICLE 373.

Within a period of five years from the coming into force of the present Treaty the Czecho-Slovak State may require the construction of a railway line in German territory between the stations of Schlauney and Nachod. The cost of construction shall be borne by the Czecho-Slovak State.

Text of May 7:

In the absence of any special agreements, Germany shall be bound, within a period of 25 years from the coming into force of the present Treaty, to allow, on the request of one of the Allied and Associated Powers made with the consent of the League of Nations, and accompanied by an undertaking to defray the initial cost, the construction or improvement on her territory of lines and connections which may be needed for the establishment of good through services or for the improvement of communication between the territory of the Power making the request and that of any other Power.

Nevertheless, it may be stipulated by particular provisions of the present Treaty, or of supplementary agreements, that, in the case of the construction or improvement of certain specified lines, the initial cost shall be divided among the Powers concerned in proportion to the advantages derived by them. Such division, in default of agreement between the Powers concerned, shall be made by an arbitrator appointed by the League of Nations.

ARTICLE 374.

Germany undertakes to accept, within ten years of the coming into force of the present Treaty, on request being made by the Swiss Government after agreement with the Italian Government, the

denunciation of the International Convention of October 13, 1909, relative to the St. Gothard railway. In the absence of agreement as to the conditions of such denunciation, Germany hereby agrees to accept the decision of an arbitrator designated by the United States of America.

Note to XII, 374

The convention signed at Bern October 13, 1909 between Germany, Italy, and Switzerland is printed at 105 *British and Foreign State Papers*, p. 639. It did not enter into force until October 4, 1913. An agreement between Italy and Switzerland on the same railway was signed and entered into force simultaneously with the convention.

CHAPTER V.—TRANSITORY PROVISIONS.

ARTICLE 375.

Germany shall carry out the instructions given her, in regard to transport, by an authorised body acting on behalf of the Allied and Associated Powers:

- (1) For the carriage of troops under the provisions of the present Treaty, and of material, ammunition and supplies for army use;
- (2) As a temporary measure, for the transportation of supplies for certain regions, as well as for the restoration, as rapidly as possible, of the normal conditions of transport, and for the organisation of postal and telegraphic services.

SECTION IV.—Disputes and Revision of Permanent Clauses.

ARTICLE 376.

Disputes which may arise between interested Powers with regard to the interpretation and application of the preceding Articles shall be settled as provided by the League of Nations.

Note to XII, 376

In addition to the provision for settlement of disputes by the Organization for Communications and Transit, the Statute of the Permanent Court of International Justice provided in article 27 for a special chamber of five judges to hear cases "relating to transit and communications, particularly cases referred to in Part XII" of the treaty of peace with Germany. The special chamber was not called upon to function.

PART XII: ARTICLES 375 TO 379

ARTICLE 377.

At any time the League of Nations may recommend the revision of such of these Articles as relate to a permanent administrative régime.

ARTICLE 378.

The stipulations in Articles 321 to 330, 332, 365, and 367 to 369 shall be subject to revision by the Council of the League of Nations at any time after five years from the coming into force of the present Treaty.

Failing such revision, no Allied or Associated Power can claim after the expiration of the above period of five years the benefit of any of the stipulations in the Articles enumerated above on behalf of any portion of its territories in which reciprocity is not accorded in respect of such stipulations. The period of five years during which reciprocity cannot be demanded may be prolonged by the Council of the League of Nations.

Note to XII, 378

The Council of the League of Nations took no decisions in virtue of this article. No specific revisions of the articles listed were undertaken by it, though the general conventions and statutes concluded by the sessions of the General Conference of the Organization for Communications and Transit had the effect of making some provisions inapplicable between those parties to this treaty which also ratified them.

In virtue of the second paragraph all non-reciprocal provisions as indicated ceased to have effect on January 10, 1925.

SECTION V.—Special Provision.

ARTICLE 379.

Without prejudice to the special obligations imposed on her by the present Treaty for the benefit of the Allied and Associated Powers, Germany undertakes to adhere to any General Conventions regarding the international régime of transit, waterways, ports or railways which may be concluded by the Allied and Associated Powers, with the approval of the League of Nations, within five years of the coming into force of the present Treaty.

Note to XII, 379

The first session of the Assembly of the League of Nations on December 9, 1920 adopted a resolution which, in part, provided :

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to XII, 379—Continued

“I. The Members of the League of Nations are hereby invited to send special representatives to a general conference on freedom of communications and transit to meet at Barcelona as soon as possible after the meeting of the Assembly. This Conference shall be invited to:

“(1) draw up, under conditions laid down in the resolution regarding the relations between the technical organizations and the Council and the Assembly of the League of Nations, the measures which may be taken by the Members of the League in fulfilment of that part of Article 23 (*e*) of the Covenant which concerns freedom of communications and transit, as well as the general conventions on the international régime of transit, of ports, of waterways, and of railways, referred to in Articles 338 and 379 of the Treaty of Versailles.”

“II. The Conference shall likewise be invited to organize an advisory and technical committee, the headquarters of which shall be at Geneva. This committee shall be a consultative and technical body, to consider and propose measures calculated to ensure freedom of communications and transit at all times, and to assist the Council and Assembly of the League in discharging the functions entrusted to the League by Article 24 of the Covenant, and by Articles 342, 377 and 378 of the Treaty of Versailles, and the corresponding articles in the other treaties.

“The committee may arrange for any future conference and prepare its agenda; it will exchange all requisite information concerning communications and transit with the appropriate technical ministries of the Members of the League; it will be entrusted with the investigation of any disputes which may be referred to the League under Articles 336, 376, 386 of the Treaty of Versailles, and corresponding articles in the other treaties of peace, and will endeavour to adjust such disputes whenever possible by conciliation between the Parties; in the event of such disputes being brought before the Permanent Court of International Justice, the committee may be called upon to assist the Court.”

The Organization for Communications and Transit was established by a statute adopted by the General Conference on Communications and Transit, Barcelona, March 10–April 20, 1921, at which 44 states were represented. The statute of the organization as revised and in force in 1927 is in *Third General Conference on Communications and*

PART XII: ARTICLE 380

Note to XII, 379—Continued

Transit, IV, 60 (Doc. C.558 (c), M.200 (c), 1927, VIII, 15/IV). A revision, *Statute of the Organisation for Communications and Transit* (Doc. C.64.1938.VIII.1), adopted by the Council January 29, 1938, was intended to enable the United States to participate.

In fulfilment of the intentions of article 379 of the treaty of peace the following instruments were concluded by the conference :

Convention and statute on freedom of transit, Barcelona, April 20, 1921; in force October 31, 1922; signatories, 41 (7 League of Nations Treaty Series, p. 11).

Convention and statute on the régime of navigable waterways of international concern, Barcelona, April 20, 1921; in force, October 31, 1922; signatories, 32 (7 League of Nations Treaty Series, p. 35).

Additional protocol of the convention on the régime of navigable waterways of international concern, Barcelona, April 20, 1921; in force October 8, 1921; signatories, 20 (7 League of Nations Treaty Series, p. 65).

Declaration recognizing the right to a flag of states having no seacoast, Barcelona, April 20, 1921; registered October 8, 1921; signatories, 44 (7 League of Nations Treaty Series, p. 73).

Convention and statute on the international régime of maritime ports, and protocol of signature, Geneva, December 9, 1923; in force July 26, 1926; signatories, 30 (58 League of Nations Treaty Series, p. 285).

Convention and statute on the international régime of railways, Geneva, December 9, 1923; in force March 23, 1926; signatories, 36 (47 League of Nations Treaty Series, p. 550).

SECTION VI.—Clauses Relating to the Kiel Canal.

ARTICLE 380.

The Kiel Canal and its approaches shall be maintained free and open to the vessels of commerce and of war of all nations at peace with Germany on terms of entire equality.

Note to XII, 380

The British S.S. *Wimbledon*, under time charter to a French company and laden with 4,200 tons of munitions and artillery stores consigned to Poland at Danzig, was refused passage on March 21,

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to XII, 380—Continued

1921 through the Kiel Canal by the German director of canal traffic in virtue of German neutrality orders of July 25 and 30, 1920, to the application of which Germany claimed article 380 was not an obstacle. Great Britain, France, Italy, and Japan, with Poland intervening, brought suit against Germany before the Permanent Court of International Justice on account of the refusal of passage and 13 days' delay of the *Wimbledon*. The Court on August 17, 1923 found that article 380 "should have prevented Germany from applying to the Kiel Canal the neutrality order promulgated" on July 25, 1920 and fixed the prejudice sustained at 140,749.35 francs, with interest at 6 per cent (Series A, No. 1). The Reparation Commission on November 10, 1923 refused its consent to the payment of the sum.

On January 15, 1937 the German naval authorities published a regulation that warships and naval craft of foreign states might pass through the Kaiser Wilhelm Canal only by authorization obtained through diplomatic channels.

ARTICLE 381.

The nationals, property and vessels of all Powers shall, in respect of charges, facilities, and in all other respects, be treated on a footing of perfect equality in the use of the Canal, no distinction being made to the detriment of nationals, property and vessels of any Power between them and the nationals, property and vessels of Germany or of the most favoured nation.

No impediment shall be placed on the movement of persons or vessels other than those arising out of police, customs, sanitary, emigration or immigration regulations and those relating to the import or export of prohibited goods. Such regulations must be reasonable and uniform and must not unnecessarily impede traffic.

ARTICLE 382.

Only such charges may be levied on vessels using the Canal or its approaches as are intended to cover in an equitable manner the cost of maintaining in a navigable condition, or of improving, the Canal or its approaches, or to meet expenses incurred in the interests of navigation. The schedule of such charges shall be calculated on the basis of such expenses, and shall be posted up in the ports.

These charges shall be levied in such a manner as to render any

PART XII: ARTICLES 381 TO 386

detailed examination of cargoes unnecessary, except in the case of suspected fraud or contravention.

ARTICLE 383.

Goods in transit may be placed under seal or in the custody of customs agents; the loading and unloading of goods, and the embarkation and disembarkation of passengers, shall only take place in the ports specified by Germany.

ARTICLE 384.

No charges of any kind other than those provided for in the present Treaty shall be levied along the course or at the approaches of the Kiel Canal.

ARTICLE 385.

Germany shall be bound to take suitable measures to remove any obstacle or danger to navigation, and to ensure the maintenance of good conditions of navigation. She shall not undertake any works of a nature to impede navigation on the Canal or its approaches.

ARTICLE 386.

In the event of violation of any of the conditions of Articles 380 to 386, or of disputes as to the interpretation of these Articles, any interested Power can appeal to the jurisdiction instituted for the purpose by the League of Nations.

Text of May 7:

In the event of violation of any of the conditions of Articles 380 to 386, or of disputes as to the interpretation of these Articles, any interested Power can appeal to the jurisdiction instituted for the purpose by the League of Nations, and can demand the formation of an International Commission.

In order to avoid reference of small questions to the League of Nations, Germany will establish a local authority at Kiel qualified to deal with disputes in the first instance and to give satisfaction so far as possible to complaints which may be presented through the consular representatives of the interested Powers.

Note to XII, 386

For the establishment of the Organization for Communications and Transit of the League of Nations, see article 379.

PART XIII.

[LABOUR.]

THE CONSTITUTION OF THE INTERNATIONAL
LABOUR ORGANISATION

Notes to Part XIII, Articles 1 [387] to 41 [427]

“When the new edition of the Constitution and Rules in which were to be incorporated the amendments consequential on the amendment to Article 393 [7] was being prepared, the Office was led to consider whether ‘Part XIII of the Treaty of Versailles’ was the most appropriate title for the Constitution of the International Labour Organisation. Since the Constitution also forms part of the other three Treaties of Peace in which the articles are numbered differently, there seemed to be no good reason why specific reference should always be made to one of the Treaties rather than to another.

“After the matter had been brought to the notice of the Standing Orders Committee, it was thought desirable, in order to overcome the difficulty, to use the title ‘Constitution of the International Labour Organisation’ and to indicate in a footnote that the Constitution formed a certain specified part of the various Treaties of Peace. The Governing Body will see that the articles have been renumbered 1, 2, 3, etc. of the Constitution of the International Labour Organisation and that the numbers of the various articles of the Treaty of Versailles, which hitherto have been the most generally used, have, for the sake of convenience, been given in brackets.”—Director’s Report, 69th session of the Governing Body, January 24–February 2, 1935; *Minutes of the 69th session*, p. 165.

The treaty restoring friendly relations between the United States and Germany signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921 stipulated in article II (3) “that the United States assumes no obligations under or with respect to the provisions” of this part. The Senate of the United States in its resolution of October 18, 1921 giving advice and consent to the ratification of the treaty restoring friendly relations stipulated “that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate

PART XIII

Notes to Part XIII, Articles 1 [387] to 41 [427]—Continued

by this Treaty, unless and until an Act of Congress of the United States shall provide for such representation or participation.”

Part XIII of the treaty was not printed as an annex, technically a schedule, of the treaty restoring friendly relations by the Department of State in Treaty Series 658, nor in 42 Stat. 1939. The entire treaty of peace with Germany, as well as those with Austria and Hungary, was printed as a separate appendix reading with the treaty restoring friendly relations in the volume compiled under resolution of the Senate of August 19, 1921, and published as Senate Document 348, 67th Congress, 4th session, serial 8167 (*Treaties, Conventions, etc.*, 1910–23, III, 3329).

Public Resolution 43, 73d Congress, 2d session (48 Stat. 1182), approved June 19, 1934, reads as follows:

“WHEREAS progress toward the solution of the problems of international competition in industry can be made through international action concerning the welfare of wage earners; and

“WHEREAS the failure of a nation to establish humane conditions of labor is an obstacle in the way of other nations which desire to maintain and improve the conditions in their own countries; and

“WHEREAS the United States early recognized the desirability of international cooperation in matters pertaining to labor and took part in 1900 in establishing, and for many years thereafter supported, the International Association for Labor Legislation; and

“WHEREAS the International Labor Organization has advanced the welfare of labor throughout the world through studies, recommendations, conferences, and conventions concerning conditions of labor; and

“WHEREAS other nations have joined the International Labor Organization without being members of the League of Nations; and

“WHEREAS special provision has been made in the constitution of the International Labor Organization by which membership of the United States would not impose or be deemed to impose any obligation or agreement upon the United States to accept the proposals of that body as involving anything more than recommendations for its consideration:

“THEREFORE be it

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept membership for the Government of the United States of America in the International Labor Organization, which, through its general conference of representatives of its members and through its International Labor Office, collects information concerning labor throughout the world and prepares international conventions for the consideration of member governments with a view to improving conditions of labor.

“SEC. 2. That in accepting such membership the President shall assume on behalf of the United States no obligation under the covenant of the League of Nations.”

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Notes to Part XIII, Articles 1 [387] to 41 [427]—Continued

The eighteenth session of the International Labor Conference unanimously adopted the following resolution on June 22, 1934:

“The International Labour Conference

“takes note of the communication of 22 June 1934 addressed to the Director of the International Labour Office by the authorised representative of the Government of the United States of America,

“heartily welcomes the decision of the Congress of the United States authorising the President to accept on behalf of the Government of the United States Membership in the International Labour Organisation, recalling that it has always been the firm conviction of the Organisation that its ends could be more effectively advanced if the Membership of the Organisation could be made universal,

“hereby decides

“to invite the Government of the United States to accept Membership in the International Labour Organisation it being understood that such acceptance involves only those rights and obligations provided for in the constitution of the Organisation and shall not involve any obligations under the Covenant of the League of Nations,

“and further decides

“That, in the event of the Government of the United States accepting Membership, the Governing Body is hereby authorised to arrange with the Government of the United States any questions arising out of its Membership including the question of its financial contribution.”

That invitation was accepted on behalf of the United States by the American Consul at Geneva in a letter dated August 20, 1934 to the Director of the International Labor Office, which stated:

“SIR: In your letter to me of June 22, 1934, you advised that the International Labor Conference had unanimously adopted a Resolution inviting the Government of the United States of America to accept membership in the International Labor Organization and there was transmitted with your letter a copy of the Resolution, which in extending the invitation states ‘that such acceptance involves only those rights and obligations provided for in the constitution of the Organization and shall not involve any obligations under the Covenant of the League of Nations’.

“I am now writing to say that, exercising the authority conferred on him by a Joint Resolution of the Congress of the United States approved June 19, 1934, the President of the United States accepts the invitation heretofore indicated, such acceptance to be effective on August 20, 1934, and, of course, subject to the understandings expressed in the Conference Resolution, and has directed me to inform you accordingly.”

PART XIII

Notes to Part XIII, Articles 1 [387] to 41 [427]—Continued

The acknowledgment of that communication by the Acting Director of the Office on August 21, 1934 confirmed the membership of the United States in these words:

“SIR: I have the honour to acknowledge the receipt of your letter of 20th August in which you inform the Director of the International Labour Office that the President of the United States of America, exercising the authority conferred on him by a joint resolution of the Congress of the United States approved June 19, 1934, accepts the invitation to assume Membership of the International Labour Organisation extended to the Government of the United States by the resolution adopted by the International Labour Conference of 22 June 1934, and communicated to you in the Director's letter of the same date.

“I note that such acceptance is effective on August 20, 1934, and is subject to the understandings expressed in the Conference resolution.”

The Constitution of the International Labor Organization in a certified true copy dated August 22, 1934 is printed in 49 Stat. 2712 and in Treaty Series 874, where the Public Resolution of June 19, 1934 and subsequent related papers also appear.

SECTION I.—Organisation of Labour.

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

Note to XIII, sec. I

On May 10 the German delegation, declaring that "domestic peace and the advancement of mankind depend vitally on the adjustment of [the labor] question" and that the demands for social justice were only partly realized in part XIII of the Conditions of Peace, transmitted an elaborate draft convention for labor and proposed the summoning of a labor conference at Versailles (*Foreign Relations, The Paris Peace Conference, 1919, v, 571*). In their reply of May 14, the Allies declined to summon a labor conference and asserted that the German draft convention was inferior to the proposals of section XIII because it made no provision for the representation of labor; Germany could participate in the proposed labor organization as soon as it became a member of the League of Nations (*ibid.*, p. 600).

In a second note of May 22, the German delegation complained that the Allied plan did not conform to the resolutions of the International Trade Union Conference held at Bern in February 1919 and renewed its proposal for a conference of trade unions (*ibid.*, p. 869). The Allied reply drew attention to a "fundamental misconception" of the German delegation that "the views and interests of Governments must necessarily be antagonistic to those of Labour" and declared that the resolutions of the Bern Conference had been carefully considered in the preparation of the treaty (*ibid.*, VI, 124). Since the proposed International Labor Organization was to meet in Washington in October 1919, there was no need for interposing a labor conference at Versailles.

The German delegation made a third effort in the counterproposals of May 29. The peace proposals started from the assumption that the interests of the working classes were to be decided not by the workers themselves but by the governments. Since Germany was not to be admitted immediately to the League and the International Labor Organization, the German people were thus excluded from cooperation in determining the rights and duties upon which the

Note to XIII, sec. I—Continued

health and welfare of German workers depended, although German labor legislation had become a model for the entire world. The Conditions of Peace would destroy all the progress which German workers had made and subject them to extreme distress and exploitations. The German workers could agree only to a peace which embodied the aims of the international labor movement and did not sacrifice their achievements in favor of alien oppressors. Germany therefore entered a solemn protest against even its temporary exclusion from the I.L.O.

The Allies treated labor as “mere private property” and failed to recognize workers as citizens entitled to equal rights. A peace on such terms “would not rest on a firm foundation, but only on a quicksand”. Article 427 did not provide for the primary essentials—recognition of the right of settlement, the right of association, and the unrestricted participation of workers living in a foreign state in all measures for the protection of labor. The German delegation once more asked for conference of labor organizations to consider both the Allied proposals, the German counterproposals, and the Bern proposals, the result to be embodied in the treaty of peace and to become “part of international law”. Any other settlement would involve “an infringement of the rights of humanity”, which the conscience of the world would not allow (*Foreign Relations, The Paris Peace Conference*, VI, 876).

The Allied reply referred the German delegation to the previous notes of May 14 and 28, and pointed out that article 312 provided for special conventions between Germany and the states receiving German territory under the treaty to protect the social insurance of workers (*ibid.*, p. 996).

CHAPTER I.—ORGANISATION.

ARTICLE 1 [387].

1. A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble.

2. The original Members of the League of Nations shall be the original Members of this organisation, and hereafter membership of the League of Nations shall carry with it membership of the said organisation.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to XIII, 1 [387]

COMPREHENSIVE LIST OF
INTERNATIONAL LABOR ORGANIZATION
MEMBERSHIP

Afghanistan	Sept. 26, 1934
Albania	Dec. 17, 1920
Argentine Republic	Jan. 16, 1920
Australia	Jan. 10, 1920
Austria	Oct. 30, 1919
Belgium	Jan. 10, 1920
Bolivia	Jan. 10, 1920
Brazil	Jan. 10, 1920
Bulgaria	Dec. 16, 1920
Canada	Jan. 10, 1920
Chile	Jan. 10, 1920
China	July 16, 1920
Colombia	Feb. 16, 1920
Costa Rica	Dec. 16, 1920 - Dec. 31, 1926
Cuba	Mar. 8, 1920
Czechoslovakia	Jan. 10, 1920
Denmark	Mar. 8, 1920
Dominican Republic	Sept. 29, 1924
Ecuador	Sept. 28, 1934
Egypt	May 26, 1938
Estonia	Sept. 22, 1921
Ethiopia	Sept. 28, 1923
Finland	Nov. 17, 1919
France	Jan. 10, 1920
Germany	Oct. 30, 1919 - Oct. 20, 1935
Greece	Mar. 30, 1920
Guatemala	Jan. 10, 1920 - May 25, 1938
Haiti	June 30, 1920
Honduras	Nov. 3, 1920 - July 9, 1938
Hungary	Sept. 18, 1922
India	Jan. 10, 1920
Iran (Persia)	Jan. 10, 1920
Iraq	Oct. 3, 1932
Ireland (Irish Free State)	Sept. 10, 1923
Italy	Jan. 10, 1920 - Dec. 9, 1939
Japan	Jan. 10, 1920 - Nov. 2, 1938
Latvia	Sept. 22, 1921
Liberia	June 30, 1920
Lithuania	Sept. 22, 1921
Luxembourg	Nov. 24, 1919
Mexico	Sept. 12, 1931
Netherlands	Mar. 9, 1920
New Zealand	Jan. 10, 1920
Nicaragua	Nov. 3, 1920 - June 26, 1938

PART XIII: ARTICLE 1 [387]

Note to XIII, 1 [387]—Continued

I.L.O. MEMBERSHIP—Continued

Norway	Mar. 9, 1920
Panama	Nov. 25, 1920
Paraguay	Jan. 10, 1920 – Feb. 23, 1935
Peru	Jan. 10, 1920
Poland	Jan. 10, 1920
Portugal	April 8, 1920
Rumania	Sept. 4, 1920
El Salvador	Mar. 10, 1920 – Aug. 8, 1939
Siam (Thailand)	Jan. 10, 1920
South Africa, Union of	Jan. 10, 1920
Soviet Socialist Republics, Union of	Sept. 18, 1934 – Dec. 14, 1939
Spain	Mar. 9, 1920
Sweden	Mar. 8, 1920
Switzerland	Jan. 10, 1920
Turkey	July 18, 1932
United Kingdom of Great Britain and Northern Ireland (British Empire)	Jan. 10, 1920
United States	Aug. 20, 1934
Uruguay	Jan. 10, 1920
Venezuela	Mar. 3, 1920
Yugoslavia (Serb-Croat-Slovene State)	Feb. 10, 1920

Dates of membership are inclusive.

The first session of the International Labor Conference, which met in 1919 before the League of Nations was officially in existence, decided that it had authority to admit states to membership in the Organization. The following were admitted at that session:

Austria	October 30, 1919
Finland	November 17, 1919
Germany	October 30, 1919
Luxembourg	November 24, 1919

See the notes following the comprehensive list of League of Nations membership under article 1 of the treaty of peace with respect to the status of Austria, Honduras, Nicaragua, and Paraguay.

Japan ceased to be a member of the League of Nations on March 27, 1935 but continued its membership in the International Labor Organization until November 2, 1938.

Several states which withdrew from the League of Nations maintained their membership in the International Labor Organization, with or without notice to that effect.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

ARTICLE 2 [388].

The permanent organisation shall consist of:

- (1) a General Conference of Representatives of the Members and,
- (2) an International Labour Office controlled by the Governing Body described in Article 393.

ARTICLE 3 [389].

1. The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

2. Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

3. The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

4. Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote.

5. A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

6. The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

7. The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

ARTICLE 4 [390].

1. Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

PART XIII: ARTICLES 2 [388] TO 7 [393]

2. If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

3. If in accordance with Article 3 [389] the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

ARTICLE 5 [391].

The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

ARTICLE 6 [392].

The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

ARTICLE 7 [393].

[The International Labour Office shall be under the control of a Governing Body consisting of twenty-four persons, appointed in accordance with the following provisions:

[The Governing Body of the International Labour Office shall be constituted as follows:

[Twelve persons representing the Governments;

[Six persons elected by the Delegates to the Conference representing the employers;

[Six persons elected by the Delegates to the Conference representing the workers.

[Of the twelve persons representing the Governments eight shall be nominated by the Members which are of the chief industrial importance, and four shall be nominated by the Members selected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above.

[Any question as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

[The period of office of the Members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

[The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body.]

1. The International Labour Office shall be under the control of a Governing Body consisting of thirty-two persons:

Sixteen representing Governments,
Eight representing the Employers, and
Eight representing the Workers.

2. Of the sixteen persons representing Governments, eight shall be appointed by the Members of chief industrial importance, and eight shall be appointed by the Members selected for that purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above. Of the sixteen Members represented six shall be non-European States.

3. Any question as to which are the Members of chief industrial importance shall be decided by the Council of the League of Nations.

4. The persons representing the Employers and the persons representing the Workers shall be elected respectively by the Employers' Delegates and the Workers' Delegates to the Conference. Two Employers' representatives and two Workers' representatives shall belong to non-European States.

5. The period of office of the Governing Body shall be three years.

6. The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.

7. The Governing Body shall, from time to time, elect one of its number to act as its Chairman, shall regulate its own procedure, and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least twelve of the representatives on the Governing Body.

Note to XIII, 7 [393]

The text of this article is that of an amendment adopted by the International Labor Conference on November 2, 1922, which came into force on June 4, 1934.

The Council of the League of Nations on September 30, 1922 decided that the eight members of the International Labor Organization at present of chief industrial importance were, in French alphabetical order: Germany, Belgium, Canada, France, Great

PART XIII: ARTICLE 8 [394]

Note to XIII, 7 [393]—Continued

Britain, India, Italy, and Japan. India was the member included as a result of the submission of the question to the Council. The decision was applicable to the next reconstitution of the Governing Body. The formula employed in evaluating "chief industrial importance" utilized index numbers of the following characteristics (League of Nations, *Official Journal*, 1922, pp. 1339-87, at p. 1357) :

- (1) Industrial population (including mines and transport) ;
- (2) Relation of industrial population to total population ;
- (3) Length of railway track ;
- (4) Relation of railway track to area ;
- (5) Horsepower used in industry ;
- (6) Relation of horsepower to total population ;
- (7) Size of mercantile marine.

At the eighty-ninth session of the Governing Body in 1940 it was decided not to replace the mercantile-marine factor in the index and to retain the criteria used since 1934-35, which were—

1. The scale of contributions to the League of Nations, based on an index of national wealth ;
2. Industrial importance (population in industry, horsepower and production) based on League of Nations world index of industrial production ;
3. Value of foreign (export and import) trade ;
4. Total figures of occupied population.

States of chief industrial importance have been named to fill vacancies as follows: Belgium succeeded Italy in 1939; Canada succeeded Germany in 1935; China succeeded Japan in 1935; the Netherlands succeeded the Union of Soviet Socialist Republics in 1944.

The United States became a state of chief industrial importance upon its accession to membership in 1934. After 1944 the eight states of that category were: Belgium, Canada, China, France, India, Netherlands, United Kingdom, and United States.

ARTICLE 8 [394].

1. There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

2. The Director or his deputy shall attend all meetings of the Governing Body.

ARTICLE 9 [395].

The staff of the International Labour Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

ARTICLE 10 [396].

1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

2. It will prepare the agenda for the meetings of the Conference.

3. It will carry out the duties required of it by the provisions of this Part of the present Treaty in connection with international disputes.

4. It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

5. Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.

ARTICLE 11 [397].

The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labour Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

ARTICLE 12 [398].

The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

PART XIII: ARTICLES 9 [395] TO 16 [402]

ARTICLE 13 [399].

1. Each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

2. All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

3. The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

CHAPTER II.—PROCEDURE.

ARTICLE 14 [400].

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 3 [389].

ARTICLE 15 [401].

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government Delegates when appointed.

ARTICLE 16 [402].

1. Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organisation.

2. Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favour of considering them.

3. If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

ARTICLE 17 [403].

1. The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

2. Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the Delegates present.

3. The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

ARTICLE 18 [404].

The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

ARTICLE 19 [405].

1. When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the Members.

2. In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

3. In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

4. A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

PART XIII: ARTICLES 17 [403] TO 19 [405]

5. Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

6. In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

7. In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

8. If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

9. In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

10. The above Article shall be interpreted in accordance with the following principle:

11. In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned.

Note to XIII, 19 [405]

CONVENTIONS AND DRAFT CONVENTIONS ADOPTED BY THE CONFERENCE

Short title	Number of ratifications registered December 1945	Date of first entry into force
1. Hours of work (industry), 1919	25	June 13, 1921
2. Unemployment, 1919	32	July 14, 1921

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to XIII, 19 [405]—Continued

CONVENTIONS AND DRAFTS ADOPTED—Continued

Short title	Number of ratifications registered December 1945	Date of first entry into force
3. Childbirth, 1919	16	June 13, 1921
4. Night work (women), 1919	33	June 13, 1921
41. Night work (women) (revised), 1934	17	Nov. 22, 1936
5. Minimum age (industry), 1919	29	June 13, 1921
59. Minimum age (industry) (revised), 1937	2	Feb. 21, 1941
6. Night work (young persons), 1919	32	June 13, 1921
7. Minimum age (sea), 1920	32	Sept. 27, 1921
58. Minimum age (sea) (revised), 1936	6	Apr. 11, 1939
8. Unemployment indemnity (shipwreck), 1920	28	Mar. 16, 1923
9. Employment of seamen, 1920	27	Nov. 23, 1921
10. Minimum age (agriculture), 1921	20	Aug. 31, 1923
11. Rights of association (agriculture), 1921	34	May 11, 1923
12. Workmen's compensation (agriculture), 1921	23	Feb. 26, 1923
13. Use of white lead in painting, 1921	27	Aug. 31, 1923
14. Weekly rest (industry), 1921	34	June 19, 1923
15. Minimum age (trimmers and stokers), 1921	33	Nov. 20, 1922
16. Medical examination, young persons (sea), 1921	34	Nov. 20, 1922
17. Workmen's compensation (accidents), 1925	19	Apr. 1, 1927
18. Workmen's compensation (occupational diseases)	31	Apr. 1, 1927
42. Workmen's compensation (occupational diseases) (revised), 1934	14	June 17, 1936
19. Equality of treatment (accident compensation), 1925	38	Sept. 8, 1926
20. Night work (bakeries), 1925	12	May 26, 1928
21. Inspection of emigrants on board ship, 1926	22	Dec. 29, 1927
22. Seamen's articles of agreement, 1926	26	Apr. 4, 1928
23. Repatriation of seamen, 1926	17	Apr. 16, 1928
24. Sickness insurance (industry, etc.), 1927	17	July 15, 1928
25. Sickness insurance (agriculture), 1927	11	July 15, 1928
26. Minimum wage fixing machinery, 1928	22	June 14, 1930
27. Weight of packages transported by vessels, 1929	36	Mar. 9, 1932
28. Protection against accidents (dockers), 1929, 1932	4	Apr. 1, 1932
32. Protection against accidents (dockers) (revised), 1932	9	Oct. 30, 1934
29. Forced or compulsory labor, 1930	22	May 1, 1932
30. Hours of work (commerce and offices), 1930	10	Aug. 29, 1933
31. Hours of work (coal mines), 1931	1	.....

PART XIII: ARTICLE 19 [405]

Note to XIII, 19 [405]—Continued

CONVENTIONS AND DRAFTS ADOPTED—Continued

Short title	Number of ratifications registered December 1945	Date of first entry into force
32. (See no. 28)		
33. Minimum age (non-industrial employment), 1932	7	June 6, 1935
60. Minimum age (non-industrial employment) (revised), 1937	0	.....
34. Fee-charging employment agencies, 1933	5	Oct. 18, 1936
35. Old-age insurance (industry, etc.), 1933	4	July 18, 1937
36. Old-age insurance (agriculture), 1933	3	July 18, 1937
37. Invalidity insurance (industry, etc.), 1933	3	July 18, 1937
38. Invalidity insurance (agriculture), 1933	3	July 18, 1937
39. Survivors' insurance (industry, etc.), 1933	2	Nov. 8, 1946
40. Survivors' insurance (agriculture), 1933	1	.....
41. (See no. 4)		
42. (See no. 18)		
43. Sheet-glass works, 1934	7	Jan. 13, 1938
44. Unemployment provision, 1934	4	June 10, 1938
45. Mine work (women) (1935)	23	May 30, 1937
46. Hours of work (coal mines) (1935)	2	.....
47. Reduction of hours (1935)	1	.....
48. Migrants' pension rights (1935)	4	Aug. 10, 1938
49. Reduction of hours (glass-bottle works) (1935)	6	June 10, 1938
50. Recruiting of indigenous workers (1936)	3	Sept. 8, 1939
51. Reduction of hours (public works) (1936)	1	.....
52. Holidays with pay (1936)	4	Sept. 22, 1939
53. Officers' competency certificates (1936)	9	Mar. 29, 1939
54. Holidays with pay (sea) (1936)	3	.....
55. Ship-owners' liability (sick and injured seamen) (1936)	3	Oct. 29, 1939
56. Sickness insurance (sea) (1936)	0	.....
57. Hours of work and manning (sea) (1936)	4	.....
58. (See no. 7)		
59. (See no. 5)		
60. (See no. 33)		
61. Reduction of hours of work (textiles) (1937)	1*	.....
62. Safety provisions (building) (1937)	2	July 4, 1942
63. Statistics of wages and hours of work (1938)	10	June 22, 1940
64. Contracts of employment (indigenous workers) (1939)	1	.....
65. Penal sanctions (indigenous workers) (1939)	1	.....
66. Migration for employment (1939)	0	.....
67. Hours of work and rest periods (road transport) (1939)	0	.....

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to XIII, 19 [405]—Continued

RECOMMENDATIONS ADOPTED BY THE CONFERENCE

1. Unemployment (1919).
2. Reciprocity of treatment of foreigners (1919).
3. Anthrax prevention (1919).
4. Lead poisoning (women and children) (1919).
5. Labor inspection (health services) (1919).
6. White phosphorus (1919); adherence to 1906 convention; ratifications and adherences, 35 (99 *British and Foreign State Papers*, p. 986).
7. Hours of work (fishing) (1920).
8. Hours of work (inland navigation) (1920).
9. National seamen's codes (1920).
10. Unemployment insurance (seamen) (1920).
11. Unemployment (agriculture) (1921).
12. Childbirth (agriculture) (1921).
13. Night work of women (agriculture) (1921).
14. Night work of children and young persons (agriculture) (1921).
15. Vocational education (agriculture) (1921).
16. Living-in conditions (agriculture) (1921).
17. Social insurance (agriculture) (1921).
18. Weekly rest (commerce) (1921).
19. Migration statistics (1922).
20. Labor inspection (1923).
21. Utilization of spare time (1924).
22. Workmen's compensation (minimum scale) (1925).
23. Workmen's compensation (jurisdiction) (1925).
24. Workmen's compensation (occupational diseases) (1925).
25. Equality of treatment (accident compensation) (1925).
26. Migration (protection of females at sea) (1926).
27. Repatriation (ship masters and apprentices) (1926).
28. Labor inspection (seamen) (1926).
29. Sickness insurance (1927).
30. Minimum-wage-fixing machinery (1928).
31. Prevention of industrial accidents (1929).
32. Power-driven machinery (1929).
33. Protection against accidents (dockers); reciprocity (1929).
34. Protection against accidents (dockers); consultation of organizations (1929).
35. Forced labor (indirect compulsion) (1930).
36. Forced labor (regulation) (1930).
37. Hours of work (hotels, etc.) (1930).
38. Hours of work (theaters, etc.) (1930).
39. Hours of work (hospitals, etc.) (1930).
40. Protection against accidents (dockers); reciprocity (1932).
41. Minimum age (non-industrial employment) (1932).
42. Employment agencies (1933).
43. Invalidity, old-age and survivors' insurance (1933).
44. Unemployment provision (1934).

PART XIII: ARTICLE 20 [406]

Note to XIII, 19 [405]—Continued

RECOMMENDATIONS ADOPTED—Continued

45. Unemployment (young persons) (1935).
46. Progressive elimination of recruiting (1936).
47. Annual holidays with pay (1936).
48. Promotion of seamen's welfare in ports (1936).
49. Hours of work on board ship and manning (1936).
50. International cooperation in respect of public works (1937).
51. National planning of public works (1937).
52. Minimum age for admission of children to industrial employment in family undertakings (1937).
53. Safety provisions in the building industry (1937).
54. Inspection in the building industry (1937).
55. Cooperation in accident prevention in the building industry (1937).
56. Vocational education for the building industry (1937).
57. Vocational training (1939).
58. Maximum length of written contracts of employment of indigenous workers (1939).
59. Labor inspectorates for indigenous workers (1939).
60. Apprenticeship (1939).
61. Recruitment, placing, and conditions of labor of migrants for employment (1939).
62. Cooperation between states relating to the recruitment, placing, and conditions of labor of migrants for employment (1939).
63. Individual control books in road transport (1939).
64. Regulation of night work in road transport (1939).
65. Methods of regulating hours of work in road transport (1939).
66. Rest periods of professional drivers of private vehicles (1939).
67. Income security (1944).
68. Social security (armed forces) (1944).
69. Medical care (1944).
70. Social policy in dependent territories (1944).
71. Employment (transition from war to peace) (1944).
72. Employment service (1944).
73. Public works (national planning) (1944).
74. Social policy in dependent territories (supplementing provisions) (1945).

ARTICLE 20 [406].

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

Note to XIII, 20 [406]

Conventions which have entered into force are not published in the League of Nations Treaty Series. A certified text of the draft conventions and recommendations adopted at each session of the Con-

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to XIII, 20 [406]—Continued

ference is issued by the International Labor Office, which has compiled the whole body of those instruments in successive cumulated editions. A systematic arrangement of the conventions and recommendations adopted 1919–39 with notes and appendixes was published by the Office in 1941 as *The International Labour Code, 1939*.

ARTICLE 21 [407].

1. If any convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organisation to agree to such convention among themselves.

2. Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

ARTICLE 22 [408].

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

ARTICLE 23 [409].

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

ARTICLE 24 [410].

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

ARTICLE 25 [411].

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 23 [409].

3. If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

5. When any matter arising out of Articles 24 [410] or 25 [411] is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

ARTICLE 26 [412].

1. The Commission of Enquiry shall be constituted in accordance with the following provisions:

2. Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the Members of the Commission of Enquiry shall be drawn.

3. The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

4. Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

ARTICLE 27 [413].

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 411, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

ARTICLE 28 [414].

1. When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

2. It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

ARTICLE 29 [415].

1. The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

2. Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

ARTICLE 30 [416].

In the event of any Member failing to take the action required by Article 19 [405], with regard to a recommendation or draft Con-

PART XIII: ARTICLES 27 [413] TO 34 [420]

vention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

ARTICLE 31 [417].

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 29 [415] or Article 30 [416] shall be final.

ARTICLE 32 [418].

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

ARTICLE 33 [419].

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

ARTICLE 34 [420].

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 26, 27, 28, 29, 31, and 32 [412, 413, 414, 415, 417 and 418] shall apply, and if the report of the Commission of Enquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

CHAPTER III.—GENERAL.

ARTICLE 35 [421].

1. The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and possessions which are not fully self-governing:

(1) Except where owing to the local conditions the convention is inapplicable, or

(2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

2. And each of the Members shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

ARTICLE 36 [422].

Amendments to this Part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members.

ARTICLE 37 [423].

Any question or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

CHAPTER IV.—TRANSITORY PROVISIONS.

ARTICLE 38 [424].

1. The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

2. Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission

to the Conference by an International Committee constituted as provided in the said Annex.

3. The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE 39 [425].

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League.

ARTICLE 40 [426].

Pending the creation of a Permanent Court of International Justice, disputes which in accordance with this Part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

A N N E X .

FIRST MEETING OF ANNUAL LABOUR CONFERENCE, 1919.

1. The place of meeting will be Washington.

Note to XIII, Annex

The first session was convened by the President of the United States by an invitation forwarded on August 11, 1919 (*Foreign Relations*, 1919, I, 35). It met in Washington from October 29 to November 29, 1919.

2. The Government of the United States of America is requested to convene the Conference.

3. The International Organising Committee will consist of seven Members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

4. Agenda:

(1) Application of principle of the 8-hours day or of the 48-hours week.

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- (2) Question of preventing or providing against unemployment.
- (3) Women's employment:
 - (a) Before and after child-birth, including the question of maternity benefit;
 - (b) During the night;
 - (c) In unhealthy processes.
- (4) Employment of children:
 - (a) Minimum age of employment;
 - (b) During the night;
 - (c) In unhealthy processes.
- (5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

SECTION II.—General Principles.

ARTICLE 41 [427].

The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do, that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

First.—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

Second.—The right of association for all lawful purposes by the employed as well as by the employers.

Third.—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

PART XIV

Fourth.—The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

Fifth.—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth.—The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh.—The principle that men and women should receive equal remuneration for work of equal value.

Eighth.—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth.—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

PART XIV.

GUARANTEES.

Notes to Part XIV, Articles 428 to 433

The treaty restoring friendly relations between the United States and Germany signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates that "Germany undertakes to accord to the United States and the

Notes to Part XIV, Articles 428 to 433—Continued

United States shall have and enjoy . . . all the rights and advantages" stipulated for its benefit by this part of this treaty, "notwithstanding the fact that such treaty has not been ratified by the United States". The rights and advantages of nationals of the United States specified in the joint resolution of Congress approved July 2, 1921 (p. 18) were specifically mentioned in an understanding included in the Senate's resolution of advice and consent to ratification of October 18, 1921. The Senate in that resolution made a further condition "that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation".

This part is, *ipsissimis verbis*, an annex, technically a schedule, of the treaty restoring friendly relations as printed by the Department of State in Treaty Series 658, but not as printed in 42 Stat. 1939.

SECTION I.—Western Europe.

ARTICLE 428.

As a guarantee for the execution of the present Treaty by Germany, the German territory situated to the west of the Rhine, together with the bridgeheads, will be occupied by Allied and Associated troops for a period of fifteen years from the coming into force of the present Treaty.

Note to XIV, 428

The German delegation complained that even in the provisions for its execution, the Conditions of Peace did not exclude the principle of force (*Foreign Relations, The Paris Peace Conference, 1919, VI, 879*). As a guaranty for the fulfilment of the terrible terms imposed on the German people, an occupation of German territory, to extend over many years, was demanded as security against German aggression or refusal to carry out the peace terms. No one could suppose that the weakened German nation would allow itself to be led into an aggressive war which must lead to its complete destruction. Occupation did not guarantee that Germany would fulfil its obligations, for large sums would have to be paid for the upkeep of the armies of occupation and the discharge of reparation obligations

Note to XIV, 428—Continued

would thereby become difficult. Occupation would also upset the normal economic life of Germany and allow the continuance of requisitions. A special customs tariff could be instituted for the occupied territory which would separate the Rhineland from the rest of Germany and bring it under the influence of Belgium and France.

Germany therefore expected that the territories occupied under the Armistice would be evacuated within six months after the signing of the peace treaty and that during this period the occupation should have a purely military character, i.e. the German civil administration should function and connections with unoccupied Germany should be restored. If the Allies needed guaranties for the fulfilment of its obligations by Germany, "other and more effective means were available to them than compulsion and force".

The rest of the world failed to realize the "great transformation" which had taken place in Germany. "By the will of its people Germany has become a democracy and a republic; a return to constitutional circumstances in which the will of the German people could be disregarded, is out of the question." The new Germany deserved the confidence of its neighbors and demanded admission to the League of Nations, which would constitute the strongest guaranty of German good faith. Although Germany was not in a position to exercise pressure in bringing about the only kind of peace which could be permanent, the German delegation had to warn against a peace of force. The fate of Russia taught "a clear lesson". The completely exhausted German people was seeking to avoid dissolution and would fight to the end, but it would get accustomed to hard terms more easily if it could see some hope for the future. Germany desired peace and justice, but "a durable peace cannot be founded on the oppression and enslavement of a great nation". The new peace must be a peace of right and "therefore one of free consent", based on the notes exchanged between October 3 and November 5, 1918. "With the object of founding a new common life based on liberty and labor, the German people turn to those who were their adversaries and demand, in the interest of all nations and men, a peace to which it can consent in accordance with the intimate convictions of its conscience".

The Allies, noting a remark of the German delegation that "only a return to the immutable principles of morality and civilization, to sanctity of treaties would render it possible for mankind to continue to exist", replied that after four and a half years of war caused by the repudiation of those principles, they could only repeat the words

Note to XIV, 428—Continued

of President Wilson: "The reason why peace must be guaranteed is that there will be parties to the peace whose promises have proved untrustworthy" (*ibid.*, p. 996).

The period of 15 years stipulated in this clause was anticipated as a result of the *rapprochement* which began with the Locarno settlement (see p. 841) and, in this connection, culminated in the New (Young) Plan concerning reparation. The negotiations to bring that plan of June 7, 1929 into effect began at The Hague in the following August, though they were not concluded until the following January. An exchange of notes was effected there on August 30, 1929 between the Belgian, British, and French and the German Governments. The joint proposing note stated (104 League of Nations Treaty Series, p. 473) :

"In the course of the proceedings of the Political Commission of the Conference at The Hague the three Occupying Powers have agreed to begin the evacuation of the Rhineland during the month of September on the conditions laid down in the attached notes. The withdrawal of the Belgian and British forces will be completed within three months of the date on which the operation of evacuation begins. The French forces will evacuate the Second Zone within the same period. The evacuation of the Third Zone by the French troops will begin immediately after the Young Plan is ratified by the German and French Parliaments and put into operation. It will proceed without interruption as rapidly as physical conditions permit, and in any case will be completed at the latest in a period of eight months terminating not later than the end of June 1930."

The cost of the armies of occupation and of the commission were to be met as from September 1, 1929 by a reserve fund of 60,000,000 Reichsmarks into which Germany paid a non-recoverable lump sum of 30,000,000 Reichsmarks. The remaining moiety was contributed as follows: France, 35 percent; United Kingdom, 12 percent; Belgium, 3 percent. The occupying governments reciprocally waived all claims with respect to article 6 of the Rhineland Agreement (see p. 765) which had not been paid in cash on September 1929 and Germany waived all existing or future claims of whatever date in respect of requisitions and damages under articles 8 to 12 of the Rhineland Agreement.

The German delegation in acknowledging the note confirmed its agreement to the Belgian, British, and French enclosures dealing with certain questions connected with the evacuation. Those notes

PART XIV: ARTICLE 429

Note to XIV, 428—Continued

provided for an amnesty, "covering the facts connected with the occupation", the temporary establishment of the Inter-Allied Rhineland High Commission in the third zone, details respecting the evacuation of personnel and arrangements for the transfer of property. Under the Experts' (Dawes) Plan the expenses of the occupation had been met until November 30, 1928 by a special account of the Agent General for Reparation Payments.

ARTICLE 429.

If the conditions of the present Treaty are faithfully carried out by Germany, the occupation referred to in Article 428 will be successively restricted as follows:

(1) At the expiration of five years there will be evacuated: the bridgehead of Cologne and the territories north of a line running along the Ruhr, then along the railway Jülich, Duren, Euskirchen, Rheinbach, thence along the road Rheinbach to Sinzig, and reaching the Rhine at the confluence with the Ahr; the roads, railways and places mentioned above being excluded from the area evacuated.

Note to XIV, 429 (1)

The Cologne Zone, which might have been evacuated on January 10, 1925, was evacuated as of January 31, 1926, the evacuation being one of the matters related to the political orientation which culminated in the admission of Germany to the League of Nations. The series of arrangements of August 1924, which brought the Experts' (Dawes) Plan into force on September 1, was followed by a German application for membership in the League of Nations on September 23, 1924. The "Geneva protocol" for the pacific settlement of international disputes was adopted by the Assembly of the League on October 2, and its failure of acceptance led to the negotiations which resulted in the initialing of the Locarno Treaty of guaranty on October 16, 1925. That treaty was to go into force upon the admission of Germany into the League, which was originally intended to occur in March but was postponed until September 8, 1926. In the course of these developments the conditions contemplated for the evacuation of the first zone were deemed by the Conference of Ambassadors to be satisfied on November 14, 1925. On December 11, 1925 the Council of the League of Nations had ruled that its right of investigation under article 213 of the treaty of peace was to "be applicable to the demilitarized Zone as to other parts of Germany".

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to XIV, 429 (1)—Continued

Article 7 of the agreement of August 9, 1924 between the Allied Governments and Germany for putting the Experts' (Dawes) Plan into force (30 League of Nations Treaty Series, p. 75) extended the general amnesty with respect to the incidents arising out of the Ruhr occupation from January 11, 1923 to August 30, 1924.

For the agreement defining the northern boundaries of the territories occupied by the Belgian and French Armies, as in effect from May 1, 1927, signed at Coblenz, April 9, 1927, see Inter-Allied Rhineland High Commission, *Official Gazette*, January–April 1927, p. 36; May–September 1927, p. 17.

For the agreement defining the northern boundary of the third zone of occupation after evacuation of the second zone, signed at Coblenz, September 30, 1929, see *ibid.*, 1929, parts 8–10, p. 6. Evacuation by French troops of the zone as thus defined took place on June 30, 1930; see p. 791.

(2) At the expiration of ten years there will be evacuated: the bridgehead of Coblenz and the territories north of a line to be drawn from the intersection between the frontiers of Belgium, Germany and Holland, running about 4 kilometres south of Aix-la-Chapelle, then to and following the crest of Forst Gemünd, then east of the railway of the Urft Valley, then along Blankenheim, Valdorf, Dreis, Ulmen to and following the Moselle from Bremm to Nehren, then passing by Kappel and Simmern, then following the ridge of the heights between Simmern and the Rhine and reaching this river at Bacharach; all the places, valleys, roads and railways mentioned above being excluded from the area evacuated.

Note to XIV, 429 (2)

In accordance with the exchange of notes of August 30, 1929, occupation of the Coblenz Zone ended on November 30, and it was evacuated on December 14, 1929. The Inter-Allied Rhineland High Commission removed its headquarters from Coblenz to Mainz for the remaining period of occupation.

On the occasion of the evacuation of the Coblenz Zone, a further amnesty agreement was concluded by the exchange of notes between the German Government and the Inter-Allied Rhineland High Commission at Coblenz, September 10, 1926 (62 League of Nations Treaty Series, p. 141). This had the effect of stopping all prosecutions for offenses with the exception of those at common law or of espionage, and it resulted in the repealing of ordinances which provided for

PART XIV: ARTICLES 430 TO 432

Note to XIV, 429 (2)—Continued

the unilateral intervention of the High Commission in the exercise of German judicial and administrative sovereignty.

For the agreement defining the northern boundary of this zone signed at Coblenz, April 9, 1927, see Inter-Allied Rhineland High Commission, *Official Gazette*, January–April 1927, p. 36; May–September, 1927, p. 17.

(3) At the expiration of fifteen years there will be evacuated: the bridgehead of Mainz, the bridgehead of Kehl and the remainder of the German territory under occupation.

If at that date the guarantees against unprovoked aggression by Germany are not considered sufficient by the Allied and Associated Governments, the evacuation of the occupying troops may be delayed to the extent regarded as necessary for the purpose of obtaining the required guarantees.

ARTICLE 430.

In case either during the occupation or after the expiration of the fifteen years referred to above the Reparation Commission finds that Germany refuses to observe the whole or part of her obligations under the present Treaty with regard to reparation, the whole or part of the areas specified in Article 429 will be re-occupied immediately by the Allied and Associated forces.

ARTICLE 431.

If before the expiration of the period of fifteen years Germany complies with all the undertakings resulting from the present Treaty, the occupying forces will be withdrawn immediately.

ARTICLE 432.

All matters relating to the occupation and not provided for by the present Treaty shall be regulated by subsequent agreements, which Germany hereby undertakes to observe.

Note to XIV, 432

For the agreement establishing the Inter-Allied Rhineland High Commission and providing for the régime of occupation, signed at Versailles, June 28, 1919, see p. 762.

SECTION II.—*Eastern Europe.*

ARTICLE 433.

As a guarantee for the execution of the provisions of the present Treaty, by which Germany accepts definitely the abrogation of the Brest-Litovsk Treaty, and of all treaties, conventions and agreements entered into by her with the Maximalist Government in Russia, and in order to ensure the restoration of peace and good government in the Baltic Provinces and Lithuania, all German troops at present in the said territories shall return to within the frontiers of Germany as soon as the Governments of the Principal Allied and Associated Powers shall think the moment suitable, having regard to the internal situation of these territories. These troops shall abstain from all requisitions and seizures and from any other coercive measures, with a view to obtaining supplies intended for Germany, and shall in no way interfere with such measures for national defence as may be adopted by the Provisional Governments of Esthonia, Latvia and Lithuania.

No other German troops shall, pending the evacuation or after the evacuation is complete, be admitted to the said territories.

Note to XIV, 433

On the execution of clause XII of the armistice convention of November 11, 1918 relating to the withdrawal of German troops from the areas referred to in article 433, see note to paragraph 2 of the Protocol of January 10, 1920, *infra*, p. 743.

PART XV.

MISCELLANEOUS PROVISIONS.

Notes to Part XV, Articles 434 to 440

The treaty restoring friendly relations between the United States and Germany signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates that "Germany undertakes to accord to the United States and the

Notes to Part XV, Articles 434 to 440—Continued

United States shall have and enjoy . . . all the rights and advantages” stipulated for its benefit by this part of this treaty, “notwithstanding the fact that such treaty has not been ratified by the United States”. The rights and advantages of nationals of the United States specified in the joint resolution of Congress approved July 2, 1921 (p. 18) were specifically mentioned in an understanding included in the Senate’s resolution of advice and consent to ratification of October 18, 1921. The Senate in that resolution made a further condition “that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation”.

This part is, *ipsissimis verbis*, an annex, technically a schedule, of the treaty restoring friendly relations as printed by the Department of State in Treaty Series 658, but not as printed in 42 Stat. 1939.

ARTICLE 434.

Germany undertakes to recognise the full force of the Treaties of Peace and Additional Conventions which may be concluded by the Allied and Associated Powers with the Powers who fought on the side of Germany and to recognise whatever dispositions may be made concerning the territories of the former Austro-Hungarian Monarchy, of the Kingdom of Bulgaria and of the Ottoman Empire, and to recognize the new States within their frontiers as there laid down.

ARTICLE 435.

The High Contracting Parties, while they recognize the guarantees stipulated by the Treaties of 1815, and especially by the Act of November 20, 1815, in favour of Switzerland, the said guarantees constituting international obligations for the maintenance of peace, declare nevertheless that the provisions of these treaties, conventions, declarations and other supplementary Acts concerning the neutralized zone of Savoy, as laid down in paragraph 1 of Article 92 of the Final Act of the Congress of Vienna and in paragraph 2 of Article 3 of the Treaty of Paris of November 20, 1815, are no longer consistent with present conditions. For this reason the High Contracting Parties take note of the agreement reached between the

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

French Government and the Swiss Government for the abrogation of the stipulations relating to this zone which are and remain abrogated.

The High Contracting Parties also agree that the stipulations of the Treaties of 1815 and of the other supplementary Acts concerning the free zones of Upper Savoy and the Gex district are no longer consistent with present conditions, and that it is for France and Switzerland to come to an agreement together with a view to settling between themselves the status of these territories under such conditions as shall be considered suitable by both countries.

A N N E X .

I

The Swiss Federal Council has informed the French Government on May 5, 1919, that after examining the provisions of Article 435 in a like spirit of sincere friendship it has happily reached the conclusion that it was possible to acquiesce in it under the following conditions and reservations:

Text of May 7:

The Swiss Federal Council has informed the French Government that after examining the provisions of Article 435 in a like spirit of sincere friendship it has happily reached the conclusion that it was possible to acquiesce in it under the following conditions and reservations:

(1) The neutralized zone of Haute-Savoie:

(a) It will be understood that as long as the Federal Chambers have not ratified the agreement come to between the two Governments concerning the abrogation of the stipulations in respect of the neutralized zone of Savoy, nothing will be definitely settled, on one side on the other, in regard to this subject.

(b) The assent given by the Swiss Government to the abrogation of the above mentioned stipulations presupposes, in conformity with the text adopted, the recognition of the guarantees formulated in favour of Switzerland by the Treaties of 1815 and particularly by the Declaration of November 20, 1815.

(c) The agreement between the Governments of France and Switzerland for the abrogation of the above mentioned stipulations will only be considered as valid if the Treaty of Peace contains this Article in its present wording. In addition the Parties to the Treaty

PART XV: ARTICLE 435, ANNEX

of Peace should endeavour to obtain the assent of the signatory Powers of the Treaties of 1815 and of the Declaration of November 20, 1815, which are not signatories of the present Treaty of Peace.

(2) Free zone of Haute-Savoie and the district of Gex :

(a) The Federal Council makes the most express reservations to the interpretation to be given to the statement mentioned in the last paragraph of the above Article for insertion in the Treaty of Peace, which provides that "the stipulations of the Treaties of 1815 and other supplementary acts concerning the free zones of Haute-Savoie and the Gex district are no longer consistent with present conditions". The Federal Council would not wish that its acceptance of the above wording should lead to the conclusion that it would agree to the suppression of a system intended to give neighbouring territory the benefit of a special régime which is appropriate to the geographical and economical situation and which has been well tested.

Text of May 7 :

The Federal Council makes the most express reservations to the interpretation to be given to the statement mentioned in the last paragraph of the above article for insertion in the Treaty of Peace, which provides that the stipulations of the Treaties of 1815 and other supplementary acts concerning the free zones of Haute-Savoie and the Gex district are no longer consistent with the present circumstances. The Federal Council would not wish that its acceptance to the above wording should lead to the conclusion that it would agree to the suppression of a system intended to give neighbouring territory the benefit of a special regime appropriate to the geographical and economical situation and which has been well tested.

In the opinion of the Federal Council the question is not the modification of the customs system of the zones as set up by the Treaties mentioned above, but only the regulation in a manner more appropriate to the economic conditions of the present day of the terms of the exchange of goods between the regions in question. The Federal Council has been led to make the preceding observations by the perusal of the draft Convention concerning the future constitution of the zones which was annexed to the note of April 26 from the French Government. While making the above reservations the Federal Council declares its readiness to examine in the most friendly spirit any proposals which the French Government may deem it convenient to make on the subject.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Text of May 7:

In the opinion of the Federal Council the question is not the modification of the customs system of the zones as set up by the treaties mentioned above, but only the regulation in a manner more appropriate to the economic conditions of the present day; the terms of the exchange of goods between the regions in question. . . .

. . . While making the above reserve the Federal Council declares its readiness to examine in the most friendly spirit any proposals which the French Government may deem it convenient to make on the subject.

(b) It is conceded that the stipulations of the Treaties of 1815 and other supplementary acts relative to the free zones will remain in force until a new arrangement is come to between France and Switzerland to regulate matters in this territory.

II

The French Government have addressed to the Swiss Government, on May 18, 1919, the following note in reply to the communication set out in the preceding paragraph.

In a note dated May 5 the Swiss Legation in Paris was good enough to inform the Government of the French Republic that the Federal Government adhered to the proposed Article to be inserted in the Treaty of Peace between the Allied and Associated Governments and Germany.

Note to XV, 435, II

For the French text of the note of the Swiss Political Department to the French Ambassador of May 5, 1919, see Permanent Court of International Justice, Series C, No. 17-1, vol. II, 689.

The French Government have taken note with much pleasure of the agreement thus reached, and, at their request, the proposed Article, which had been accepted by the Allied and Associated Governments, has been inserted under No. 435 in the Peace conditions presented to the German Plenipotentiaries.

The Swiss Government, in their note of May 5 on this subject, have expressed various views and reservations.

Concerning the observations relating to the free zones of Haute-Savoie and the Gex district, the French Government have the honour to observe that the provisions of the last paragraph of Article 435 are so clear that their purport cannot be misapprehended, especially where it implies that no other Power but France and Switzerland will in future be interested in that question.

PART XV: ARTICLE 435, ANNEX

The French Government, on their part, are anxious to protect the interests of the French territories concerned, and, with that object, having their special situation in view, they bear in mind the desirability of assuring them a suitable customs régime and determining, in a manner better suited to present conditions, the methods of exchanges between these territories and the adjacent Swiss territories, while taking into account the reciprocal interests of both regions.

It is understood that this must in no way prejudice the right of France to adjust her customs line in this region in conformity with her political frontier, as is done on the other portions of her territorial boundaries, and as was done by Switzerland long ago on her own boundaries in this region.

The French Government are pleased to note on this subject in what a friendly disposition the Swiss Government take this opportunity of declaring their willingness to consider any French proposal dealing with the system to be substituted for the present régime of the said free zones, which the French Government intend to formulate in the same friendly spirit.

Moreover, the French Government have no doubt that the provisional maintenance of the régime of 1815 as to the free zones referred to in the above mentioned paragraph of the note from the Swiss Legation of May 5, whose object is to provide for the passage from the present régime to the conventional régime, will cause no delay whatsoever in the establishment of the new situation which has been found necessary by the two Governments. This remark applies also to the ratification by the Federal Chambers, dealt with in paragraph 1 (a), of the Swiss note of May 5, under the heading "Neutralized zone of Haute-Savoie".

Note to XV, 435, in toto

Article 435 remits to France and Switzerland a territorial and administrative matter which took shape from the Final Act of Vienna (2 *British and Foreign State Papers*, p. 3; 1 Hertslet, *Map of Europe by Treaty*, p. 208), concluded between Austria, France, Great Britain, Portugal, Prussia, Russia, Spain, and Sweden on June 8, 1815, and the treaty respecting the frontiers of France, etc., concluded at Paris, November 20, 1815 (3 *British and Foreign State Papers*, p. 280) between France and Austria, Great Britain, Prussia, and Russia. The Permanent Court of International Justice called the article a "declaration of disinterestedness" on the part of those governments which were parties to the treaty of peace. The provisions of article

Note to XV, 435, in toto—Continued

435 were also inserted in the treaties of peace with Austria as article 375, with Bulgaria as article 291, and with Hungary as article 358. Spain and Sweden, which were not parties to this treaty, gave their adhesion to article 435 on April 8, 1920 and March 22, 1921 respectively (Permanent Court of International Justice, Series C, No. 17-1, vol. II, 563).

Negotiations between France and Switzerland culminated in the signature at Paris on August 7, 1921 of a convention regulating the relations of commerce and good neighborhood between the former (*anciennes*) free zones of Upper Savoy and the District of Gex and the adjacent Swiss cantons (*ibid.*, p. 1060). By the Swiss constitution this convention required approval by plebiscite. The popular vote rejected it, 407,372 to 91,471, on February 18, 1923, two days after a French law had placed the free zones within the customs frontier of France (*ibid.*, p. 1140).

Following a controversial correspondence, an arbitral agreement was concluded on October 30, 1924, which was brought into force by exchange of ratifications only on March 21, 1928. Article 1 provided:

“It shall rest with the Permanent Court of International Justice to decide whether, as between Switzerland and France, Article 435, paragraph 2, of the Treaty of Versailles, with its Annexes, has abrogated or is intended to lead to the abrogation of the provisions of the Protocol of the Conference of Paris on November 3rd, 1815, of the Treaty of Paris of November 20th, 1815, of the Treaty of Turin of March 16th, 1816 [cession by Sardinia of parts of Savoy to Geneva, *ibid.*, p. 644], and of the Manifesto of the Sardinian Court of Accounts of September 9th, 1829 [*ibid.*, p. 940], regarding the customs and economic régime of the free zones of Upper Savoy and the Pays de Gex, having regard to all facts anterior to the Treaty of Versailles, such as the establishment of the Federal Customs in 1849, which are considered relevant by the Court.”

In an order of August 19, 1929 the Court concluded that article 435 neither effected an abrogation nor had abrogation for its object, and gave the parties until May 1, 1930 to reach an agreement (Series A, No. 22). They failed to agree and returned to the Court which on December 6, 1930 pronounced an order granting the governments until July 31, 1931 “to settle between themselves the matter of importations . . . across the Federal customs line and also any other point concerning the régime of the territories . . . with which they may see fit to deal” (Series A, No. 24). On June 13 the parties notified

Note to XV, 435, in toto—Continued

the Court that their negotiations had yielded no result and asked for a judgment.

The judgment of the Court of June 7, 1932 (Series A/B, No. 46) was, by six votes to five, to the effect that, "as between France and Switzerland, Article 435, par. 2, . . . neither has abrogated nor is intended to lead to the abrogation" of the instruments cited in the agreement of October 30, 1924. The French Government must withdraw its customs line in accordance with the provisions of those instruments by January 1, 1934, and the regime under them "must continue in force so long as it has not been modified by agreement between the parties".

The French and Swiss Governments agreed June 7, 1932 upon the appointment of three experts with arbitral powers for regulating the terms of the exchange of goods between the free zones and Swiss territory. The award, delivered on December 1, 1933 (Series E, No. 10, pp. 106-27), embodied articles of settlement which included provision for a permanent Franco-Swiss commission to settle difficulties resulting from the operation of the regime and to supervise execution of the settlement. Enabling legislation by both parties brought the settlement into force on January 1, 1934, implying "the abrogation of all previously existing provisions inconsistent therewith".

ARTICLE 436.

The High Contracting Parties declare and place on record that they have taken note of the Treaty signed by the Government of the French Republic on July 17, 1918, with His Serene Highness the Prince of Monaco defining the relations between France and the Principality.

Note to XV, 436

The treaty (111 *British and Foreign State Papers*, p. 727) was noted here in virtue of a stipulation contained in its article VII. The Government of France assumes for the Principality of Monaco "the defence of its independence and sovereignty and guarantees the integrity of its territory as though that territory formed part of France". The Monegasque Government undertakes to "exercise its rights of sovereignty entirely in accord with the political, military, naval and economic interests of France", with which a prior understanding is required respecting "measures concerning the international relations of the Principality". Confirming the additional

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to XV, 436—Continued

articles of the treaty of February 2, 1861 (51 *ibid.*, p. 673), the Prince undertakes “not to alienate the Principality, either in whole or in part, in favor of any power other than France”.

In the event of the Crown falling vacant, “the territory of Monaco shall form, under the protectorate of France, an autonomous state”. The French Government was entitled to introduce into the territory and territorial waters of Monaco “the military and naval forces required for upholding the security of the two countries”. France pledged its good offices to facilitate Monaco’s admission “to international conferences and institutions”. The Assembly of the League of Nations decided in 1920 not to admit Monaco, Liechtenstein, and San Marino on account of their smallness.

ARTICLE 437.

The High Contracting Parties agree that, in the absence of a subsequent agreement to the contrary, the Chairman of any Commission established by the present Treaty shall in the event of an equality of votes be entitled to a second vote.

Note to XV, 437

Article 437 lays down a rule that is normal in international procedure when decisions are taken by majority vote. Owing to the abstention of the United States from representation on commissions to be provided by the Principal Allied and Associated Powers, the article became more important than originally contemplated. See notes relating to the Reparation Commission, part VIII, annex II, paragraph 2.

ARTICLE 438.

The Allied and Associated Powers agree that where Christian religious missions were being maintained by German societies or persons in territory belonging to them, or of which the government is entrusted to them in accordance with the present Treaty, the property which these missions or missionary societies possessed, including that of trading societies whose profits were devoted to the support of missions, shall continue to be devoted to missionary purposes. In order to ensure the due execution of this undertaking the Allied and Associated Governments will hand over such property to boards of trustees appointed by or approved by the Governments and composed of persons holding the faith of the Mission whose property is involved.

Text of May 7:

. . . In order to ensure the due execution of this undertaking the Allied and Associated Governments will hand over such property to boards of trustees appointed by or approved by the Governments and composed of persons holding the Christian faith. It will be the duty of such boards of trustees to see that the property continues to be applied to missionary purposes.

The Allied and Associated Governments, while continuing to maintain full control as to the individuals by whom the Missions are conducted, will safeguard the interests of such Missions.

Text of May 7:

The obligations undertaken by the Allied and Associated Governments in this Article will not in any way prejudice their control or authority as to the individuals by whom the missions are conducted.

Germany, taking note of the above undertaking, agrees to accept all arrangements made or to be made by the Allied or Associated Government concerned for carrying on the work of the said missions or trading societies and waives all claims on their behalf.

ARTICLE 439.

Without prejudice to the provisions of the present Treaty, Germany undertakes not to put forward directly or indirectly against any Allied or Associated Power, signatory of the present Treaty, including those which without having declared war, have broken off diplomatic relations with the German Empire, any pecuniary claim based on events which occurred at any time before the coming into force of the present Treaty.

The present stipulation will bar completely and finally all claims of this nature, which will be thenceforward extinguished, whoever may be the parties in interest.

Note to XV, 439

The states which broke off diplomatic relations with the German Empire were Bolivia, Ecuador, Peru, and Uruguay. Ecuador did not ratify and resumed relations with Germany without special treaty.

Costa Rica broke off diplomatic relations with Germany on September 21, 1917 and declared war on Germany on May 23, 1918. The revolutionary Government of Costa Rica was not recognized by the President of the United States and Costa Rica was not admitted

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to XV, 439—Continued

to the Paris Peace Conference. Costa Rica declared the state of war at an end by a decree of February 4, 1920 and Germany by a law of May 15, 1921, effective May 27, 1921.

ARTICLE 440.

Germany accepts and recognises as valid and binding all decrees and orders concerning German ships and goods and all orders relating to the payment of costs made by any Prize Court of any of the Allied or Associated Powers, and undertakes not to put forward any claim arising out of such decrees or orders on behalf of any German national.

The Allied and Associated Powers reserve the right to examine in such manner as they may determine all decisions and orders of German Prize Courts, whether affecting the property rights of nationals of those Powers or of neutral Powers. Germany agrees to furnish copies of all the documents constituting the record of the cases, including the decisions and orders made, and to accept and give effect to the recommendations made after such examination of the cases.

Note to XV, 440

The German delegation protested that Germany had to recognize all decisions of the Allied prize courts, whereas the Allies reserved the right to examine the decisions of German prize courts; which would permit the enemies of Germany to obtain indemnities that rightly belonged to Germany (*Foreign Relations*, The Paris Peace Conference, 1919, VI, 899). Nothing was said about the return of the tonnage condemned by German prize courts which had to be surrendered under the armistice or the return of German ships and cargoes condemned by enemy prize courts. Objections were also raised to paragraphs 7 to 9 of annex III to part VIII.

THE PRESENT TREATY, of which the French and English texts are both authentic, shall be ratified.

The deposit of ratifications shall be made at Paris as soon as possible.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

PART XV: ARTICLE 440

A first procès-verbal of the deposit of ratifications will be drawn up as soon as the Treaty has been ratified by Germany on the one hand, and by three of the Principal Allied and Associated Powers on the other hand.

Note to final clauses

The German National Assembly authorized the signing of the treaty of peace on June 22, 1919 by a vote of 237 yeas to 138 nays, 5 abstentions, and one vote invalid. The signing by the German delegates on June 28 was ratified on July 9 (*Reichsanzeiger*, no. 154, July 11, 1919), and the deposit of the instrument of ratification with the Secretary-General of the Peace Conference on July 12 resulted in the abolition of blockade and other conditions affecting Germany which had been enforced under the armistice. A law of July 16 (*Reichsgesetzblatt*, 1919, p. 687), in force on August 12, made the treaty of peace legally binding within Germany. Article 178 of the constitution of the German Reich adopted at Weimar on August 11, 1919 provides that "the provisions of the treaty of peace signed on June 28, 1919 at Versailles are not affected by the Constitution". A general law for the execution of the treaty was passed on August 31, 1919 (*ibid.*, p. 1530).

The first procès-verbal of the deposit of ratifications was drawn up on January 10, 1920 at 4:15 p.m. on behalf of the following: The British Empire, Canada, Australia, Union of South Africa, New Zealand and India, France, Italy, Japan, Belgium, Bolivia, Brazil, Guatemala, Peru, Poland, Siam, Czechoslovakia, and Uruguay.

Deposits of ratification were subsequently made as follows: Kingdom of the Serbs, Croats and Slovenes; February 10, 1920; Cuba, March 8, 1920; Greece, March 30, 1920; Portugal, April 8, 1920; Haiti and Liberia, June 30, 1920; Rumania, September 14, 1920; Honduras and Nicaragua, November 3, 1920; Panama, November 25, 1920.

From the date of this first procès-verbal the Treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present Treaty this date will be the date of the coming into force of the Treaty.

In all other respects the Treaty will enter into force for each Power at the date of the deposit of its ratification.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to final clauses—Continued

On January 13, 1920 the Secretary of State of the United States addressed to the German Government the following statement (*Foreign Relations*, 1920, II, 258) :

“The Government of the United States regards the armistice as continuing in full force and effect between the United States and Germany notwithstanding the deposit of ratifications of the Treaty of Versailles which took place in Paris on January 10, 1920.”

The treaty restoring friendly relations between the United States and Germany signed at Berlin, August 25, 1921 and in force on November 11, 1921 with retroactive effect to July 2, 1921, stipulates in article II, paragraph 5, “that the periods of time to which reference is made” in this article “shall run, with respect to any act or election on the part of the United States, from the date of the coming into force of the present Treaty”, that is, November 11, 1921.

The French Government will transmit to all the signatory Powers a certified copy of the procès-verbaux of the deposit of ratifications.

IN FAITH WHEREOF the above-named Plenipotentiaries have signed the present Treaty.

Done at Versailles, the twenty-eighth day of June, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

(L.S.) WOODROW WILSON.
(L.S.) ROBERT LANSING.
(L.S.) HENRY WHITE.
(L.S.) E. M. HOUSE.
(L.S.) TASKER H. BLISS.
(L.S.) D. LLOYD GEORGE.
(L.S.) A. BONAR LAW.
(L.S.) MILNER.
(L.S.) ARTHUR JAMES BALFOUR.
(L.S.) GEORGE N. BARNES.
(L.S.) CHAS. J. DOHERTY.
(L.S.) ARTHUR L. SIFTON.
(L.S.) W. M. HUGHES.
(L.S.) JOSEPH COOK.
(L.S.) LOUIS BOTHA.

PART XV: ARTICLE 440

- (L.S.) J. CHR. SMUTS.
- (L.S.) W. F. MASSEY.
- (L.S.) ED. S. MONTAGU.
- (L.S.) GANGA SINGH, MAHARAJA DE BIKANER.
- (L.S.) G. CLEMENCEAU.
- (L.S.) S. PICHON.
- (L.S.) L. L. KLOTZ.
- (L.S.) ANDRÉ TARDIEU.
- (L.S.) JULES CAMBON.
- (L.S.) SIDNEY SONNINO.
- (L.S.) IMPERIALI.
- (L.S.) SILVIO CRESPI.
- (L.S.) SAIONZI.
- (L.S.) N. MAKINO.
- (L.S.) S. CHINDA.
- (L.S.) K. MATSUI.
- (L.S.) H. IJUIN.
- (L.S.) HYMANS.
- (L.S.) J. VAN DEN HEUVEL.
- (L.S.) ÉMILE VANDERVELDE.
- (L.S.) ISMAEL MONTES.
- (L.S.) CALOGERAS.
- (L.S.)
- (L.S.) RODRIGO OCTAVIO.
- (L.S.)
- (L.S.)
- (L.S.) ANTONIO S. DE BUSTAMANTE.
- (L.S.) E. DORN Y DE ALSUA.
- (L.S.) ELEFTHERIOS VENISELOS.
- (L.S.) NICOLAS POLITIS.
- (L.S.) JOAQUIN MENDEZ.
- (L.S.) TERTULLIEN GUILBAUD.
- (L.S.) M. RUSTEM HAIDAR.
- (L.S.) ABDUL HADI AOUNI.
- (L.S.) P. BONILLA.
- (L.S.) C. D. B. KING.
- (L.S.) SALVADOR CHAMORRO.
- (L.S.) ANTONIO BURGOS.
- (L.S.) C. G. CANDAMO.
- (L.S.) I. J. PADEREWSKI.
- (L.S.) ROMAN DMOWSKI.
- (L.S.) AFFONSO COSTA.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

(L.S.) AUGUSTO SOARES.
(L.S.) ION. I. C. BRATIANO.
(L.S.) GENERAL C. COANDA.
(L.S.) NIK. P. PACHITCH.
(L.S.) DR. ANTE TRUMBIC.
(L.S.) MIL. R. VESNITCH.
(L.S.) CHAROON.
(L.S.) TRAIOS PRABANDHU.
(L.S.) KAREL KRAMAR.
(L.S.) DR. EDWARD BENES.
(L.S.) J. A. BUERO.
(L.S.) HERMANN MÜLLER.
(L.S.) DR. BELL.

1. Protocol to the Treaty of Peace

Signed at Versailles, June 28, 1919; in force with and as part of the treaty of peace in virtue of its final provisions January 10, 1920; United States: Submitted to the Senate by the President July 31, 1919; was generally discussed and laid aside without action by the Committee on Foreign Relations on February 10, 1920; transmitted to the Secretary of State by Senate resolution of February 12, 1935; Unperfected Treaties G-9 and I-5.

Notes to Protocol

The draft of the protocol was sent to the chairman *pro tempore* of the German delegation by the President of the peace conference on June 21, 1919. The German Cabinet had resigned two days before as an incident of the internal debate over accepting the treaty. The written negotiations since May 7 had brought from the Germans a considerable number of suggestions for change of substance and of language, including typographical corrections. A revised and corrected text of the Conditions of Peace—now a draft treaty—was transmitted to the German delegation on June 16. On June 19 the German delegation asked for more explicit recognition of certain “concessions” announced in that memorandum, in order to be aware

Notes to Protocol—Continued

of their "contract force". In the reply of June 21 the president of the peace conference explained the points raised and informed the German delegation that the interpretations "which in the opinion of the Allied and Associated Powers, may be regarded as constituting a binding engagement, have been incorporated in the annexed Protocol" (*Foreign Relations*, The Paris Peace Conference, 1919, vi, 603).

With a view to indicating precisely the conditions in which certain provisions of the Treaty of even date are to be carried out, it is agreed by the HIGH CONTRACTING PARTIES that:

(1) A Commission will be appointed by the Principal Allied and Associated Powers to supervise the destruction of the fortifications of Heligoland in accordance with the Treaty. This Commission will be authorized to decide what portion of the works protecting the coast from sea erosion are to be maintained and what portion must be destroyed;

(2) Sums reimbursed by Germany to German nationals to indemnify them in respect of the interests which they may be found to possess in the railways and mines referred to in the second paragraph of Article 156 shall be credited to Germany against the sums due by way of reparation;

(3) The list of persons to be handed over to the Allied and Associated Governments by Germany under the second paragraph of Article 228 shall be communicated to the German Government within a month from the coming into force of the Treaty;

(4) The Reparation Commission referred to in Article 240 and paragraphs 2, 3 and 4 of Annex IV cannot require trade secrets or other confidential information to be divulged;

(5) From the signature of the Treaty and within the ensuing four months Germany will be entitled to submit for examination by the Allied and Associated Powers documents and proposals in order to expedite the work connected with reparation, and thus to shorten the investigation and to accelerate the decisions;

(6) Proceedings will be taken against persons who have committed punishable offences in the liquidation of German property, and the Allied and Associated Powers will welcome any information or evidence which the German Government can furnish on this subject.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Done at Versailles, the twenty-eighth day of June, one thousand nine hundred and nineteen.

WOODROW WILSON.	J. VAN DEN HEUVEL.
ROBERT LANSING.	EMILE VANDERVELDE.
HENRY WHITE.	ISMAEL MONTES.
E. M. HOUSE.	CALOGERAS.
TASKER H. BLISS.	RODRIGO OCTAVIO.
D. LLOYD GEORGE.	ANTONIO S. DE BUSTAMANTE.
A. BONAR LAW.	E. DORN Y DE ALSUA.
MILNER.	ELEFTHERIOS VENISELOS.
ARTHUR JAMES BALFOUR.	NICOLAS POLITIS.
GEORGE N. BARNES.	JOAQUIN MENDEZ.
CHAS. J. DOHERTY.	TERTULLIEN GUILBAUD.
ARTHUR L. SIFTON.	M. RUSTEM HAIDAR.
W. M. HUGHES.	ABDUL HADI AOUNI.
JOSEPH COOK.	P. BONILLA.
LOUIS BOTHA.	C. D. B. KING.
J. C. SMUTS.	SALVADOR CHAMORRO.
W. F. MASSEY.	ANTONIO BURGOS.
ED. S. MONTAGU.	C. G. CANDAMO.
GANGA SINGH,	I. J. PADEREWSKI.
MAHARAJA DE BIKANER.	ROMAN DMOWSKI.
G. CLEMENCEAU.	AFFONSO COSTA.
S. PICHON.	AUGUSTO SOARES.
L. L. KLOTZ.	ION I. C. BRATIANO.
ANDRÉ TARDIEU.	GENERAL C. COANDA.
JULES CAMBON.	NIK P. PACHITCH.
SIDNEY SONNINO.	DR. ANTE TRUMBIC.
IMPERIALI.	NIK. P. PACHITCH.
SILVIO CRESPI.	CHAROON.
SAIONZI.	TRAIDOS PRABANDHU.
N. MAKINO.	KAREL KRAMAR.
S. CHINDA.	DR. EDWARD BENES.
K. MATSUI.	J. A. BUERO.
H. IJUIN.	HERMANN MÜLLER.
HYMANS.	DR. BELL.

2. *Protocol to the Treaty of Peace*

*Protocol Signed by Germany January 10, 1920 at Paris*¹

At the moment of proceeding to the first deposit of ratifications of the Treaty of Peace, it is placed on record that the following obligations, which Germany had undertaken to execute by the Armistice Conventions and supplementary Agreements, have not been executed or have not been completely fulfilled:

(1) Armistice Convention of November 11, 1918, Clause VII; obligation to deliver 5,000 locomotives and 150,000 wagons. 42 locomotives and 4,460 wagons are still to be delivered;

Note to (1)

The armistice convention of November 11, 1918 is printed in *Treaties, Conventions, etc.*, 1910-23, III, 3307.

For record of the instruments of the armistice, see article 238.

(2) Armistice Convention of November 11, 1918, Clause XII; obligation to withdraw the German troops in Russian territory within the frontiers of Germany, as soon as the Allies shall think the moment suitable. The withdrawal of these troops has not been effected, despite the reiterated instructions of August 27, September 27 and October 10, 1919;

Note to (2)

The Commander in Chief of the Allied and Associated Powers on August 27, 1919 informed the German military authorities that the time had come to evacuate German troops from Russian territory and put them on notice to act forthwith. On September 27 the Allied and Associated Governments addressed to the German Government through their Commander in Chief a note denying the arguments of a German note of September 3 that it was unable to impose obedience on its troops in the Baltic region. The German Government was invited to proceed immediately, and to continue without interruption, with the evacuation of all German troops, including staffs and services, and to repatriate any military personnel which had joined organized Russian corps after demobilization.

The Allied and Associated Governments denied German requests to victual and finance the evacuation.

On October 10 the Inter-Allied Naval Commission canceled the permit of free navigation for German ships as a result of the attack on Riga. This was relaxed on the 27th for fishing and small vessels.

¹ File 185.001/141.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note to (2)—Continued

The Inter-Allied Commission for the Baltic Provinces went to Berlin on November 5. The German Government on November 10 asked for a return to the conditions for navigation prevailing before October 10.

(3) Armistice Convention of November 11, 1918, Clause XIV; obligation to cease at once all requisitions, seizures or coercive measures in Russian territory. The German troops have continued to have recourse to such measures;

(4) Armistice Convention of November 11, 1918, Clause XIX; obligation to return immediately all documents, specie, stocks, shares, paper money, together with plant for the issue thereof, affecting public or private interests in the invaded countries. The complete lists of specie and securities carried off, collected or confiscated by the Germans in the invaded countries have not been supplied;

(5) Armistice Convention of November 11, 1918, Clause XXII; obligation to surrender all German submarines. Destruction of the German submarine *U. C. 48* off Ferrol by order of her German commander, and destruction in the North Sea of certain submarines proceeding to England for surrender;

(6) Armistice Convention of November 11, 1918, Clause XXIII; obligation to maintain in Allied ports the German warships designated by the Allied and Associated Powers, these ships being intended to be ultimately handed over. Clause XXXI; obligation not to destroy any ship before delivery. Destruction of the said ships at Scapa Flow on June 21, 1919;

(7) Protocol of December 17, 1918, Annex to the Armistice Convention of December 13, 1918; obligation to restore the works of art and artistic documents carried off in France and Belgium. All the works of art removed into the unoccupied parts of Germany have not been restored;

Note to (7)

The armistice convention of December 13, 1918 is printed in *Treaties, Conventions, etc.*, 1910-23, III, 3315.

The final protocol of the Financial Subcommittee of the Permanent Inter-Allied Armistice Commission dated at Spa, December 1, 1918 made provision for the restoration of valuables and objects of art as well as of securities. The financial protocol accompanying the renewal of the armistice at Trier (Trèves) December 13, 1918

Note to (7)—Continued

set forth those obligations concerning tangibles which were incumbent on Germany. The President of the Permanent Inter-Allied Armistice Commission (P.I.A.C.) on December 17, 1918 transmitted to the President of the German Armistice Commission (Deutscher Waffenstillstandskommission, or WAKO) a procès-verbal on "conditions for executing restitution of works of art" (P.I.A.C. 110G), which was regarded as an annex to the financial protocol of December 13, 1918. The German Commission in a letter of December 19 (Wako 3116), sought to obtain certain changes in that procès-verbal, chief among which were relaxation of demands on account of German merit in having saved much of artistic value from artillery fire and confinement of restitution to "objects taken or collected in invaded countries". These claims seem not to have been formally accepted.

(8) Armistice Convention of January 16, 1919, Clause III and Protocol 392/1 Additional Clause III of July 25, 1919; obligation to hand over agricultural machinery in the place of the supplementary railway material provided for in Tables 1 and 2 annexed to the Protocol of Spa of December 17, 1918. The following machines had not been delivered on the stipulated date of October 1, 1919. 40 "Heucke" steam plough outfits; all the cultivators for the outfits; all the spades; 1,500 shovels; 1,130 T.F. 23/26 ploughs; 1,765 T.F. 18/21 ploughs; 1,512 T.F. 23/26 ploughs; 629 T.F. o m. 20 Brabant ploughs; 1,205 T.F. o m. 26 Brabant ploughs; 4,282 harrows of 2 k. 500; 2,157 steel cultivators; 966 2 m. 50 manure distributors; 1,608 3 m. 50 manure distributors;

Note to (8)

The armistice convention of January 16, 1919 is printed in *Treaties, Conventions, etc.*, 1910-23, III, 3323.

The Spa protocol of December 17, 1918 provided for execution of clause IV *a* and *b* of note 2 annexed to the armistice convention of November 11, 1918 (*ibid.*, p. 3314). In the files of the Permanent Inter-Allied Armistice Commission it is P.I.A.C. 117/T and is appendix H of the Report of the American Section of the P.I.A.C. dated March 13, 1919. P.I.A.C. Protocol 392/T is a protocol of the Subcommittee for Delivery of Agricultural Machines, Spa, April 29, 1919, which established prices for such machinery at the mean average of April 1, 1914 and 1919. Owing to the pressing need for agricultural machinery, certain of the obligations of Germany

Note to (8)—Continued

for delivering railway material were transferred to agricultural implements.

Continued execution was provided in part VIII, annex IV, paragraph 7, of the treaty of peace.

(9) Armistice Convention of January 16, 1919, Clause VI; obligation to restore the industrial material carried off from French and Belgian territory. All this material has not been restored;

(10) Convention of January 16, 1919, Clause VIII; obligation to place the German merchant fleet under the control of the Allied and Associated Powers. A certain number of ships whose delivery had been demanded under this clause have not yet been handed over;

(11) Protocols of the Conferences of Brussels of March 13 and 14, 1919; obligation not to export war material of all kinds. Exportation of aeronautical material to Sweden, Holland and Denmark.

Note to (11)

The protocols of the conference of Brussels of March 13 and 14, 1919 are printed in *Der Waffenstillstand, 1918-19*, II, 179.

A certain number of the above provisions which have not been executed or have not been executed in full have been renewed by the Treaty of June 28, 1919, whose coming into force will *ipso facto* render the sanctions there provided applicable. This applies particularly to the various measures to be taken on account of reparation.

Further, the question of the evacuation of the Baltic provinces has been the subject of an exchange of notes and of decisions which are being carried out. The Allied and Associated Powers expressly confirming the contents of their notes, Germany by the present Protocol undertakes to continue to execute them faithfully and strictly.

Finally, as the Allied and Associated Powers could not allow to pass without penalty the other failures to execute the Armistice Conventions and violations so serious as the destruction of the German fleet at Scapa Flow, the destruction of *U. C. 48* off Ferrol and the destruction in the North Sea of certain submarines on their way to England for surrender, Germany undertakes:

(1) A. To hand over as reparation for the destruction of the German fleet at Scapa Flow:

PROTOCOL, JANUARY 10, 1920

(a) Within 60 days from the date of the signature of the present Protocol and in the conditions laid down in the second paragraph of Article 185 of the Treaty of Peace the five following light cruisers:

Königsberg,
Pillau,
Graudenz,
Regensburg,
Strassburg.

(b) Within 90 days from the date of the signature of the present Protocol, and in good condition and ready for service in every respect, such a number of floating docks, floating cranes, tugs and dredgers, equivalent to a total displacement of 400,000 tons, as the Principal Allied and Associated Powers may require. As regards the docks, the lifting power will be considered as the displacement. In the number of docks referred to above there will be about 75 per cent. of docks over 10,000 tons. The whole of this material will be handed over on the spot;

B. To deliver within 10 days from the signature of the present Protocol a complete list of all floating docks, floating cranes, tugs and dredgers which are German property. This list, which will be delivered to the Naval Inter-Allied Commission of Control referred to in Article 209 of the Treaty of Peace, will specify the material which on November 11, 1918, belonged to the German Government or in which the German Government had at that date an important interest;

C. The officers and men who formed the crews of the warships sunk at Scapa Flow and who are at present detained by the Principal Allied and Associated Powers will, with the exception of those whose surrender is provided for by Article 228 of the Treaty of Peace, be repatriated at latest when Germany has carried out the provisions of Paragraphs A. and B. above;

D. The destroyer B. 98 will be considered as one of the 42 destroyers whose delivery is provided for by Article 185 of the Treaty of Peace;

(2) To hand over within 10 days from the signature of the present Protocol the engines and motors of the submarines *U. 137* and *U. 138* as compensation for the destruction of *U.C. 48*;

(3) To pay to the Allied and Associated Governments before January 31, 1920, the value of the aeronautical material exported, in accordance with the decision which will be given and the valuation which will be made and notified by the Aeronautical Inter-Allied Commission of Control referred to in Article 210 of the Treaty of Peace.

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

In the event of Germany not fulfilling these obligations within the periods laid down above, the Allied and Associated Powers reserve the right to take all military or other measures of coercion which they may consider appropriate.

DONE at Paris, the tenth day of January, one thousand nine hundred and twenty, at four o'clock p.m.

V. SIMSON.

FREIHERR VON LERSNER.

Note

TIME LIMITS OF THE TREATY OF PEACE WITH
GERMANY, SIGNED AT VERSAILLES, JUNE
28, 1919: IN FORCE JANUARY 10,
1920, 4:15 P.M. W.E.T.¹

Period	Subject
10 days	Schleswig: evacuation of plebiscite zone and dissolution of Workmen's and Soldiers' Councils there
do.	Do.: International
15 days	Boundary Commission, Belgium
do.	Do.: Saar Basin
do.	Do.: Czecho-Slovak State and Poland
do.	Do.: Poland and Germany
do.	Upper Silesia: evacuation of plebiscite area and dissolution of Workmen's and Soldiers' Councils there
do.	Prussia, East: Allenstein plebiscite: evacuation of zone
do.	Do.: do.: International Commission
do.	Prussia, East: Marienburg plebiscite: evacuation of zone
do.	Do.: do.: International Commission
do.	Boundary Commission, Danzig
15 days from result of plebiscite	Schleswig: constitution of Delimitation Commission
3 weeks	Strasburg-Kehl: constitution of port of
3 weeks after evacuation	Do.: plebiscite in first zone
1 month after notification of result of plebiscite	Upper Silesia: administration by authorities indicated by plebiscite
1 month	Submarines, etc., handed to P.A. and A.P.
1 month after notification of limitation	Naval war material: surrender of excess
1 month	Gold deposit of Ottoman Public Debt in Reichsbank: transfer of
do.	Gold deposit of Ottoman Public Debt in Reichsbank (advance to Ottoman Government): transfer of

¹ Source: Index to the treaty of peace . . . , pp. 56-9 (United Kingdom, Treaty Series No. 1 (1920), Cmd. 516).

TIME LIMITS OF THE TREATY

Note—Continued

TIME LIMITS OF TREATY OF VERSAILLES—Continued

Period	Subject
do.	Gold deposit against loans to Austria-Hungary: transfer of
1 month after ratification	Enemy debts: notification of adoption of art. 296
1 month	Property of nationals of A. or A.P. in German territory: information
do.	Rhine plans of Alsace-Lorraine or Baden: handing over
5 weeks after plebiscite in first zone	Schleswig: plebiscite in second zone
60 days	Animals and articles to be replaced
60 days after receipt of particulars	Reparation: option of Commission on dyestuffs and chemical drugs
2 months	League of Nations: accessions
do.	Armaments: reduction of
do.	Do.: surrender of excess
do.	Military schools: reduction of
do.	Rhine forts, etc.: disarmament
do.	Naval forces: reduction
do.	Naval personnel: reduction
do.	Warships: surrender
do.	Coast zone: limitation of munitions
do.	Air force: demobilisation
do.	Shipping: delivery of
do.	Do.: restitution
2 months after notification	Rhine waterway: French right to occupy lands on right bank for navigation works
do.	Rhine-Meuse Canal: Belgian right to occupy lands
3 months	Shantung: handing over of archives and information as to treaties etc.
3 months and every 3 months up to Mar. 31, 1920	Army: reductions in personnel and material
3 months	Do.: reduction of munition factories
do.	Do.: disclosure of materials used in war
do.	Submarines: destruction of certain classes
do.	Wireless telegraph stations: limitation of use and prohibition of new construction
do.	Do.: do.: control of German stations at Nauen, Hanover, Berlin
do.	Air materials: delivery
do.	Military, naval, aerial legislation: modification
do.	Shipbuilding for reparation: notification of program for 2 years
do.	Livestock: delivery to France and Belgium

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note—Continued

TIME LIMITS OF TREATY OF VERSAILLES—Continued

Period	Subject
3 months after demand	Louvain: reparation in kind to Library
3 months after notification	Enemy debts: constitution of clearing offices
3 months	Property of nationals of A. and A.P. in Germany exempt from taxation of capital
do.	Prescription: suspension of periods of
3 months after cessation of war measures	Negotiable instruments: resumption of periods of prescription
3 months	Do.: acceptance, non-acceptance, protest
do.	Fire insurance contracts: continuance
do.	Life insurance contracts: restoration
do.	Do., cancellation
do.	Reinsurance contracts: continuance
do.	Mixed Arbitral Tribunal
do.	Social and state insurance: conventions in regard to transfer of reserves in ceded territory
3 months after appointment of Commission	Do.: submission of recommendations to Council of League of Nations
3 months after notification	Ports of the Elbe, Oder, Niemen, Danube: cession of boats, etc.
3 months	Elbe, international commission
do.	Oder, international commission
3 months after request	Niemen Commission: constitution of
3 months after notification	Ports of Rhine: cession of boats, etc.
4 months from disarmament	Fortifications: dismantlement of certain
6 months	Eupen and Malmedy: plebiscite
do.	Alsace-Lorraine: notification of contracts to be canceled
do.	Aircraft, etc.: manufacture and importation forbidden in Germany
do.	French trophies, archives, etc.: restitution
do.	Koran of Othman: do.
do.	Skull of Mkwawa: do.
do.	Belgian works of art: do.
do.	German interests in Russia, China, Turkey, Austria, Hungary, Bulgaria, or former German territory: communication to Reparation Commission
6 months after demand	Do.: transfer to Reparation Commission
6 months	Import duties in Germany: limitation
do.	Treaties: notification of bilateral treaties to remain in force
6 months after creation of clearing offices . . .	Enemy debts: notification of credits to Creditor Clearing Office

TIME LIMITS OF THE TREATY

Note—Continued

TIME LIMITS OF TREATY OF VERSAILLES—Continued

Period	Subject
6 months	German-held securities, etc., in A. and A.S.: surrender
do.	Currency, rate of exchange, interest: notification to Germany
do.	Enemy contracts: notification of those to be revived
do.	Patents, trade-marks, etc., priority: extension of period for registration, etc.
do.	Property, industrial and intellectual: extension of licenses
do.	Central Rhine Commission: revision of Mannheim Convention
do.	Labour: nomination of Commission of Enquiry
Between 6 and 18 months after establishment of Commission	Upper Silesia: plebiscite
Within 12 months of opting	Ceded territories: nationality optants to remove to own country within 12 months of opting:— Belgium Czecho-Slovak State Danzig Poland Schleswig
12 months	Astronomical instruments: restoration to China
do.	Opium convention put into force
do.	Life insurance contracts: right to claim surrender value
1 year after default	Saar Basin Mines: Reparation Commission to liquidate mines repurchased by Germany if she fails to pay
1 year	Alsace-Lorraine: claims to French nationality
do.	Communications, Poland, Germany, Danzig, etc.: conclusion of convention
do.	German rights, etc., in Russia, China, Turkey, Austria, Hungary, Bulgaria, etc.: German Government to acquire compulsorily
do.	Restitution: notification of property, rights, etc., claimed
do.	Industrial property: preservation of rights acquired or resulting from before August 1914
do.	Industrial and intellectual property: sale without incurring penalties
do.	Danube statute: conference to settle
do.	Cession of river plants at Rotterdam and on Rhine: arbitration by United States

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note—Continued

TIME LIMITS OF TREATY OF VERSAILLES—Continued

Period	Subject
1 year and annually	Reparation: coal deliveries to Luxemburg as settled by Commission
2 years	Belgium: nationality option for inhabitants of ceded territory
do.	Czecho-Slovak State: do.
do.	Poland: do.
2 years after plebiscite settlement	Upper Silesia: nationality option
2 years	Danzig: nationality option for inhabitants of ceded territory
2 years after plebiscite settlement	Schleswig: nationality option
2 years	Shipbuilding for reparation: notification of program for 3 years at end of first 2 years
do.	Patents, trade-marks, &c.: extension of time for working or using
36 months	Import duties in Germany: limitation
3 years from Nov. 11, 1918	Alsace-Lorraine: residence qualification for naturalization
3 years	Reparation: delivery of coal products to France for 3 years
do.	Free entry for Polish goods for 3 years (amount fixed annually)
4 years	Economic clauses: decision of Council of League of Nations as to prolongation over 5 years of Germany's obligations under arts. 264-272
5 years	Free entry of Saar Basin goods for 5 years
do.	Importation of Saar Basin goods into France: quantities to be admitted containing proportion of German products
5 years (renewable)	Alsace-Lorraine: free importation of goods into Germany
5 years	Do.: free export and reimportation of German textiles to be worked in Alsace-Lorraine
do.	Free entry of Luxemburg goods for 5 years (amount fixed annually)
do.	Economic clauses: Germany's obligations under arts. 264-272
do.	Radio-telegraph convention: if any, obligatory on Germany
do.	Rhine: right of denunciation of agreements between Alsace-Lorraine and Baden
do.	Railway transport convention: if any, obligatory on Germany

TIME LIMITS OF THE TREATY

Note—Continued

TIME LIMITS OF TREATY OF VERSAILLES—Continued

Period	Subject
do.	Railway, Schlauney and Nachod: construction at request of Czecho-Slovak State
do.	Ports, waterways, railways conventions: if any, obligatory on Germany
After 5 years	Occupation of the Rhine: evacuation of Cologne district
do.	Ports, waterways, railways: reciprocity to be given
do.	Do.: revision by Council of League of Nations of certain provisions
5 years after first 3 months	Shipbuilding for reparation
After 6 years	Strasbourg-Kehl: prolongation of temporary régime
10 years	Alsace-Lorraine: continuance, for 10 years, of supply of electric power from German stations
do.	Reparation: delivery of coal to France for 10 years
do.	Do.: delivery of coal to Belgium for 10 years
do.	Do.: delivery of coal to Italy for 10 years
do.	Railways: continuous brake on goods trains
do.	St. Gothard railway: denunciation of convention
After 10 years	Occupation of the Rhine: evacuation of Coblenz district
Every 10 years	Free zones of Hamburg and Stettin: revision of conditions
12 years	Ottoman Public Debt: annual gold payments for 12 years
15 years	Upper Silesia: exportation of coal to Germany for 15 years
do.	Occupation of Rhine provinces for 15 years
After 15 years	Saar Basin: plebiscite
do.	Occupation of the Rhine: evacuation of remainder of German territory
25 years	Rhine-Meuse Canal: Germany to construct her portion if desired
30 years from May 1, 1921	Reparation to be completed
Before Oct. 1919	Labour Conference: invitation to first
Up to Oct. 1, 1919	German aircraft and personnel: use in searching for submarine mines
Oct. 1919	Labour Conference: first meeting
Up to Dec. 31, 1919	Reparation: delivery of lists of reconstruction materials to be supplied by Germany
Up to Mar. 31, 1920	Army: limitation of German forces and armaments and notification of stocks
Up to Apr. 30, 1921	Reparation: payment of 20,000 million gold marks or equivalent

TREATY OF VERSAILLES: ANNOTATIONS OF THE TEXT

Note—Continued

TIME LIMITS OF TREATY OF VERSAILLES—Continued

Period	Subject
Up to May 1, 1921 . .	Do.: notification of Germany's total obligations
do. . .	Do.: gold not to be exported without consent of Commission
Up to Jan. 1, 1923 . .	Aerial navigation: final limit of obligations of Germany

II

Other Treaties Related to the Treaty of Peace with Germany

1. Assistance to France in the Event of Unprovoked Aggression by Germany.—Agreement Between the United States and France Signed at Versailles June 28, 1919¹

[The vertical rule indicates treaty text.]

Signed at Versailles, June 28, 1919; submitted to the Senate by the President July 29, 1919; project of law authorizing ratification by President of France adopted by Chamber of Deputies October 2, 1919 by vote of 510 to 0 and by the Senate October 11, 1919 by vote of 218 to 0; law of October 12, 1919 (Duvergier, Collection complète des lois et décrets d'intérêt général, 1919, p. 815);

United States: Not considered by the Senate; returned to the Secretary of State by resolution of the Senate February 12, 1935; Unperfected Treaties H-9.

WHEREAS the United States of America and the French Republic are equally animated by the desire to maintain the peace of the world so happily restored by the Treaty of Peace signed at Versailles the 28th day of June, 1919, putting an end to the war begun by the aggression of the German Empire and ended by the defeat of that Power, and,

WHEREAS the United States of America and the French Republic are fully persuaded that an unprovoked movement of aggression by Germany against France would not only violate both the letter and the spirit of the Treaty of Versailles to which the United States of America and the French Republic are parties, thus exposing France anew to the intolerable burdens of an unprovoked war, but that such aggression on the part of Germany would be and is so regarded by the Treaty of Versailles as a hostile act against all the Powers signatory to that Treaty and as calculated to disturb the Peace of the world by involving inevitably and directly the States of Europe and indirectly, as experience has amply and unfortunately demonstrated, the world at large; and,

WHEREAS the United States of America and the French Republic fear that the stipulations relating to the left bank of the Rhine con-

¹ File 185.8/11.

TREATIES RELATED TO TREATY OF VERSAILLES

tained in said Treaty of Versailles may not at first provide adequate security and protection to France on the one hand and the United States of America as one of the signatories of the Treaty of Versailles on the other;

THEREFORE, the United States of America and the French Republic having decided to conclude a Treaty to effect these necessary purposes, Woodrow WILSON, President of the United States of America, and Robert LANSING, Secretary of State of the United States, specially authorized thereto by the President of the United States, and Georges CLEMENCEAU, President of the Council, Minister of War, and Stephen PICHON, Minister of Foreign Affairs, specially authorized thereto by Raymond POINCARÉ, President of the French Republic, have agreed upon the following articles:

ARTICLE 1.

In case the following stipulations relating to the left Bank of the Rhine contained in the Treaty of Peace with Germany signed at Versailles the 28th day of June, 1919, by the United States of America, the French Republic and the British Empire among other Powers:

“Article 42. Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the West of a line drawn 50 kilometres to the East of the Rhine.”

“Article 43. In the area defined above the maintenance and assembly of armed forces, either permanently or temporarily, and military manoeuvres of any kind, as well as the upkeep of all permanent works for mobilisation are in the same way forbidden.”

“Article 44. In case Germany violates in any manner whatever the provisions of Articles 42 et 43, she shall be regarded as committing a hostile act against the Powers signatory of the present Treaty and as calculated to disturb the peace of the world.”

may not at first provide adequate security and protection to France, the United States of America shall be bound to come immediately to her assistance in the event of any unprovoked movement of aggression against her being made by Germany.

ARTICLE 2.

The present Treaty, in similar terms with the Treaty of even date for the same purpose concluded between Great Britain and the French Republic, a copy of which Treaty is annexed hereto, will only come into force when the latter is ratified.

ASSISTANCE TO FRANCE

ARTICLE 3.

The present Treaty must be submitted to the Council of the League of Nations, and must be recognized by the Council, acting if need be by a majority, as an engagement which is consistent with the Covenant of the League. It will continue in force until on the application of one of the Parties to it the Council, acting if need be by a majority, agrees that the League itself affords sufficient protection.

ARTICLE 4.

The present Treaty will be submitted to the Senate of the United States at the same time as the Treaty of Versailles is submitted to the Senate for its advice and consent to ratification. It will be submitted before ratification to the French Chamber of Deputies for approval. The ratifications thereof will be exchanged on the deposit of ratifications of the Treaty of Versailles at Paris or as soon thereafter as shall be possible.

IN FAITH WHEREOF the respective Plenipotentiaries, to wit: On the part of the United States of America, Woodrow WILSON, President, and Robert LANSING, Secretary of State, of the United States; and on the part of the French Republic, Georges CLEMENCEAU, President of the Council of Ministers, Minister of War, and Stephen PICHON, Minister of Foreign Affairs, have signed the above articles both in the English and French languages, and they have hereunto affixed their seals.

Done in duplicate at the City of Versailles, on the twenty-eighth day of June, in the year of our Lord one thousand nine hundred and nineteen, and the one hundred and forty-third of the Independence of the United States of America.

(SEAL) Woodrow WILSON.

(SEAL) Robert LANSING.

(SEAL) CLEMENCEAU.

(SEAL) S. PICHON.

TREATIES RELATED TO TREATY OF VERSAILLES

(A N N E X .)

**Assistance to France in the Event of Unprovoked Aggression
by Germany**

Signed at Versailles, June 28, 1919; ratified by the Government of the United Kingdom of Great Britain and Ireland under authorization of 9 & 10 Geo. V, c. 34, July 31, 1919; ratified by President of France under authorization of law of October 12, 1919 (Duvergier, Collection complète des lois et décrets d'intérêt général, 1919, p. 815); ratifications exchanged, November 20, 1919; effect suspended in virtue of article 2.

WHEREAS there is a danger that the stipulations relating to the left bank of the Rhine contained in the Treaty of Peace signed this day at Versailles may not at first provide adequate security and protection to the French Republic; and

WHEREAS His Britannic Majesty is willing, subject to the consent of His Parliament and provided that a similar obligation is entered into by the United States of America, to undertake to support the French Government in the case of an unprovoked movement of aggression being made against France by Germany; and

WHEREAS His Britannic Majesty and the President of the French Republic have determined to conclude a Treaty to that effect and have named as their Plenipotentiaries for the purpose, that is to say:

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. GEORGES CLEMENCEAU, President of the Council, Minister of War;

Mr. STEPHEN PICHON, Minister of Foreign Affairs;

**HIS MAJESTY THE KING OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND AND OF THE
BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR
OF INDIA:**

The Right Honourable DAVID LLOYD GEORGE, M.P., First Lord of His Treasury and Prime Minister;

The Right Honourable ARTHUR JAMES BALFOUR, O.M., M.P., His Secretary of State for Foreign Affairs;

Who having communicated their full powers, found in good and due form, have agreed as follows:

ASSISTANCE TO FRANCE

ARTICLE 1.

In case the following stipulations relating to the left bank of the Rhine contained in the Treaty of Peace with Germany signed at Versailles the 28th day of June, 1919, by the British Empire, the French Republic and the United States of America among other Powers:

“*Article 42.*—Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the West of a line drawn 50 kilometres to the East of the Rhine.”

“*Article 43.*—In the area defined above the maintenance and assembly of armed forces, either permanently or temporarily, and military manœuvres of any kind, as well as the upkeep of all permanent works for mobilisation are in the same way forbidden”.

“*Article 44.*—In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the Powers signatory of the present Treaty and as calculated to disturb the peace of the world.”

may not at first provide adequate security and protection to France, Great Britain agrees to come immediately to her assistance in the event of any unprovoked movement of aggression against her being made by Germany.

ARTICLE 2.

The present Treaty, in similar terms with the Treaty of even date for the same purpose concluded between the French Republic and the United States of America, a copy of which Treaty is annexed hereto, will only come into force when the latter is ratified.

ARTICLE 3.

The present Treaty must be submitted to the Council of the League of Nations and must be recognised by the Council, acting if need be, by a majority, as an engagement which is consistent with the Covenant of the League; it will continue in force until on the application of one of the Parties to it, the Council, acting if need be by a majority, agrees that the League itself affords sufficient protection.

ARTICLE 4.

The present Treaty shall before ratification by His Majesty be submitted to Parliament for approval.

TREATIES RELATED TO TREATY OF VERSAILLES

It shall, before ratification by the President of the French Republic, be submitted to the French Chambers for approval.

ARTICLE 5.

The present Treaty shall impose no obligation upon any of the Dominions of the British Empire unless and until it is approved by the Parliament of the Dominion concerned.

The present Treaty shall be ratified, and shall, subject to Articles II and IV, come into force at the same time as the Treaty of Peace with Germany of even date comes into force for the British Empire and the French Republic.

IN FAITH WHEREOF the above named Plenipotentiaries have signed the present Treaty, drawn up in the English and French languages.

Done in duplicate at Versailles, on the twenty-eighth day of June, 1919.

(SEAL) G. CLEMENCEAU.

(SEAL) S. PICHON.

(SEAL) D. LLOYD GEORGE.

(SEAL) ARTHUR JAMES BALFOUR.

2. Agreement with Regard to the Military Occupation of the Territories of the Rhine¹

Signed at Versailles, June 28, 1919; ratifications of Belgium, the British Empire, France, and Germany deposited at Paris, and in force, January 10, 1920;

United States: Submitted to the Senate by the President August 29, 1919; generally discussed and laid aside by the Committee on Foreign Relations February 10, 1920; not considered by the Senate; transmitted to Department of State files February 1, 1922; Unperfected Treaties M-5.

AGREEMENT

between the UNITED STATES OF AMERICA, BELGIUM, the BRITISH EMPIRE, and FRANCE,

¹ File 763.72119/9434.

RHINELAND OCCUPATION

of the one part,
and GERMANY,
of the other part,
with regard to the military occupation of the territories of the Rhine.

The Undersigned, acting under the powers conferred upon them by their respective Governments, have come to the following agreement as provided for in Article 432 of the Treaty of Peace of even date.

ARTICLE 1.

In accordance with Article 428 and the following Articles of the Treaty of even date, the armed forces of the Allied and Associated Powers will continue in occupation of German territory (as such occupation is defined by Article 5 of the Armistice Convention of the 11th November 1918, as extended by Article 7 of the Additional Convention of the 16th January 1919), as a guarantee of the execution by Germany of the Treaty.

No German troops, except prisoners of war in process of repatriation, shall be admitted to the occupied territories, even in transit; but police forces of a strength to be determined by the Allied and Associated Powers may be maintained in these territories for the purpose of ensuring order.

Note

The articles of the armistice conventions referred to are:

Armistice Convention, November 11, 1918

“V. Evacuation by the German armies of the districts on the left bank of the Rhine.

“These districts on the left bank of the Rhine shall be administered by the local authorities under the control of the allied and United States armies of occupation.

“The occupation of these territories by allied and United States troops will be assured by garrisons holding the principal crossings of the Rhine (Mainz, Coblenz, Cologne), together with bridgeheads at these points of a 30-kilometer (about 19 miles) radius on the right bank, and by garrisons similarly holding the strategic points of the region.

“A neutral zone shall be reserved on the right bank of the Rhine, between the river and a line drawn parallel to the bridgeheads and to the river, and 10 kilometers (6¼ miles) distant from them, between the Dutch frontier and the Swiss frontier.

TREATIES RELATED TO TREATY OF VERSAILLES

Note—Continued

“Evacuation by the enemy of the Rhine districts (right and left banks) shall be so ordered as to be completed within a further period of 16 days, in all 31 days after the signing of the armistice.

“All movements of evacuation and occupation will be regulated according to the note (Annex 1) drawn up at the time of the signing of the armistice.”

(For text of Annex 1, see *Treaties, Conventions, etc.*, 1910–23, III, 3313.)

Convention prolonging the Armistice with Germany, January 16, 1919

“VII. As a further guaranty, the supreme allied command reserves to itself the right to occupy, whenever it shall consider this desirable, the sector of the fortress of Strassburg formed by the fortifications on the right bank of the Rhine, with a strip of territory extending from 5 to 10 kilometers in front of such fortifications, within the boundaries defined on the map appended hereto.

“The supreme allied command shall give six days’ notice prior to such occupation, which shall not be preceded by any destruction of material or buildings.

“The limits of the neutral zone will, in consequence, be advanced by 10 kilometers.”

ARTICLE 2.

There shall be constituted a civilian body styled *the Inter-Allied Rhineland High Commission*, and hereinafter called *the High Commission*, which, except in so far as the Treaty may otherwise provide, shall be the supreme representative of the Allied and Associated Powers within the occupied territory. It shall consist of four members representing Belgium, France, Great Britain and the United States.

ARTICLE 3.

(a) The High Commission shall have the power to issue ordinances so far as may be necessary for securing the maintenance, safety and requirements of the Allied and Associated forces. Such ordinances shall be published under the authority of the High Commission, and copies thereof shall be sent to each of the Allied and Associated Governments and also to the German Government.

When so published they shall have the force of law and shall be

RHINELAND OCCUPATION

recognised as such by all the Allied and Associated military authorities and by the German civil authorities.

(b) The members of the High Commission shall enjoy diplomatic privileges and immunities.

(c) The German courts shall continue to exercise civil and criminal jurisdiction subject to the exceptions contained in paragraphs (d) and (e) below.

(d) The armed forces of the Allied and Associated Powers and the persons accompanying them, to whom the General Officers Commanding the Armies of Occupation shall have issued a revokable pass, and any persons employed by, or in the service of such troops, shall be exclusively subject to the military law and jurisdiction of such forces.

(e) Any person who commits any offence against the persons or property of the armed forces of the Allied and Associated Powers may be made amenable to the military jurisdiction of the said forces.

ARTICLE 4.

The German authorities, both in the occupied and in the unoccupied territories, shall, on the demand of any duly authorised military officer of the occupying forces, arrest and hand over to the nearest commander of the Allied or Associated troops any person charged with an offence who is amenable under paragraph (d) or paragraph (e) of Article 3 above to the military jurisdiction of the Allied or Associated Forces.

ARTICLE 5.

The civil administration of the provinces (*Provinzen*), Government departments (*Regierungsbezirke*), Urban Circles (*Stadtkreise*), Rural Circles (*Landkreise*), and Communes (*Gemeinde*), shall remain in the hands of the German authorities, and the civil administration of these areas shall continue under German law and under the authority of the Central German Government, except in so far as it may be necessary for the High Commission by Ordinance under Article 3 to adapt that administration to the needs and circumstances of military occupation. It is understood that the German authorities shall be obliged, under penalty of removal, to conform to the ordinances issued in virtue of Article 3 above.

ARTICLE 6.

The right to requisition in kind and to demand services in the manner laid down in the Hague Convention, 1907, shall be exercised by the Allied and Associated Armies of Occupation.

TREATIES RELATED TO TREATY OF VERSAILLES

The charges for the requisitions effected in the zone of each Allied and Associated army and the estimate of damage caused by the troops of occupation shall be determined by local Commissions composed in equal representation of German civilians appointed by the German civil authorities and Allied or Associated military officers, and presided over by some person appointed by the High Commission.

The German Government shall continue to be responsible for the cost of maintenance of the troops of occupation under the conditions fixed by the Treaty. The German Government shall also be responsible for the costs and expenses of the High Commission, and for its housing. Suitable premises for the housing of the High Commission shall be selected after consultation with the German Government.

Note

The convention respecting the laws and customs of war on land, signed at The Hague, October 18, 1907, is at *Treaties, Conventions, etc.*, 1776-1909, II, 2269. Section III of the annexed regulations deals with "military authority over the territory of the hostile state".

ARTICLE 7.

The Allied and Associated troops shall continue undisturbed in possession of any premises at present occupied by them, subject to the provision of Article 8 (*b*) below.

ARTICLE 8.

(*a*) The German Government shall undertake, moreover, to place at the disposal of the Allied and Associated troops and to maintain in good state of repair all the military establishments required for the said troops, with the necessary furniture, heating and lighting, in accordance with the regulations concerning these matters in force in the various armies concerned. These shall include accommodation for officers and men, guard-rooms, offices, administrative, regimental and staff headquarters, workshops, store-rooms, hospitals, laundries, regimental schools, riding schools, stables, training grounds and rifle and artillery ranges, aviation grounds, grazing grounds, warehouses for supplies and grounds for military manœuvres, also theatre and cinema premises, and reasonable facilities for sport and for recreation grounds for the troops.

(*b*) Private soldiers and non-commissioned officers shall be accommodated in barracks, and shall not be billeted on the inhabitants, except in cases of exceptional emergency.

RHINELAND OCCUPATION

In the event of the existing military establishments being insufficient or not being considered suitable, the Allied and Associated troops may take possession of any other public or private establishment with its personnel, suitable for those purposes, or, if there are no such suitable premises, they may require the construction of new barracks.

Civilian and military officers and their families may be billeted on the inhabitants in accordance with the billeting regulations in force in each army.

ARTICLE 9.

No German direct taxes or duties will be payable by the High Commission, the Allied and Associated armies or their personnel.

Food supplies, arms, clothing, equipment and provisions of all kinds for the use of the Allied and Associated Armies, or addressed to the military authorities, or to the High Commission, or to canteens and officers' messes, shall be transported free of charge and free of all import duties of any kind.

ARTICLE 10.

The personnel employed on all means of communication (railways, railroads and tramways of all kinds, waterways (including the Rhine), roads and rivers), shall obey any orders given by, or on behalf of, the Commander-in-Chief of the Allied and Associated armies for military purposes.

All the material and all the civil personnel necessary for the maintenance and working of all means of communication must be kept intact on all such means of communication in the occupied territory.

The transport on the railways of troops or individual soldiers or officers, on duty or furnished with a warrant, will be effected without payment.

Note

The railroad Régie yielded total profits for the reparation account of 576,408,607.37 francs.

In all 4200 lawsuits were brought against it for claims amounting to 75,000,000 francs, the Régie being condemned to pay about 6,000,000 francs.

ARTICLE 11.

The Armies of Occupation may continue to use for military purposes all existing telegraphic and telephonic installations.

TREATIES RELATED TO TREATY OF VERSAILLES

The Armies of Occupation shall also have the right to continue to install and use military telegraph and telephone lines, wireless stations and all other similar means of communication which may appear to them expedient. For this purpose, subject to the approval of the High Commission, they may enter upon and occupy any land, whether public or private.

The personnel of the public telegraph and telephone services shall continue to obey the orders of the Commander-in-Chief of the Allied and Associated Armies given for military purposes.

Telegrams and messages to or from the Allied and Associated authorities and the High Commission and of an official nature shall be entitled to priority over all other communications and shall be despatched free of charge. The Allied and Associated military authorities shall have the right to supervise the order in which such communications are transmitted.

No wireless telegraphy installations shall be allowed to be erected by the authorities or by the inhabitants of the occupied territory without previous authorisation by the Allied and Associated military authorities.

ARTICLE 12.

The personnel of the postal service shall obey any orders given by or on behalf of the Commander-in-Chief of the Allied and Associated Armies for military purposes. The public postal service shall continue to be carried out by the German authorities, but this shall not in any way affect the retention of the military postal services organised by the Armies of Occupation, who shall have the right to use all existing postal routes for military requirements.

The said armies shall have the right to run postal wagons with all necessary personnel on all existing postal routes.

The German Government shall transmit free of charge and without examination letters and parcels which may be entrusted to its post-offices by or for the Armies of Occupation or by or for the High Commission; and shall be responsible for the value of any letters or parcels lost.

ARTICLE 13.

The High Commission shall have the power, whenever they think it necessary, to declare a state of siege in any part of the territory or in the whole of it. Upon such declaration the military authorities shall have the powers provided in the German Imperial Law of May 30th, 1892.

RHINELAND OCCUPATION

In case of emergency, where public order is disturbed or threatened in any district, the local military authorities shall have the power to take such temporary measures as may be necessary for restoring order. In such case the military authorities shall report the facts to the High Commission.

Note

The German imperial law of May 30, 1892 (*Reichsgesetzblatt*, 1892, p. 667) laid down the procedure for preparing for the state of war in Alsace and Lorraine, which were *Länder* of the Reich, not *Staaten*.

Done at Versailles, the twenty-eighth day of June, one thousand nine hundred and nineteen.

WOODROW WILSON.

ROBERT LANSING.

HENRY WHITE.

E. M. HOUSE.

TASKER H. BLISS.

D. LLOYD GEORGE.

A. BONAR LAW.

MILNER.

ARTHUR JAMES BALFOUR.

GEORGE N. BARNES.

CHAS. J. DOHERTY.

ARTHUR L. SIFTON.

W. M. HUGHES.

JOSEPH COOK.

LOUIS BOTHA.

J. C. SMUTS.

W. F. MASSEY.

ED. S. MONTAGU.

GANGA SINGH

MAHARAJA DE BIKANER.

G. CLEMENCEAU.

S. PICHON.

L. L. KLOTZ.

ANDRÉ TARDIEU.

JULES CAMBON.

HYMANS.

J. VAN DEN HEUVEL.

EMILE VANDERVELDE.

HERMANN MÜLLER.

DR. BELL.

The President of the Inter-Allied Rhineland High Commission to General Allen, Commander in Chief, the American Army of Occupation.

COBLENCE, *January 12, 1920.*

The Supreme Council passed the following resolution at its sitting of December 30th, 1919:

“It has been decided that from the date of the coming into force of the Treaty of Peace with Germany, the jurisdiction of the Rhineland High Commission shall extend to all territories of the left bank, including those which are at present occupied by American troops.

TREATIES RELATED TO TREATY OF VERSAILLES

Note—Continued

“Mr. Wallace will refer the present resolution to Washington for instructions from his Government.”

Moreover, the Supreme Council has informed the German Government that the absence of American Delegates in the various Commissions provided for by the Treaty of Peace would be no obstacle to the coming into force of the said Treaty of Peace.

The High Commission considers that the most opportune means of settling the legal situation thus created in the zone occupied by the American Army would be, that its ordinances should be issued in the said zone by the American military authorities. As regards the proclamation of the High Commission, this will be posted up in its name in its capacity of supreme representative of the three Allied Powers who have ratified the Treaty of Peace.

The High Commission considers that, since the Ambassador of the United States declared in the course of the above-mentioned sitting of the Supreme Council, that he would refer the matter to his Government, the question of territorial command should remain unaltered, so far as you are concerned, until a definite decision is given by the interested Governments.

The High Commission takes this opportunity of thanking you for the spirit of conciliation which you have shown with a view to the settlement of the present situation.

THE PRESIDENT OF THE INTER-ALLIED RHINELAND
HIGH COMMISSION

PAUL TIRARD.

THE INTER-ALLIED SECRETARIES GENERAL

C. CALTHROP,

J. CHASTENET.

Notes Relating to Agreement with Regard to the Military Occupation of the Territories of the Rhine

The occupation of the Rhineland following the armistice of November 11, 1918 was purely military but, owing to the economic importance of the area, the commanding officers were confronted with many problems of non-military character. In addition to the activities of the numerous commissions operating under the Permanent Inter-Allied Armistice Commission throughout the territory, the military commanders had the supervision of civil affairs in the area.

The Inter-Allied Economic Commission, composed of representatives of the French, Belgian, British, and American armies, was

RHINELAND OCCUPATION

Notes on Occupation of the Rhineland—Continued

organized at Luxembourg on January 6, 1919 and was superseded, with an increase of power, by the Inter-Allied Rhineland Commission under a charter dated April 21, 1919 promulgated by the Supreme Economic Council. This commission issued a series of ordinances for coordinating the administration of the occupied zones which were communicated to the army commanders, who transmitted them to the civil officials concerned.

The military system of supervision of that commission was superseded on January 10, 1920 when the agreement of June 28, 1919 supplanted it by the Inter-Allied Rhineland High Commission, a civilian body which dealt directly with the German authorities and was superior to the commanders of the occupying troops.

THE OCCUPIED TERRITORY

When the treaty of peace with Germany came into force the Inter-Allied Rhineland High Commission became, under article 432, the agency for regulating "all matters relating to the occupation" which were not provided for in part XIV of that treaty, where the objects and conditions of the occupation are stated.

The High Commission as "the supreme representative of the Allied and Associated Powers within the occupied territory" exercised its authority in the territory which the armed forces occupied. The extent of that territory was defined by article V of the armistice convention of November 11, 1918 and article VII of the prolongation of January 16, 1919, while article 429 of the treaty of peace divided into three zones the area occupied on the left (west) bank of the Rhine and the bridgeheads. From these provisions it follows that the occupied territory included these parts of Germany:

1. On the left bank of the Rhine, that is, west of the Rhine;
2. A reserved neutral zone on the right (east) bank of the Rhine between the Netherlands and Swiss frontiers from the river to a line 10 kilometers east of it and parallel to the bridgeheads and the river;
3. Bridgeheads at Cologne, Coblenz, and Mainz of a 30-kilometer radius;
4. A bridgehead area at Kehl, opposite Strasbourg, including the fortifications and territory extending 5 to 10 kilometers in front of them.

In addition, Germany was forbidden by article 42 of the treaty of peace to maintain or construct fortifications on the left bank of the Rhine (within the occupied territory) or on the right bank of

TREATIES RELATED TO TREATY OF VERSAILLES

Notes on Occupation of the Rhineland—Continued

the Rhine west of a line drawn 50 kilometers east of the river (which embraced all of the occupied territory and extended eastward of it).

On August 8, 1919 the Supreme Council accepted a proposal of the Allied commander in chief that German military forces be temporarily employed in the 10-kilometer and 50-kilometer zones on the right bank of the Rhine. The proposal increased the German troops authorized within the 50-kilometer zone from 10 battalions and 10 squadrons to 15½ battalions, 8 squadrons, and 2 batteries.

The areas occupied by national troops did not necessarily correspond to the three zones of the treaty. At the outset Belgian troops extended from the Netherlands frontier to the Düsseldorf-Neuss-Grevenbroich-Stolberg-Aachen (Aix-la-Chapelle) line; the British held to the Oberwinter-Lömmersdorf-Stadtkyll-Lutzkampen line; the Americans to the Limburg-Coblenz-Trier line; and the French southward to the border of the third zone, and the Kehl bridgehead. Military headquarters were originally five in number at: I, Wesel; II, Wipperfürth; III, Westerburg; IV, Frankfurt; V, Karlsruhe.

The territory occupied in consequence of article 428 of the treaty of peace embraced parts of five of the German states, Baden, Bavaria, Birkenfeld, Hesse, and Prussia. The Rhine Province of Prussia and the Palatinate of Bavaria were included. The bridgehead sectors around Cologne, Coblenz, and Mainz and the line of article 42 lying 50 kilometers east of the Rhine both precluded the boundaries of the occupied territory from matching the administrative boundaries of the state provinces or their *Kreise*.

In consequence of the default in fulfilment of German obligations under the treaty of peace found by the Conference of Allied Governments on March 7, 1921 at London in the course of their deliberations in fixing the amount of reparation, the Inter-Allied Rhineland High Commission was empowered by the Conference of Ambassadors on April 2, 1921 to set up a customs line defined as follows (Inter-Allied Rhineland High Commission, *Official Gazette*, 1921, p. 85):

“(1) The Rhine from its entry into Holland up to Lohausen (north of Düsseldorf) including the ports of Schwelgen, Ruhrort and Duisburg;

“(2) A bridgehead around Düsseldorf, bounded by Lohausen, Ratingen, and Hubbelrath and Erkrath both inclusive;

RHINELAND OCCUPATION

Notes on Occupation of the Rhineland—Continued

“(3) The Bridgehead of Cologne;

“(4) The Rhine between the two Bridgeheads of Cologne and Coblenz;

“(5) The Bridgeheads of Coblenz and Mainz joined between Diez and Walsdorf by following the North Eastern boundaries of the Kreise of Diez and Langenschwalbach;

“(6) The Rhine from the Mainz Bridgehead to the Alsatian frontier.”

From January 1923 until September 1924 the Ruhr, lying to the east of the Rhine and the “Cologne” zone, was occupied by Belgian, French, and Italian troops, as a sanction for the reparation default found by the Reparation Commission on December 26, 1922 (see p. 485), and the civil regime operated by the High Commission was extended to that “zone”.

After the withdrawal of the American Forces in Germany in January 1923, the three zones defined by article 429 of the treaty were occupied by Belgian, British, and French troops, the latter taking over the former American area. After evacuation of the first or Cologne zone in February 1926, the British army of occupation took over part of the Mainz bridgehead sector and the High Commission effected an agreement, signed at Coblenz, April 9, 1927, which defined the northern boundaries of the territories occupied by the Belgian and French armies (*ibid.*, 1927, parts 1–4, p. 36, and parts 5–9, p. 17). A final diminution of the occupied territory before evacuation of the third or southern zone was effected by an agreement defining the northern boundary of that zone which was signed at Coblenz, September 30, 1929 (*ibid.*, 1929, parts 8–10, p. 6).

For some ten years the Rhineland area, with the varying extent just indicated, was in the occupation of American, Belgian, British, French and, for a space, Italian troops as contemplated by part XIV of the treaty of peace, and the German Reich and state administrations were subordinated to the extent provided in the agreement under review to the civil supervision of the Inter-Allied Rhineland High Commission.

THE INTER-ALLIED RHINELAND HIGH COMMISSION

Both the non-German military and civil regimes were directly responsible to the governments they represented; but to the military commands were applicable the ordinances established by the High Commission, while the High Commission was obligated to carry

TREATIES RELATED TO TREATY OF VERSAILLES

Notes on Occupation of the Rhineland—Continued

out the provisions of the agreement of June 28, 1919 and to frame decisions in accordance with its intentions. The High Commission did not exercise control over the military commands, upon which devolved the duty of executing its decisions, if necessary. Each had both a national and an international function, between which any reconciliation fell to the governments each respectively represented. Any differences between the policies of governments were adjusted in the body of the High Commission by their representatives, by the governments in conference or in individual negotiations.

The High Commission sat at Coblenz, the capital of the Rhine Province of Prussia and the headquarters of the American army of occupation. Each member had a deputy, so that meetings were always fully attended. Decisions were taken by majority vote, the French President having a casting vote in case of a tie.

With the transfer of authority to the Inter-Allied Rhineland High Commission as "the supreme representative of the Allied and Associated Powers within the occupied territory", a practical question arose as to the position of the "Associated Power", the United States, which had not ratified the treaty but which was maintaining an army of occupation with headquarters at Coblenz, the administrative capital of the occupied zones. The commission's authority became conventional, while the Commanding General, of the American Forces in Germany, was still acting under the armistice. Negotiations led to an arrangement by which the proclamation of the Inter-Allied Rhineland High Commission under which it assumed authority was posted as it stood with the permission of the Commanding General, while the ordinances were posted with a caption showing that they came into force by his order.

Pierrepont B. Noyes was the American representative on the Inter-Allied Rhineland Commission and became "unofficial observer" on the Inter-Allied Rhineland High Commission when it came into existence on January 10, 1920. He was relieved of that duty by telegram of May 17, 1920 (*Foreign Relations*, 1920, II, 327) at his own request "in accord with the idea of reducing so far as possible American personnel in Europe". He was replaced on June 3 by Major General Henry T. Allen, Commanding General, American Forces in Germany. This appointment was not claimed to be under the agreement, which provided that the commission should be civilian. The personality of the incumbent enabled him to avoid the difficulties inherent in his dual capacity of observer on the commission and military commander.

RHINELAND OCCUPATION

Notes on Occupation of the Rhineland—Continued

On January 10, 1923, the eve of the occupation of the Ruhr, the French, British, German, Belgian, Italian, and Swiss Governments were informed "that, in the judgment of the President, the time has come to carry out the complete withdrawal of American troops on the Rhine".

After the American zone was turned over to French authorities on January 27, the Secretary of State instructed Major General Allen on January 31, 1923 to withdraw as observer with the Inter-Allied Rhineland High Commission. The withdrawal of the troops did away with the circumstances which warranted maintenance by the United States Government of "an unofficial observer with the Commission in order that it might be properly advised when promulgating regulations in the American zone of occupation, of the actions and general purposes of the Commission" (*ibid.*, 1923, II, 193).

The German Government was informed on July 12, 1919 that it might, as requested, maintain in the Rhineland a Commissioner who must be approved by the Allies and whose competence would extend only to matters under the authority of the Reich Government, the High Commission reserving the right to enter into relations with local authorities. The first Reichscommissar thus appointed, by reason of his refusal to deliver offenders against the ordinances of the High Commission, resigned while a demand for his recall was being debated. Conditions for approval of his successor were approved on July 27, 1921 and Prince Hatzfeldt-Wildenburg performed the functions very correctly until German passive resistance in 1923 rendered the position anomalous, especially with respect to the advocacy of applying German laws in the occupied territory. On April 15, 1923 the High Commission decided to bring to an end the mission of the German Commissioner which it regarded as injuring the authority and impeding the execution of ordinances. German laws were then submitted directly to the High Commission and decisions of lack of objection, suspension, or veto of their application to the occupied territories were notified directly to local state officials (*ibid.*, IV, 371). Assent to the designation of a new German Commissioner and discontinuance of the system of local representatives were announced by the High Commission in a communiqué, issued with the promulgation of ordinance No. 308, November 17, 1925, which spelled out the "atmosphere of reconciliation" evoked by the Locarno settlement.

TREATIES RELATED TO TREATY OF VERSAILLES

Notes on Occupation of the Rhineland—Continued

THE ARMIES OF OCCUPATION AND THEIR COST

After the armistice of November 11, 1918 approximately 1,000,000 Allied and Associated troops moved eastward in Belgian, British, French, American, and French armies in that order from north to south. Under the control of the Permanent Inter-Allied Armistice Commission they took up positions in the Rhineland and during the proceedings of the Paris Peace Conference those armies were in occupation of substantially the areas which they held after the zones were established by treaty. Demobilization in all armies proceeded and when the treaty of peace was signed on June 28, 1919 the American army of occupation, which had arrived in a strength of nearly 250,000 men, mustered 110,000. When the treaty regime began on January 10, 1920 the strength had fallen to 12,000, which was being reduced to 5500.

In October 1921 the Belgian and French troops mustered around 95,000. In September 1925 the average monthly strength was: French, 75,975; Belgian, 15,669; British, 9410. The British contingent fell to 1050 by the end of 1927. The French average from March 1927 to February 1928 was 50,333, below the strength allowed by the agreement of January 31, 1927.

The position of the American army of occupation became uncertain when it was apparent that the United States was not to ratify the treaty of peace. The Allied Governments and Germany were averse to seeing that army withdraw and the United States Government perceived an advantage in maintaining troops in German territory until the "treaty restoring friendly relations" was consummated, which was not until November 11, 1921.

On March 20, 1922 the United States Government sent a note to the occupying governments asserting a "right to priority of payment for its actual army costs, upon an equal footing with the Allied Powers" and hoping that no distribution of cash payments by Germany would exclude the claim of the United States (*Foreign Relations*, 1922, II, 223, 224). On March 22 the Secretary of War instructed the commanding general in the Rhineland to withdraw the American troops before June 30, without announcing his orders. The intention disturbed the French because the presence of American troops at Coblenz, the Rhineland capital, would minimize danger of friction; the British because the French program of provoking annexation might create a situation which Great Britain would not approve or be responsible for; the Belgians because American de-

RHINELAND OCCUPATION

Notes on Occupation of the Rhineland—Continued

parture would remove a steadying influence in the occupied zones. Germany on March 29 handed the American chargé d'affaires a note verbale expressing satisfaction at the intended reduction of the American forces. The political effect of complete withdrawal "would be to the detriment of Germany", which therefore made an "urgent request to the American Government not to withdraw". In view of those requests, the United States Government on June 3 informed Germany that a force of some 1000 soldiers "is to remain at Coblenz for the time being".

When the occupation of the Ruhr became imminent in January 1923, the Secretary of State informed the governments of the occupying states and Germany that, in the judgment of the President, the time for complete withdrawal of the American troops on the Rhine had come. The American zone was turned over to French authorities at noon on January 27, 1923 (*ibid.*, 1923, II, 193).

The cost of the armies of occupation was at Germany's charge. Until the treaty of peace was in force the territorial extent of the occupation was not limited by agreement. Afterward the number of troops was at the discretion of the occupying governments or the result of agreement between them.

The cost of the armies of occupation, by article 251 (a) and (b) of the treaty of peace, constituted a prior charge upon German assets and revenues before credits for reparation payments. The Reparation Commission's accounts were divided by the date May 1, 1921. Up to that date credits of the utmost diversity were claimed for credit by or to Germany, while after it the credits to Germany arose from fairly well defined types of payment. The pre-May 1, 1921 costs of armies of occupation, representing the charges due to the initial period of post-armistice turmoil, were especially heavy and, except for takings in kind, were unpaid at that date. The net cost of armies of occupation in gold marks, national currencies converted at average of quarters, and paper-mark credits at current rates, as at April 30, 1921, was (file 462.00 R 29/833):

	Gold marks
United States	1,029,604,096.17
France	1,044,949,631.89
Great Britain	906,748,713.75
Belgium	177,695,146.14
Italy	10,064,861.29
	3,169,062,449.24

TREATIES RELATED TO TREATY OF VERSAILLES

Notes on Occupation of the Rhineland—Continued

These amounts were the subject of subsequent arrangements by the creditors as follows:

Article V of the Spa agreement, July 16, 1920;

Articles I, II, VIII (*a*) and (*b*) of the agreement of Finance Ministers, Paris, March 11, 1922;

Agreement between the United States and Great Britain, France, Italy, and Belgium in regard to the reimbursement of the costs of the American army of occupation, Paris, May 25, 1923;

Articles 2, 15, and 21 of the Finance Ministers' Agreement, January 14, 1925;

Article 1 of the agreement regulating the distribution of the second Dawes annuity, September 21, 1925;

Article 1 of the agreement regulating amounts to be allocated from the Dawes annuities, January 13, 1927;

Section 1 (*b*) of the debt agreement between the United States and Germany, June 23, 1930.

Under this series of agreements Belgium, France, and the United Kingdom obtained nearly full payment for their army cost arrearages through the reparation system and Germany benefited by marked reduction of the current costs of the armies and of the High Commission. The account of the United States as of July 1, 1941 stood:

Total army and commission costs, 1918-23	\$292,663,435.79
Credits (cash or kind)	44,797,790.30
Under agreement of May 25, 1923	14,725,154.40
Under agreement of Jan. 14, 1925	39,203,725.89
Under agreement of June 23, 1930	12,069,631.84
Unpaid balance of original	\$181,867,133.36

CIVIL AUTHORITY OF THE HIGH COMMISSION

The basic system of regulation established by the Inter-Allied Rhineland High Commission was a series of six ordinances and seven instructions issued on its assuming authority. These were revisions of regulations which had taken form under the previous regime of the Inter-Allied Rhineland Commission.

The ordinances dealt with the following matters:

No. 1: Legislative power of the High Commission, orders of the military authorities and operation of German laws and regulations in the occupied territories; No. 2: Criminal and civil jurisdiction and offenses relating to the occupation; No. 3: Movement of persons,

RHINELAND OCCUPATION

Notes on Occupation of the Rhineland—Continued

postal, telegraphic, and telephone communication, restrictions on the press and public meetings, possession and trading in arms and ammunition; No. 4: Extension of the ordinances to the Kehl bridgehead; No. 5: Procedure to be followed in settlement of industrial disputes; No. 6: Powers and duties of the Inter-Allied Rhineland Railway Commission.

The instructions were as follows:

No. 1: Use of the Allied forces in occupied territories for the maintenance of public order; No. 2: Duties of German authorities in the matter of police and security; No. 3: Notification of appointment of German officials; No. 4: Notification of diseases; No. 5: Exemption from the jurisdiction of courts; No. 6: Supervision and inspection of prisons; No. 7: Permits to carry arms and ammunition.

In general stricter or relaxed controls were effected by amendment of these ordinances and instructions. The basic ordinances were issued in fulfilment of the "duty of the Inter-Allied High Commission to secure the maintenance, safety and requirements of the Armies of Occupation and the consequent maintenance of public order".

Part III of ordinance No. 1, January 10, 1920, made it a condition for German laws and regulations coming into force in the occupied territories that they be registered with the High Commission and not be vetoed by the High Commission. The German Commissioner during his tenure dealt with this matter.

Alternatively German imperial and state laws and general regulations did not "derogate from the provisions of any ordinance of the High Commission" (ordinance No. 48, October 2, 1920, *Official Gazette*, 1920, part 10, p. 27).

Part III was replaced by ordinance No. 284, December 4, 1924, which substantially made German legislative texts applicable in the occupied territory as from the same date as in non-occupied Germany, unless the High Commission in a preliminary examination had questioned them (*ibid.*, 1924, part v, 705). A further relaxation occurred after the Locarno *rapprochement* under ordinance No. 308 (*ibid.*, part vi, p. 25).

Pursuant to article 212 of the treaty of peace, which continued in force specified articles of the armistice convention, and articles 3 and 10 of the Rhineland agreement the High Commission adopted ordinance No. 6 regarding the powers and duties of the Inter-Allied Rhineland Railway Commission on January 10, 1920 (*ibid.*, I, parts i and iii, p. 11) and ordinance No. 17 regarding the powers of the Inter-Allied Rhineland Navigation Commission on April 1, 1920

Notes on Occupation of the Rhineland—Continued

(*ibid.*, parts iv and v, p. 25). The High Commission maintained relations with the Central Rhine Commission, with the system of which the Inter-Allied Navigation Commission's primary duty of executing military orders of the commanders in chief occasionally required reconciliation. Conditions during the Ruhr occupation were restrictive of the free-navigation objectives of the Central Rhine Commission.

Until after the period of the Ruhr occupation the possibility of a separatist movement being openly fostered by the French High Commissioner was present. The idea of a Rhineland buffer state had been advocated by some of the French spokesmen at the Paris Peace Conference and the occupation provisions of the treaty of peace were the net result of that contention. The French High Commissioner watched the separatist agitators closely and sought to keep them from being regarded by the High Commission or treated by the German authorities as mere disturbers of the peace. A number of incidents in the High Commission arose out of this difference in policies.

The best known was the abduction of Hans Dorten from Wiesbaden by the Frankfurt police on July 24, 1920 on a warrant issued by the Supreme Court at Leipzig for his complicity as leader in proclaiming "an independent Rhenish Republic" at Wiesbaden on May 31, 1919. Dorten was returned and on August 6, 1920 the German Commissioner expressed to the High Commission "the regret of the Central Government that, contrary to the ordinances in force in the Occupied Territories, the apprehension of Dr. Dorten has taken place" (*ibid.*, 1920, parts 8 and 9, p. 79).

THE SANCTIONS OF 1921

Two instances of abnormal conditions occurred during the incumbency of the Inter-Allied Rhineland High Commission, one as a sanction for a duly found default of Germany and the other a sanction for a default concerning which only certain states took action.

The first of these was the decision of March 3, 1921 by the creditor states at the London conference preceding the fixation of the Schedule of Payments, when the finding of Germany in default on a number of obligations and the occupation of certain Ruhr towns, with a customs cordon, were determined upon (see p. 430). In execution of that determination, French, Belgian, and British troops occupied Düsseldorf, Duisburg, and Ruhrort, the Rhine ports of the Ruhr

RHINELAND OCCUPATION

Notes on Occupation of the Rhineland—Continued

industrial district. The Belgian troops acquired a bridgehead at Duisburg-Ruhrort in the newly occupied territory. The Conference of Ambassadors disapproved a proposal to extend the jurisdiction of the High Commission to the newly occupied territory, though the military government was modified by its legislation.

With regard to the other part of the London decision, the High Commission on March 8 ordered the blocking of all customs duties collected or to be collected by the German administration in the occupied territories in a special account and placed under its own orders the departments of customs, exports, and imports and for the prevention of the flight of capital (ordinance No. 77, *Official Gazette*, 1921, p. 67). Though the occupation did not evoke local violence, it did provoke passive resistance. On April 2 the Conference of Ambassadors empowered the High Commission to regulate the customs organization of the occupied territories and ordinance No. 81, April 8 (*ibid.*, p. 85) established the Customs Managing Board which by delegation exercised the new powers of the High Commission over exports and imports. Other ordinances followed to effectuate the decision of the Conference of Ambassadors, including its military and judicial enforcement.

The sanctions were lifted in fulfilment of a resolution of the Supreme Council dated August 31, 1921, to which the German Government signified its assent. The resolution empowered the High Commission, with the cooperation of the representative of the Italian Government, to order and carry out all measures for the abolition of the sanctions and for liquidating their consequences. Ordinance No. 98, September 29, 1921 (*ibid.*, p. 225), repealed the legislation which carried out the decision of March 3. The ordinance was operative September 30 at 24:00 o'clock. The collections amounted to 1,350,000,000 paper marks. The military occupation of the Ruhr ports, Düsseldorf, Duisburg and Ruhrort, continued and on May 17, 1923 the High Commission decided that passports to non-occupied Germany were valid for persons habitually residing in the occupied zones, "the Ruhr and the bridgehead of Düsseldorf forming a separate zone" (*ibid.*, 1923, p. 501).

THE OCCUPATION OF THE RUHR

The second instance of applying sanctions extended from January 11, 1923 until September 1, 1924. It was based upon a divided finding of a German default in timber deliveries to France by the

Notes on Occupation of the Rhineland—Continued

Reparation Commission on December 26, 1922 (see p. 485). A default in coal deliveries was also found on January 9, 1923. Supported by those findings, France and Belgium, with Italy, sent engineers into the Ruhr with a view to controlling the economic output of the basin. French and Belgian troops on January 11 occupied Essen and other points while the Mission inter-allié de contrôle des usines et des mines (Inter-Allied Commission of Control of Works and Mines), a technical service of the reparation system, moved in to establish contact with the German industrialists and after April 17 to operate the coal mines (special ordinances Nos. 163, 166, 199, 211, *ibid.*, 1923, pp. 327, 345, 685, 783). The German Government encouraged opposition to these measures and the popular movement against them resulted in an elaborate system of passive resistance in which the Ruhr population was vouchsafed many forms of assistance, including a German national forced loan in the course of the astronomic inflation of German currency. The United States Government in January withdrew its army of occupation from the Rhineland and its "unofficial observer" from the High Commission. The British Government took no part in the military occupation of the Ruhr area and did not participate in the collection or distribution of funds for reparation account which was its object.

The Inter-Allied Rhineland High Commission, augmented by an Italian delegate, was called upon to take an active part in the affair by the passage of ordinances necessitated by the conditions created by the extension of the occupation. Regular ordinances to deal with many phases of the situation were based on the general authority of the High Commission, but the extended series of "special" ordinances which gave character to the affair was issued "in pursuance of instructions received by certain of the High Commissioners". The High Commission had previously objected to, vetoed, or suspended the operation of German laws and decrees in the occupied territories very sparingly. In the course of the passive resistance hundreds of such items were held up; a large number of those objections were rescinded at the close of the period (see *Official Gazette*, April 1924 and onward).

The High Commission, having taken over several administrative functions and sequestered specified types of property, by special ordinance No. 135, January 20, 1923 (*ibid.*, p. 57), constituted five committees to insure the execution of its decisions. These were: Customs Managing Committee; Import and Export License Manag-

RHINELAND OCCUPATION

Notes on Occupation of the Rhineland—Continued

ing Committee; Forest Managing Committee; Special Coal and Mines Committee; Special Accounting Committee.

In addition to control over all trade across the bounds of the occupied territories, the High Commission undertook to seize material, goods, and property assignable to restitution or reparation under part VIII of the treaty of peace (special ordinances Nos. 153, 154, Mar. 15, 1923, *ibid.*, pp. 183, 189). Germany attempted to frustrate that purpose by a decree of March 29, which was prevented from taking effect (*ibid.*, p. 383).

Administration of the railways in all the occupied zones was taken over by a Belgo-French *régie* under ordinance No. 149, March 1, 1923 (*ibid.*, p. 159) on account of German violation of article 212 of the treaty of peace in ordering the personnel to interrupt service and to obstruct its resumption. The lines were returned to the German Railway Company as organized under the Experts' (Dawes) Plan at midnight November 15, 1924 (*ibid.*, 1924, p. 653), a final step in effecting the transition to that Plan which entailed revision of the functions of the Inter-Allied Rhineland Railway Commission (*ibid.*, p. 667). On June 28, 1923 the High Commission established a Belgo-French Managing Committee for the Liquidation of Undelivered Goods on the Rhineland Railways, which took possession of all loaded cars and warehoused merchandise (*ibid.*, 1923, p. 509). The committee was discontinued and provision made for settling outstanding claims by special ordinances Nos. 275 and 281, October 29, 1924 (*ibid.*, 1924, pp. 575, 661). Disputes relating to the civil responsibility of the *régie* were heard by a Mixed Judicial Commission for the Rhineland Railways which was established at Mainz on February 11, 1924 under its own rules of procedure (*ibid.*, 1924, pp. 69, 609 and 1925, parts 3-5, p. 20). It handled cases begun before February 16, 1925.

A German law regarding the forced loan of July 20, 1922 was amended on March 20, 1923 to obtain support for the passive resistance movement. The High Commission suspended its application by special ordinance No. 168, April 30, 1923, in view of the fact that the Reich was "employing all available means and in particular the resources derived from this loan to finance the resistance which it is offering to the Allies" (*ibid.*, 1923, p. 361). The suspension was lifted by ordinance No. 273, October 16, 1924 (*ibid.*, 1924, p. 557).

The circulation of the rentenmark, the currency uttered by Germany through a special bank of issue when the depreciation of the

Notes on Occupation of the Rhineland—Continued

Reichsmark attained fantastic proportions, was allowed by the High Commission's decision of November 19, 1923 (*ibid.*, 1923, p. 929). However, payment of taxes or rates in Belgian or French currency to the German revenue authorities was specifically prohibited by ordinance No. 242 of January 24, 1924 (*ibid.*, 1924, p. 23); Luxembourg currency was included in the prohibition on March 28, 1924 (*ibid.*, p. 145). Transactions in foreign currency were permitted from October 1, 1924 (*ibid.*, p. 549).

Emergency currency (*Notgeld*) issued by local authorities, banks and other bodies, and even private persons made its appearance in September 1923. The High Commission on September 20 issued ordinance No. 212 regulating these issues, fixing areas of control and authorizing a Special Currency Committee, composed of Germans, to agree with the Financial Committee of the High Commission upon the bodies which should issue it (*ibid.*, 1923, p. 789). The regulations were canceled September 3, 1924 (*ibid.*, 1924, p. 505). In October 1924 the High Commission rescinded its objections to a long series of German laws and decrees relating to currency matters (*ibid.*, pp. 623-40).

The Inter-Allied Rhineland High Commission, "in pursuance of instructions received by certain of the High Commissioners from their respective Governments as a result of the voluntary default on the part of Germany, established by the Reparation Commission", abrogated all special ordinances issued since No. 132 of January 13, 1923 by special ordinance No. 274 of October 20, 1924. At midnight October 27, 1924 all Allied services specially set up since January 11, 1923 for the working of the pledges were abolished and all mines, cokeries, and other industrial, agricultural, forest, and shipping undertakings exploited under their management or leased by occupying authorities were restored to the owners (Inter-Allied Rhineland High Commission, *Official Gazette*, 1924, p. 561). During the period the commission passed upon a great volume of German legislation, application of much of which it vetoed in the occupied territories. A settlement of the questions pending at the close of the period of occupation was effected by a "compromise" signed at Coblenz by Allied and German technical representatives on October 28, 1924 and in effect October 21 (*ibid.*, p. 643).

"Considering that the agreements of Locarno should carry into the occupied territories an atmosphere of reconciliation" and that the regime "should be reviewed in a reciprocal spirit of confidence, good faith and good will," the Inter-Allied Rhineland High Com-

RHINELAND OCCUPATION

Notes on Occupation of the Rhineland—Continued

mission by its ordinance No. 308, Coblenz, November 17, 1925, introduced in a general revision "the alleviations compatible with the Treaty of Versailles, the Rhineland Agreement and the necessities of the occupation" (*ibid.*, 1925, p. 23).

The Ruhr occupation led directly to the revision of the reparation obligations incumbent upon Germany. The Report of the First Committee of Experts rendered on April 9, 1924 was acceptable to all concerned and an alleviation of conditions in the Rhineland followed its publication. In the reparation system the interlude of the Ruhr period ran from January 11, 1923 until September 1, 1924, when Germany's payments under the annuities of the Experts' (Dawes) Plan began. The "Ruhr accounts" were passed by the Permanent Managing Committee of the Reparation Commission on November 12, 1925 in a report by Thomas Nelson Perkins, the "Delegation of the Citizen of the United States of America member of the Reparation Commission by virtue of the Inter-Allied Agreement of August 30, 1924". In addition to 86,966,715 gold marks accounted for as expenses, a total of 894,230,569.41 gold marks was obtained by the French, Belgian, and Italian Governments. Of this amount 469,868,656.41 gold marks was debited as deliveries in kind as follows: France, 312,901,159.37; Belgium, 93,993,140.49; Italy, 62,974,356.55. Cash receipts of 424,361,913 gold marks were eventually paid to Belgium under article 12 D and to the United States in conformity with article 3 B-1 of the Finance Ministers' Agreement of January 14, 1925. Of the amount 355,781,489.46 went to Belgium on account of its priority (with 109,000,000 transferred to France under mutual arrangements) and 6,766,213.26 for interest due on German treasury bills transferred to Belgium in 1922. The sum of 61,814,210.28 gold marks was "received by the Reparation Commission and transferred to the United States on account of the costs of its army of occupation" (Reparation Commission, annex 2624 D; file 462.00 R 294/489 and /497).

That closed account was derived from what was probably the most complicated translation of values ever attempted internationally. The "Ruhr accounts" were accumulated in the course of the phenomenal depreciation of the mark. Some conception of the uncertainty created by the depreciation of the mark can be had from noting the differences between takings in the occupied Ruhr from January to December 1923. French requisitions under article 6 of the Rhineland agreement during that period amounted to 6,345,198,100,031,383,747.80 paper marks credited at 17,936,542.39 gold marks. French

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Notes on Occupation of the Rhineland—Continued

seizures of paper marks during that period amounted to 2,419,697,-899,923,924 paper marks, credited at 14,448,252.63 gold marks; but voluntary payments of 2,850,649,125,216,750,000 paper marks worked up to only 3,395,685.35 gold marks (*ibid.*, annex 2624 A, annex IX). More remarkably, indemnities for damages in the occupied areas during December 1923 amounted to 1,851,507,512,900,542 paper marks, which was credited at 1,760.91 gold marks (statement No. IV, annex 2920 D 1, on file 462.00 R 294/608).

LIQUIDATION OF THE RUHR OCCUPATION

The London Reparation Conference on August 30, 1924 concluded the arrangements for bringing the Experts' (Dawes) Plan into operation. The agreement between the Allied Governments and Germany of that date (30 League of Nations Treaty Series, p. 75) provided for the abolition of the Ruhr occupation. In addition to the steps incumbent upon Germany, the Plan was to be in execution when these conditions of article 1 were fulfilled:

“(B) The fiscal and economic unity of Germany will be considered to have been restored in accordance with the Experts' Plan when the Allied Governments have taken the following measures:

“(1) The removal and cessation of all vetoes imposed since January 11, 1923, on German fiscal and economic legislation; the re-establishment of the German authorities with the full powers which they exercised in the occupied territories before January 11, 1923, as regards the administration of customs and taxes, foreign commerce, woods and forests, railways (under the conditions specified in Article 5), and, in general, all other branches of economic and fiscal administration; the remaining administrations not mentioned above will operate in every respect in conformity with the Rhineland Agreement, the formalities regarding the admission or re-admission of German officials will be applied in such a manner that the re-establishment of the German authorities, in particular the customs administration, may take place with the least possible delay; all this without other restrictions than those stipulated in the Treaty of Versailles, the Rhineland Agreement and the Experts' Plan.

“(2) The restoration to their owners of all mines, cokeries and other industrial, agricultural, forest and shipping undertakings exploited under Allied management or provisionally leased by the occupying authorities since January 11, 1923.

“(3) The withdrawal of the special organisations established to

RHINELAND OCCUPATION

Notes on Occupation of the Rhineland—Continued

exploit the pledges and the release of requisitions made for the working of the organisations.

“(4) The removal, subject to the provisions of the Rhineland Agreement, of restrictions on the movement of persons, goods and vehicles.

“(5) In general, the Allied Governments, in order to ensure in the Occupied Territories the fiscal and economic unity of Germany, will cause the Inter-Allied Rhineland High Commission to proceed, subject to the provisions of the Rhineland Agreement, to an adjustment of those Ordinances passed by the said Commission since January 11, 1923.”

Article 4 of the same agreement went into detail with a view to realizing the stipulation of article 3 that “the Experts’ Plan will be put into execution with the least possible delay”. By article 4 the French and Belgian Governments were to cease the levy of duties on the “eastern customs line” on August 23. The High Commission removed the requirements of permits and payment of fees applicable to trade in goods between the occupied territory and non-occupied Germany on September 9 (special ordinance No. 262, *ibid.*, 1924, p. 477) and canceled all legislation inconsistent with that provision. The customs line was abolished at midnight September 20 (special ordinance No. 268, *ibid.*, p. 517). The levy of duties was decreased and special taxes were abolished. In addition to numerous reductions of customs and excise duties in the schedules of the High Commission, the Inter-Allied Commission of Control of Works and Mines (M.I.C.U.M.) ceased to collect the taxes on coal (ordinance No. 131 and special ordinance No. 132, Jan. 13 and 18, 1923, *ibid.*, 1923, pp. 29, 33) and its byproducts on September 1 (special ordinances Nos. 269 and 270, *ibid.*, 1924, pp. 525, 531). The German currency system was extended to the occupied territories by permitting the application of German decrees as from October 21 (ordinance No. 271, *ibid.*, p. 549).

All the “allied services” specially set up since January 11, 1923 “for the working of the pledges in the occupied territories” were abolished by special ordinance No. 274, midnight October 27, 1924 (*ibid.*, p. 561) and German services were reestablished to exercise powers and to operate in conformity with the Rhineland agreement. All types of property and undertakings exploited under Allied management were restored to their owners. The French-Belgian Railway Régie was temporarily excepted until November 15. Altogether 36

Notes on Occupation of the Rhineland—Continued

special ordinances ceased to operate and the cancelation of 19 others was confirmed. The validity of acts directly or indirectly done under them was, of course, confirmed.

The winding up of the Inter-Allied Offices set up during the occupation was effected by technical conferences provided for in article 6 of the same agreement of August 30, 1924. The Allied and German technical delegates concluded a "compromis" at Coblenz, October 20, 28, 1924 which dealt with the settlement of accounts and the distribution of receipts, prescribed a procedure of arbitration for the settlement of claims, and constituted a German-Allied paritative commission on customs matters for the transitional period until October 21, 1924 (41 League of Nations Treaty Series, p. 461; *Official Gazette*, 1924, p. 643).

Return of the population to the pre-Ruhr status was effected by the direct arrangement between the 14 Allied creditor governments and Germany in article 7 of the same agreement. These mutual amnesty provisions read:

"*Article 7.* In order to bring about mutual conciliation and in order to wipe out the past to the utmost possible extent, the Allied Governments and the German Government have agreed on the following stipulations, it being understood that, as regards future incidents, the jurisdiction and legislation of Germany, notably in the matter of the security of the State, and the jurisdiction and the legislation of the Occupying Authorities, notably in the matter of their security, will respectively follow their normal course in conformity with the Treaty of Peace and the Rhineland Agreement:

"(1) No one shall, under any pretext, be prosecuted, disturbed or molested or subjected to any injury, whether material or moral, either by reason of acts committed exclusively or principally for political reasons or by reason of his political attitude in the occupied territories from January 11, 1923, up to the putting into force of the present agreement, or by reason of his obedience or disobedience to orders, ordinances, decrees or other injunctions issued by the occupying authorities or the German authorities respectively and relating to events which have taken place within the same period, or by reason of his relations with the said authorities.

"(2) The German Government and the Allied Governments concerned will remit all sentences and penalties, judicial or administrative, imposed for the above facts from January 11, 1923,

RHINELAND OCCUPATION

Notes on Occupation of the Rhineland—Continued

up to the putting into force of the present agreement. It is understood that fines or other pecuniary penalties, whether judicial or administrative, already paid will not be reimbursed.

“(3) The provisions of paragraphs (1) and (2) do not apply to crimes committed against the life of persons and resulting in death.

“(4) The offences to which the amnesty provided for in the stipulations of paragraphs (1) and (2) does not apply and which are at the present moment subject to the jurisdiction of the Occupying Authorities by reason of the creation of special organisations which are to be suppressed under the terms of the present agreement, will be transferred to the German tribunals.

“(5) The Governments concerned will each take, so far as they are concerned, the measures necessary to assure the fulfilment of this article. If need arise, this fulfilment will be amicably arranged by the Governments concerned, and if necessary by means of mixed commissions set up by common agreement.”

Those provisions resulted in February 1925 and later in new ordinances canceling 18 prior ordinances and four instructions. Alleviations continued to culminate in the fruits of the “atmosphere of reconciliation” created by the Locarno settlement, and in ordinance No. 308, in force December 1, 1925 (*ibid.*, 1925, parts 9–12, p. 25), brought a comprehensive review of existing legislation “in a reciprocal spirit of confidence, good faith and good will”. This ordinance in 19 parts superseded or canceled 31 ordinances and three instructions and was calculated to introduce the principle of collaboration into the occupation.

STEPS LEADING TO FULL EVACUATION

On the occasion of the evacuation of the Cologne zone, a further amnesty agreement was concluded by the exchange of notes between the German Government and the Inter-Allied Rhineland High Commission at Coblenz, September 10, 1926 (62 League of Nations Treaty Series, p. 141; *Official Gazette*, 1926, parts 10–12, p. 3). This had the effect of stopping all prosecutions for offenses with the exception of those at common law or of espionage, and it resulted in the repealing of ordinances which provided for the unilateral intervention of the High Commission in the exercise of German judicial and administrative sovereignty. This amnesty covered all persons of German nationality imprisoned by Allied authorities for acts committed

TREATIES RELATED TO TREATY OF VERSAILLES

Notes on Occupation of the Rhineland—Continued

in the territories of the Ruhr, the bridgeheads of Duisburg–Ruhrort and Düsseldorf or the Cologne zone.

Six “protective” ordinances were canceled on September 17, 1926 (*ibid.*, 1926, parts 10–12, p. 13).

Financial regulations for the contributions under articles 8–12 of the Rhineland Agreement were drawn up on May 5, 1925 (file 462.00 R 29–828/275; 462.00 R 294/531; *Reichsgesetzblatt*, 1925, II, 24), in order to gain the precision in accounts required under the Experts’ (Dawes) Plan. The regulations were prepared by one delegate each of Belgium, France, Great Britain, and Italy and an equal number of German representatives. The delegates met from November 17 to 26, 1924 and thereafter worked as a mixed committee, in accordance with their instructions from the Conference of Ambassadors and the German Government, under the chairmanship of Rudolf J. H. Patijn, who in the course of the proceedings rendered 28 arbitral awards. Along with a number of subsidiary agreements, the regulations established a list of 18 main and 15 miscellaneous classes of contributions under articles 8–12 of the Rhineland Agreement, determined the procedure for the assessment of contributions for local commissions and a commission of arbitration, and for the supervision of payments. An addition to the regulations was made January 19, 1927 (Reparation Commission, annex 3089 b).

An agreement relative to the scope of fiscal exemptions granted to the services and personnel of the occupation concluded at Coblenz on February 11, 1928 between the Inter-Allied Rhineland High Commission and the German Commissioner for their respective governments (*ibid.*, 1928, parts 2–4, p. 11) provided for the payment by the persons concerned of 11 taxes and for their continued exemption from 10.

The evacuation of the Cologne or northern zone in 1926 cut down greatly the area occupied by Belgian and British troops. It eliminated from the occupation the Ruhr bridgehead, held by the Belgians since 1921, and the Cologne bridgehead which was held by the British. South of the border of the Coblenz zone the Belgian troops continued to hold the area in the vicinity of Aachen (Aix-la-Chapelle), while the British shifted southward to occupy that part of the Mainz bridgehead arc which lay north of the Rhine, known as the Wiesbaden bridgehead.

In the “atmosphere of reconciliation” of the period this occupation remained repugnant to the Germans, and was quite passively con-

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Notes on Occupation of the Rhineland—Continued

tinued by the three occupying governments. Further evacuation became an incident of the adoption of the New (Young) Plan for reparation payments. The authority of the Inter-Allied Rhineland High Commission in the second or Coblenz zone ceased on November 30, 1929, and both the Belgian and British troops completely withdrew.

This left the French alone in occupation of the third zone, which extended from opposite Eupen along the Franco-German border to Luxembourg and the Saar frontiers and from these points eastward to take in the Mainz bridgehead section, whence it ran by the irregular southerly course of the Rhine to Lauterburg. And it included, as it had from the beginning, the separate bridgehead of Kehl opposite Strasbourg to the south. By the Hague agreements of January 30, 1930 the evacuation of this third zone was to take place on June 30. Before that date the German National Socialist Party gave the High Commission trouble. The High Commission which since evacuation of the second zone had made its seat at Wiesbaden held its final meeting there on June 28. The flags of the High Commissioners were lowered at 9:30 A.M., June 30, and at 11:30 the last French troops marched to the train to cross the border.

The Rhineland thereafter was the scene of National Socialist agitation. On March 7, 1936 the Hitlerite Government introduced troops into the territory interdicted to them by articles 42-44 of the treaty of peace. There they remained until they launched into war.

3. Treaty between the Principal Allied and Associated Powers and Poland¹

Signed at Versailles, June 28, 1919; in force for signatories in virtue of its final provisions January 10, 1920, except

United States: Submitted to the Senate by the President's message of August 29, 1919; not considered by the Senate; Unperfected Treaties J-5.

THE UNITED STATES OF AMERICA, the BRITISH
EMPIRE, FRANCE, ITALY and JAPAN,

¹ File 763.72119/6399.

TREATIES RELATED TO TREATY OF VERSAILLES

The Principal Allied and Associated Powers,
And POLAND,

on the one hand;

on the other hand;

Whereas the Allied and Associated Powers have by the success of their arms restored to the Polish nation the independence of which it had been unjustly deprived; and

Whereas by the proclamation of March 30, 1917, the Government of Russia assented to the re-establishment of an independent Polish State; and

Note

The Provisional Government of Russia which succeeded the imperial régime issued a proclamation on March 30, 1917 to the Polish people which began:

“Poles! The old political régime of Russia, the source of our own servitude and disunion and of yours, has now been overthrown for ever. Liberated Russia, personified in its Provisional Government, which is invested with full powers, hastens to send you a fraternal salutation and to call you to new life and to liberty.”

The proclamation asserted that the Russian nation “recognizes also the absolute right of the brother-nation of Poland to decide its own lot by the exercise of its own will”. The Provisional Government regarded “the creation of an independent Polish State, formed of all the territories of which the majority of the population is Polish, as a pledge of a durable peace in the remodeled Europe of the future. Bound to Russia by a free military union, the Polish State will be a solid rampart against the pressure of the Central Powers against the Slav nations”. The Polish Government would result from the decisions of a constituent assembly selected by universal suffrage, while the Russian assembly would give its consent to the territorial modifications “indispensable for the formation of a free Poland formed of all its three divisions at present separated”. (*London Times*, Mar. 31, 1917, p. 6.)

Whereas the Polish State, which now in fact exercises sovereignty over those portions of the former Russian Empire which are inhabited by a majority of Poles, has already been recognised as a sovereign and independent State by the Principal Allied and Associated Powers; and

Whereas under the Treaty of Peace concluded with Germany by the Allied and Associated Powers, a Treaty of which Poland is a

TREATY WITH POLAND

signatory, certain portions of the former German Empire will be incorporated in the territory of Poland; and

Whereas under the terms of the said Treaty of Peace, the boundaries of Poland not already laid down are to be subsequently determined by the Principal Allied and Associated Powers;

Note

The Polish boundaries remained undefined on the east for some time. The Supreme Council of the Allied and Associated Powers on December 8, 1919 laid down a portion of that boundary in a declaration which in part reads as follows:

“The Principal Allied and Associated Powers, recognizing that it is important as soon as possible to put a stop to the existing conditions of political uncertainty, in which the Polish nation is placed, and without prejudging the provisions which must in the future define the eastern frontiers of Poland, hereby declare that they recognize the right of the Polish Government to proceed, according to the conditions previously provided by the Treaty with Poland of June 28, 1919, to organise a regular administration of the territories of the former Russian Empire situated to the West of the line described below:

“From the point where the old frontier between Russia and Austria-Hungary meets the river Bug to the point where it is cut by the administrative boundary between the districts of Byelsk and Brest-Litowsk.

[Here follows detailed description of 21 segments of the line between the two termini described.]

“thence northwards the administrative boundary of Suwalki to its junction with the old frontier between Russia and East Prussia.

“The rights that Poland may be able to establish over the territories situated to the East of the said line are expressly reserved.”

This prescribed line did not define an eastern frontier for Poland south of a point on the Bug about 10 kilometers below Krilov. The so-called “Curzon line” of the note of July 10, 1920 suggested a southern extension along the western frontier of Eastern Galicia from that point down to the Czechoslovak frontier in the Carpathian mountains and there coinciding in general with the administrative boundary of Beberka *Bezirk*. While the occasion for stating this line was transitory, it represented what the Principal Allied Powers, then in conference at Spa, believed to be a minimum frontier for Poland.

TREATIES RELATED TO TREATY OF VERSAILLES

Note—Continued

The defeat of a Polish expedition against Kiev in July 1920 gave the Russian Bolsheviki a temporary ascendancy, and the chance seemed open to establish the frontier previously sanctioned by the Supreme Council. The British Government, which had been seeking to bring about an armistice between the Poles and Russians, sent to Soviet Russia a note on July 10, 1920, in which it was proposed:¹

“That an immediate armistice be signed between Poland and Soviet Russia whereby hostilities shall be suspended; the terms of this armistice should provide on the one hand that the Polish army shall immediately withdraw to the line provisionally laid down last year by the Peace Conference as the eastern boundary within which Poland was entitled to establish a Polish administration. This line runs approximately as follows:— Grodno, Valowka, Nomirov, Brest-Litovsk, Doroguch, Ustilug, east of Grubeshov, Krilov, and thence west of Rawa-Ruska, east of Przemysl to the Carpathians. North of Grodno the line which will be held by the Lithuanians will run along the railway running from Grodno to Vilna and thence to Dvinsk. On the other hand, the armistice should provide that the armies of Soviet Russia should stand at a distance of 50 kilometres to the east of this line. In Eastern Galicia each army will stand on the line which they occupy at the date of the signature of the armistice.”

The tide of battle turned and the acceptance of this “Curzon line” by both parties at certain moments was followed by Polish rejection of pleas for self-determination for Lithuania, White Russia, and the Ukraine and of proposals for a plebiscite in East Galicia. A boundary from the course of the western Dvina River at the Latvian-Russian border to the confluence of the Zbrucz and the Dniestr Rivers was outlined in the preliminary treaty of peace and armistice conditions between Poland and the Soviet Republics of Russia and Ukraina, signed at Riga, October 12, 1920 (4 League of Nations Treaty Series, p. 7, English at p. 32). Article 14 of that treaty provided:

“Russia and the Ukraine declare that all their obligations towards Poland, and also the rights accorded them by the present Treaty, shall apply to all the territory east of the frontier fixed in Article 1 of this Treaty; this territory formed part of the former Russian

¹ London *Times*, July 15, 1920; *Bulletin de l'Institut intermédiaire international*, III, 237.

TREATY WITH POLAND

Note—Continued

Empire and was represented by Russia and the Ukraine at the time of the conclusion of this Treaty.”

The boundary was described in detail by article 2 of the treaty of peace signed at Riga, March 18, 1921 (6 *ibid.*, p. 51, English at p. 123) and articles 3 and 23 covered the substance of article 14 of the preliminary treaty. The treaty of peace entered into force on April 30, 1921. The line was delimited and drawn “on their responsibility” by the agreement between Poland and Soviet Russia dated November 28, 1922. It was recognized as the *de facto* frontier of Poland by the Conference of Ambassadors in a decision of March 15, 1923 (file 763.72119/11972). The Polish Government asked for an interpretation of the phrase “sous leur responsabilité” and on April 11, 1923 (file 763.72119/11961) the Conference of Ambassadors informed it that the Allied Governments “could not assume, toward the League of Nations, the responsibility of tracing and laying down that frontier, in the determination of which it had no part”.

In a diplomatic note of September 17, 1939 the Soviet Commissar of Foreign Affairs informed the Polish Ambassador that, in view of the situation created by the German-Polish war, “the agreements concluded between the U.S.S.R. and Poland have ceased to operate” (Poland, Ministry of Foreign Affairs, *Official Documents concerning Polish-German and Polish-Soviet Relations, 1933-1939*, No. 175).

The United States of America, the British Empire, France, Italy and Japan, on the one hand, confirming their recognition of the Polish State, constituted within the said limits as a sovereign and independent member of the Family of Nations, and being anxious to ensure the execution of the provisions of Article 93 of the said Treaty of Peace with Germany;

Poland, on the other hand, desiring to conform her institutions to the principles of liberty and justice, and to give a sure guarantee to the inhabitants of the territory over which she has assumed sovereignty;

For this purpose the HIGH CONTRACTING PARTIES represented as follows:

THE PRESIDENT OF THE UNITED STATES OF AMERICA, by:

The Honourable Woodrow WILSON, PRESIDENT OF THE UNITED STATES, acting in his own name and by his own proper authority;

TREATIES RELATED TO TREATY OF VERSAILLES

The Honourable Robert LANSING, Secretary of State;
The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;
The Honourable Edward M. HOUSE;
General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, by:

The Right Honourable David LLOYD GEORGE, M.P., First Lord of His Treasury and Prime Minister;
The Right Honourable Andrew BONAR LAW, M.P., His Lord Privy Seal;
The Right Honourable Viscount MILNER, G.C.B., G.C.M.G., His Secretary of State for the Colonies;
The Right Honourable Arthur James BALFOUR, O.M., M.P., His Secretary of State for Foreign Affairs;
The Right Honourable George Nicoll BARNES, M.P., Minister without portfolio;

And

for the DOMINION of CANADA, by:

The Honourable Charles Joseph DOHERTY, Minister of Justice;
The Honourable Arthur Lewis SIFTON, Minister of Customs;

for the COMMONWEALTH of AUSTRALIA, by:

The Right Honourable William Morris HUGHES, Attorney General and Prime Minister;
The Right Honourable Sir Joseph COOK, G.C.M.G., Minister for the Navy;

for the UNION OF SOUTH AFRICA, by:

General the Right Honourable Louis BOTHA, Minister of Native Affairs and Prime Minister;
Lieutenant-General the Right Honourable Jan Christiaan SMUTS, K.C., Minister of Defence;

for the DOMINION OF NEW ZEALAND, by:

The Right Honourable William Ferguson MASSEY, Minister of Labour and Prime Minister;

TREATY WITH POLAND

for INDIA, by:

The Right Honourable Edwin Samuel MONTAGU, M.P., His Secretary of State for India;

Major-General His Highness Maharaja Sir Ganga Singh Bahadur, Maharaja of BIKANER, G.C.S.I., G.C.I.E., G.C.V.O., K.C.B., A.D.C.;

THE PRESIDENT OF THE FRENCH REPUBLIC, by:

Mr. Georges CLEMENCEAU, President of the Council, Minister of War;

Mr. Stephen PICHON, Minister of Foreign Affairs;

Mr. Louis-Lucien KLOTZ, Minister of Finance;

Mr. André TARDIEU, Commissary General for Franco-American Military Affairs;

Mr. Jules CAMBON, Ambassador of France,

HIS MAJESTY THE KING OF ITALY, by:

Baron S. SONNINO, Deputy;

Marquis G. IMPERIALI, Senator, Ambassador of His Majesty the King of Italy at London;

Mr. S. CRESPI, Deputy;

HIS MAJESTY THE EMPEROR OF JAPAN, by:

Marquis SAÏONZI [Saionji], formerly President of the Council of Ministers;

Baron MAKINO, formerly Minister of Foreign Affairs, Member of the Diplomatic Council;

Viscount CHINDA, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at London;

Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris;

Mr. H. IJUIN, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Rome,

THE PRESIDENT OF THE POLISH REPUBLIC, by:

Mr. Ignace J. PADEREWSKI, President of the Council of Ministers, Minister of Foreign Affairs;

Mr. Roman DMOWSKI, President of the Polish National Committee;

After having exchanged their full powers, found in good and due form, have agreed as follows:

TREATIES RELATED TO TREATY OF VERSAILLES

CHAPTER I.

ARTICLE 1.

Poland undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognised as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 2.

Poland undertakes to assure full and complete protection of life and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion.

All inhabitants of Poland shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

ARTICLE 3.

Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality German, Austrian, Hungarian or Russian nationals habitually resident at the date of the coming into force of the present Treaty in territory which is or may be recognised as forming part of Poland, but subject to any provisions in the Treaties of Peace with Germany or Austria respectively relating to persons who became resident in such territory after a specified date.

Nevertheless, the persons referred to above who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must, except where it is otherwise provided in the Treaty of Peace with Germany, transfer within the succeeding twelve months their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Polish territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

TREATY WITH POLAND

ARTICLE 4.

Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Polish authorities in the country in which they are resident, stating that they abandon Polish nationality, and they will then cease to be considered as Polish nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

ARTICLE 5.

Poland undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have, under the Treaties concluded or to be concluded by the Allied and Associated Powers with Germany, Austria, Hungary or Russia, to choose whether or not they will acquire Polish nationality.

ARTICLE 6.

All persons born in Polish territory who are not born nationals of another State shall *ipso facto* become Polish nationals.

ARTICLE 7.

All Polish nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Polish Government of an official language, adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the courts.

TREATIES RELATED TO TREATY OF VERSAILLES

ARTICLE 8.

Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 9.

Poland will provide in the public educational system in towns and districts in which a considerable proportion of Polish nationals of other than Polish speech are residents adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Polish nationals through the medium of their own language. This provision shall not prevent the Polish Government from making the teaching of the Polish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Polish nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.

The provisions of this Article shall apply to Polish citizens of German speech only in that part of Poland which was German territory on August 1, 1914.

ARTICLE 10.

Educational Committees appointed locally by the Jewish communities of Poland will, subject to the general control of the State, provide for the distribution of the proportional share of public funds allocated to Jewish schools in accordance with Article 9, and for the organisation and management of these schools.

The provisions of Article 9 concerning the use of languages in schools shall apply to these schools.

ARTICLE 11.

Jews shall not be compelled to perform any act which constitutes a violation of their Sabbath, nor shall they be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their Sabbath. This provision how-

TREATY WITH POLAND

ever shall not exempt Jews from such obligations as shall be imposed upon all other Polish citizens for the necessary purposes of military service, national defence or the preservation of public order.

Poland declares her intention to refrain from ordering or permitting elections, whether general or local, to be held on a Saturday, nor will registration for electoral or other purposes be compelled to be performed on a Saturday.

ARTICLE 12.

Poland agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Poland agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

Poland further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Polish Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Polish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

CHAPTER II.

ARTICLE 13.

Each of the Principal Allied and Associated Powers on the one part and Poland on the other shall be at liberty to appoint diplo-

TREATIES RELATED TO TREATY OF VERSAILLES

matic representatives to reside in their respective capitals, as well as Consuls-General, Consuls, Vice-Consuls, and Consular agents to reside in the towns and ports of their respective territories.

Consuls-General, Consuls, Vice-Consuls and Consular agents, however, shall not enter upon their duties until they have been admitted in the usual manner by the Government in the territory of which they are stationed.

Consuls-General, Consuls, Vice-Consuls and Consular agents shall enjoy all the facilities, privileges, exemptions and immunities of every kind which are or shall be granted to consular officers of the most favoured nation.

ARTICLE 14.

Pending the establishment of an import tariff by the Polish Government, goods originating in the Allied and Associated States shall not be subject to any higher duties on importation into Poland than the most favourable rates of duty applicable to goods of the same kind under either the German, Austro-Hungarian or Russian Customs Tariffs on July 1, 1914.

ARTICLE 15.

Poland undertakes to make no treaty, convention or arrangement and to take no other action which will prevent her from joining in any general agreement for the equitable treatment of the commerce of other States that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present Treaty.

Poland also undertakes to extend to all the Allied and Associated States any favours or privileges in customs matters which she may grant during the same period of five years to any State with which since August, 1914, the Allies have been at war, or to any State which may have concluded with Austria special customs arrangements as provided for in the Treaty of Peace to be concluded with Austria.

Note

The international convention relating to the simplification of customs formalities concluded at Geneva on November 3, 1923 and in force November 27, 1924 (30 League of Nations Treaty Series, p. 371) partially realized the situation contemplated in paragraph 1; Poland deposited its ratification of the convention September 4, 1931.

TREATY WITH POLAND

ARTICLE 16.

Pending the conclusion of the general agreement referred to above, Poland undertakes to treat on the same footing as national vessels or vessels of the most favoured nation the vessels of all the Allied and Associated States which accord similar treatment to Polish vessels.

By way of exception from this provision, the right of Poland or of any other Allied or Associated State to confine her maritime coasting trade to national vessels is expressly reserved.

ARTICLE 17.

Pending the conclusion under the auspices of the League of Nations of a general Convention to secure and maintain freedom of communications and of transit, Poland undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit to or from any Allied or Associated State over Polish territory including territorial waters, and to treat them at least as favourably as the persons, goods, vessels, carriages, wagons and mails respectively of Polish or of any other more favoured nationality, origin, importation or ownership, as regards facilities, charges, restrictions, and all other matters.

All charges imposed in Poland on such traffic in transit shall be reasonable having regard to the conditions of the traffic. Goods in transit shall be exempt from all customs or other duties. Tariffs for transit traffic across Poland and tariffs between Poland and any Allied or Associated Power involving through tickets or waybills shall be established at the request of that Allied or Associated Power.

Freedom of transit will extend to postal, telegraphic and telephonic services.

It is agreed that no Allied or Associated Power can claim the benefit of these provisions on behalf of any part of its territory in which reciprocal treatment is not accorded in respect of the same subject matter.

If within a period of five years from the coming into force of the present Treaty no general Convention as aforesaid shall have been concluded under the auspices of the League of Nations, Poland shall be at liberty at any time thereafter to give twelve months notice to the Secretary General of the League of Nations to terminate the obligations of this Article.

TREATIES RELATED TO TREATY OF VERSAILLES

Note

Poland within the stipulated period became a party to:

The convention and statute on freedom of transit, Barcelona, April 20, 1921; in force October 31, 1922; in force for Poland, October 8, 1924 (7 League of Nations Treaty Series, p. 11);

The declaration recognizing the right to a flag of states having no seacoast, Barcelona, April 20, 1921; registered October 8, 1921; in force for Poland, December 20, 1924 (7 *ibid.*, p. 73);

The convention and statute on the international régime of railways, Geneva, December 9, 1923; in force March 23, 1926; in force for Poland, January 7, 1928 (47 *ibid.*, p. 55).

Poland signed but did not ratify the convention and statute on the régime of navigable waterways of international concern and additional protocol, Barcelona, April 20, 1921; in force October 31, 1922 and October 8, 1921, respectively (7 *ibid.*, pp. 35, 65).

ARTICLE 18.

Pending the conclusion of a general Convention on the International Régime of waterways, Poland undertakes to apply to the river system of the Vistula (including the Bug and the Narev) the régime applicable to International Waterways set out in Articles 332 to 337 of the Treaty of Peace with Germany.

ARTICLE 19.

Poland undertakes to adhere within twelve months of the coming into force of the present Treaty to the International Conventions specified in Annex I.

Poland undertakes to adhere to any new convention, concluded with the approval of the Council of the League of Nations within five years of the coming into force of the present Treaty, to replace any of the International instruments specified in Annex I.

The Polish Government undertakes within twelve months to notify the Secretary General of the League of Nations whether or not Poland desires to adhere to either or both of the International Conventions specified in Annex II.

Until Poland has adhered to the two Conventions last specified in Annex I, she agrees, on condition of reciprocity, to protect by effective measures the industrial, literary and artistic property of nationals of the Allied and Associated States. In the case of any Allied or Associated State not adhering to the said Conventions Poland agrees to continue to afford such effective protection on the

TREATY WITH POLAND

same conditions until the conclusion of a special bi-lateral treaty or agreement for that purpose with such Allied or Associated State.

Pending her adhesion to the other Conventions specified in Annex I, Poland will secure to the nationals of the Allied and Associated Powers the advantages to which they would be entitled under the said Conventions.

Poland further agrees, on condition of reciprocity, to recognise and protect all rights in any industrial, literary or artistic property belonging to the nationals of the Allied and Associated States in force, or which but for the war would have been in force, in any part of her territories before transfer to Poland. For such purpose she will accord the extensions of time agreed to in Articles 307 and 308 of the Treaty with Germany.

Note

The periods of time referred to in the last paragraph were one year and six months respectively.

A N N E X I .

TELEGRAPHIC AND RADIO-TELEGRAPHIC CONVENTIONS.

International Telegraphic Convention signed at St. Petersburg, July 10/22, 1875.

Regulations and Tariffs drawn up by the International Telegraph Conference, signed at Lisbon, June 11, 1908.

International Radio-Telegraphic Convention, July 5, 1912.

Note

For details concerning these instruments see treaty of peace with Germany, articles 283 and 284.

RAILWAY CONVENTIONS.

Conventions and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, and the current supplementary provisions made under those Conventions.

Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907.

Agreement of May 15, 1886, regarding the technical standardisation of railways, as modified on May 18, 1907.

Note

The international convention on the transport of merchandise by railway of October 14, 1890 is at 82 *British and Foreign State Papers*,

TREATIES RELATED TO TREATY OF VERSAILLES

Note—Continued

p. 771; the additional agreement of July 16, 1895 is *ibid.*, p. 802; the convention amending the 1890 convention, signed at Paris, June 16, 1898, is at 92 *ibid.*, p. 433; the additional convention to the 1890 convention signed at Bern, September 19, 1906 is at 110 *Archives diplomatiques*, 1937.

Concerning the other instruments see articles 282 (3) and (4) and 366.

SANITARY CONVENTION.

Convention of December 3, 1903.

Note

Concerning the instrument see article 282 (19).

OTHER CONVENTIONS.

Convention of September 26, 1906, for the suppression of night work for women.

Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

Convention of May 18, 1904 and May 4, 1910, regarding the suppression of the White Slave Traffic.

Convention of May 4, 1910, regarding the suppression of obscene publications.

International Convention of Paris of March 20, 1883, as revised at Washington in 1911, for the protection of industrial property.

Note

Concerning the other instruments see articles 282 (15), 282 (16), 282 (17), 282 (18) and 286.

International Convention of Berne of September 9, 1886, revised at Berlin on November 13, 1908, and completed by the Additional Protocol signed at Berne on March 20, 1914, for the Protection of Literary and Artistic Works.

Note

Concerning these instruments see article 286.

A N N E X I I .

Agreement of Madrid of April 14, 1891, for the Prevention of False Indications of origin on goods, revised at Washington in 1911, and

TREATY WITH POLAND

Agreement of Madrid of 14 April, 1891, for the international registration of trade marks, revised at Washington in 1911.

Note

The agreement revising the agreement of Madrid, April 14, 1891, for prevention of false indications of origin of goods, signed at Washington, June 2, 1911, is at 104 *British and Foreign State Papers*, p. 137; the agreement revising the agreement of Madrid, April 14, 1891, for the international registration of trade marks, signed at Washington, June 2, 1911 is at 108 *ibid.*, p. 404.

ARTICLE 20.

All rights and privileges accorded by the foregoing Articles to the Allied and Associated States shall be accorded equally to all States members of the League of Nations.

ARTICLE 21.

Poland agrees to assume responsibility for such proportion of the Russian public debt and other Russian public liabilities of any kind as may be assigned to her under a special convention between the Principal Allied and Associated Powers on the one hand and Poland on the other, to be prepared by a Commission appointed by the above States. In the event of the Commission not arriving at an agreement the point at issue shall be referred for immediate arbitration to the League of Nations.

THE PRESENT TREATY, of which the French and English texts are both authentic, shall be ratified. It shall come into force at the same time as the Treaty of Peace with Germany.

The deposit of ratifications shall be made at Paris.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A procès-verbal of the deposit of ratifications will be drawn up.

The French Government will transmit to all the signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at Versailles, the twenty-eighth day of June, one thousand nine hundred and nineteen, in a single copy which will remain de-

TREATIES RELATED TO TREATY OF VERSAILLES

posited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

(L.S.) WOODROW WILSON.	(L.S.) GANGA SINGH,
(L.S.) ROBERT LANSING.	MAHARAJA DE BIKANER.
(L.S.) HENRY WHITE.	(L.S.) G. CLEMENCEAU.
(L.S.) E. M. HOUSE.	(L.S.) S. PICHON.
(L.S.) TASKER H. BLISS.	(L.S.) L.-L. KLOTZ.
(L.S.) D. LLOYD GEORGE.	(L.S.) ANDRÉ TARDIEU.
(L.S.) A. BONAR LAW.	(L.S.) JULES CAMBON.
(L.S.) MILNER.	(L.S.) SIDNEY SONNINO.
(L.S.) ARTHUR JAMES BALFOUR.	(L.S.) IMPERIALI.
(L.S.) GEORGE N. BARNES.	(L.S.) SILVIO CRESPI.
(L.S.) CHAS. J. DOHERTY.	(L.S.) SAIONZI.
(L.S.) ARTHUR L. SIFTON.	(L.S.) N. MAKINO.
(L.S.) W. M. HUGHES.	(L.S.) H. CHINDA.
(L.S.) JOSEPH COOK.	(L.S.) K. MATSUI.
(L.S.) LOUIS BOTHA.	(L.S.) H. IJUIN.
(L.S.) J. C. SMUTS.	(L.S.) I. J. PADEREWSKI.
(L.S.)	(L.S.) ROMAN DMOWSKI.
(L.S.) ED. S. MONTAGU.	

4. Treaty between the Principal Allied and Associated Powers and Czechoslovakia¹

Signed at Saint-Germain-en-Laye, September 10, 1919; in force by deposit of ratification for Czechoslovakia, July 16, 1920; for the British Empire, August 16, 1920; for Japan, October 14, 1920 (notice of ratification deposited January 25, 1921); Italy, December 15, 1920; France, July 29, 1921.

United States: Not submitted to the Senate by the President; Unperfected Treaties U-9.

THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN,

¹ File 763.72119/7299.

TREATY WITH CZECHOSLOVAKIA

the Principal Allied and Associated Powers,
on the one hand;

And CZECHO-SLOVAKIA,
on the other hand;

Whereas the union which formerly existed between the old Kingdom of Bohemia, the Markgraviate of Moravia and the Duchy of Silesia on the one hand and the other territories of the former Austro-Hungarian Monarchy on the other has definitely ceased to exist, and

Whereas the peoples of Bohemia, of Moravia and of part of Silesia, as well as the peoples of Slovakia, have decided of their own free will to unite, and have in fact united, in a permanent union for the purpose of forming a single sovereign independent State under the title of the Czecho-Slovak Republic, and

Whereas the Ruthene peoples to the south of the Carpathians have adhered to this union, and

Whereas the Czecho-Slovak Republic in fact exercises sovereignty over the aforesaid territories and has already been recognised as a sovereign independent State by the other High Contracting Parties,

The United States of America, the British Empire, France, Italy and Japan on the one hand, confirming their recognition of the Czecho-Slovak State as a sovereign and independent member of the Family of Nations within the boundaries which have been or may be determined in accordance with the terms of the Treaty of Peace with Austria of even date;

Czecho-Slovakia on the other hand, desiring to conform her institutions to the principles of liberty and justice, and to give a sure guarantee to all the inhabitants of the territories over which she has assumed sovereignty;

The High Contracting Parties, anxious to assure the execution of Article 57 of the said Treaty of Peace with Austria [and Article 86 of the Treaty of Peace with Germany];

Have for this purpose named as their Plenipotentiaries, that is to say:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

The Honourable Frank Lyon POLK, Under Secretary of State;

The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;

General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

TREATIES RELATED TO TREATY OF VERSAILLES

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

The Right Honourable Arthur James BALFOUR, O.M., M.P., His Secretary of State for Foreign Affairs;

The Right Honourable Andrew BONAR LAW, M.P., His Lord Privy Seal;

The Right Honourable Viscount MILNER, G.C.B., G.C.M.G., His Secretary of State for the Colonies;

The Right Honourable George Nicoll BARNES, M.P., Minister without portfolio;

And

for the DOMINION of CANADA :

The Honourable Sir Albert Edward KEMP, K.C.M.G., Minister of the Overseas Forces;

for the COMMONWEALTH of AUSTRALIA :

The Honourable George Foster PEARCE, Minister of Defence;

for the UNION of SOUTH AFRICA :

The Right Honourable Viscount MILNER, G.C.B., G.C.M.G.;

for the DOMINION of NEW ZEALAND :

The Honourable Sir Thomas MACKENZIE, K.C.M.G., High Commissioner for New Zealand in the United Kingdom;

For INDIA :

The Right Honourable Baron SINHA, K.C., Under Secretary of State for India;

THE PRESIDENT OF THE FRENCH REPUBLIC :

Mr. Georges CLEMENCEAU, President of the Council, Minister of War;

Mr. Stephen PICHON, Minister for Foreign Affairs;

Mr. Louis-Lucien KLOTZ, Minister of Finance;

Mr. André TARDIEU, Commissary General for Franco-American Military Affairs;

Mr. Jules CAMBON, Ambassador of France;

HIS MAJESTY THE KING OF ITALY :

The Honourable Tommaso TITTONI, Senator of the Kingdom, Minister for Foreign Affairs;

The Honourable Vittorio SCIALOJA, Senator of the Kingdom;

The Honourable Maggiorino FERRARIS, Senator of the Kingdom;

The Honourable Guglielmo MARCONI, Senator of the Kingdom;

The Honourable Silvio CRESPI, Deputy;

TREATY WITH CZECHOSLOVAKIA

HIS MAJESTY THE EMPEROR OF JAPAN :

Viscount CHINDA, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at London;

Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris;

Mr. H. IJUIN, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Rome;

THE PRESIDENT OF THE CZECHO-SLOVAK REPUBLIC,
by :

Mr. Karel KRAMAR, President of the Council of Ministers;

Mr. Edward BENES, Minister for Foreign Affairs;

Who, after having exchanged their full powers, found in good and due form, have agreed as follows :

CHAPTER I.

ARTICLE 1.

Czecho-Slovakia undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognised as fundamental laws and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 2.

Czecho-Slovakia undertakes to assure full and complete protection of life and liberty to all inhabitants of Czecho-Slovakia without distinction of birth, nationality, language, race or religion.

All inhabitants of Czecho-Slovakia shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

ARTICLE 3.

Subject to the special provisions of the Treaties mentioned below, Czecho-Slovakia admits and declares to be Czecho-Slovak nationals *ipso facto* and without the requirement of any formality German, Austrian or Hungarian nationals habitually resident or possessing rights of citizenship (*pertinenza*, *Heimatsrecht*) as the case may be at the date of the coming into force of the present Treaty in territory which is or may be recognised as forming part of Czecho-Slovakia under the Treaties with Germany, Austria or Hungary respectively, or under any Treaties which may be concluded for the purpose of completing the present settlement.

TREATIES RELATED TO TREATY OF VERSAILLES

Nevertheless, the persons referred to above who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Czecho-Slovak territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

ARTICLE 4.

Czecho-Slovakia admits and declares to be Czecho-Slovak nationals *ipso facto* and without the requirement of any formality persons of German, Austrian or Hungarian nationality who were born in the territory referred to above of parents habitually resident or possessing rights of citizenship (*pertinenza, Heimatsrecht*) as the case may be there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident or did not possess rights of citizenship there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Czecho-Slovak authorities in the country in which they are resident, stating that they abandon Czecho-Slovak nationality, and they will then cease to be considered as Czecho-Slovak nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

ARTICLE 5.

Czecho-Slovakia undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have under the Treaties concluded or to be concluded by the Allied and Associated Powers with Germany, Austria or Hungary to choose whether or not they will acquire Czecho-Slovak nationality.

ARTICLE 6.

All persons born in Czecho-Slovak territory who are not born nationals of another State shall *ipso facto* become Czecho-Slovak nationals.

TREATY WITH CZECHOSLOVAKIA

ARTICLE 7.

All Czecho-Slovak nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Czecho-Slovak national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Czecho-Slovak national of any language in private intercourse, in commerce, in religion, in the press or publications of any kind, or at public meetings.

Notwithstanding any establishment by the Czecho-Slovak Government of an official language, adequate facilities shall be given to Czecho-Slovak nationals of non-Czech speech for the use of their language, either orally or in writing, before the courts.

ARTICLE 8.

Czecho-Slovak nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Czecho-Slovak nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 9.

Czecho-Slovakia will provide in the public educational system in towns and districts in which a considerable proportion of Czecho-Slovak nationals of other than Czech speech are residents adequate facilities for ensuring that the instruction shall be given to the children of such Czecho-Slovak nationals through the medium of their own language. This provision shall not prevent the Czecho-Slovak Government from making the teaching of the Czech language obligatory.

In towns and districts where there is a considerable proportion of Czecho-Slovak nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided

TREATIES RELATED TO TREATY OF VERSAILLES

out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.

CHAPTER II.

ARTICLE 10.

Czecho-Slovakia undertakes to constitute the Ruthene territory south of the Carpathians within frontiers delimited by the Principal Allied and Associated Powers as an autonomous unit within the Czecho-Slovak State, and to accord to it the fullest degree of self-government compatible with the unity of the Czecho-Slovak State.

ARTICLE 11.

The Ruthene territory south of the Carpathians shall possess a special Diet. This Diet shall have powers of legislation in all linguistic, scholastic and religious questions, in matters of local administration, and in other questions which the laws of the Czecho-Slovak State may assign to it. The Governor of the Ruthene territory shall be appointed by the President of the Czecho-Slovak Republic and shall be responsible to the Ruthene Diet.

ARTICLE 12.

Czecho-Slovakia agrees that officials in the Ruthene territory will be chosen as far as possible from the inhabitants of this territory.

ARTICLE 13.

Czecho-Slovakia guarantees to the Ruthene territory equitable representation in the legislative assembly of the Czecho-Slovak Republic, to which Assembly it will send deputies elected according to the constitution of the Czecho-Slovak Republic. These deputies will not, however, have the right of voting in the Czecho-Slovak Diet upon legislative questions of the same kind as those assigned to the Ruthene Diet.

ARTICLE 14.

Czecho-Slovakia agrees that the stipulations of Chapters I and II so far as they affect persons belonging to racial, religious or linguistic minorities constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council

TREATY WITH CZECHOSLOVAKIA

of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Czecho-Slovakia agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

Czecho-Slovakia further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Czecho-Slovak Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Czecho-Slovak Government hereby consents that any such dispute shall, if the other party hereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

CHAPTER III.

ARTICLE 15.

Each of the Principal Allied and Associated Powers on the one part and Czecho-Slovakia on the other shall be at liberty to appoint diplomatic representatives to reside in their respective capitals, as well as Consuls-General, Consuls, Vice-Consuls and Consular agents to reside in the towns and ports of their respective territories.

Consuls-General, Consuls, Vice-Consuls and Consular agents, however, shall not enter upon their duties until they have been admitted in the usual manner by the Government in the territory of which they are stationed.

Consuls-General, Consuls, Vice-Consuls and Consular agents shall enjoy all the facilities, privileges, exemptions and immunities of every kind which are or shall be granted to consular officers of the most favoured nation.

ARTICLE 16.

Pending the establishment of an import tariff by the Czecho-Slovak Government, goods originating in the Allied or Associated

TREATIES RELATED TO TREATY OF VERSAILLES

States shall not be subject to any higher duties on importation into Czecho-Slovakia than the most favourable rates of duty applicable to goods of the same kind under the Austro-Hungarian Customs Tariff on July 1, 1914.

ARTICLE 17.

Czecho-Slovakia undertakes to make no treaty, convention or arrangement and to take no other action which will prevent her from joining in any general agreement for the equitable treatment of the commerce of other States that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present Treaty.

Czecho-Slovakia also undertakes to extend to all the Allied and Associated States any favours or privileges in customs matters which it may grant during the same period of five years to any State with which since August, 1914, the Allied and Associated States have been at war, other than favours or privileges which may be granted under the special customs arrangements provided for in Article 222 of the Treaty of Peace of even date with Austria.

Note

The international convention relating to the simplification of customs formalities concluded at Geneva on November 3, 1923 and in force November 27, 1924 (30 League of Nations Treaty Series, p. 371) partially realized the situation contemplated in paragraph 1. Czechoslovakia deposited its ratification of the convention February 10, 1927.

[ANNEX]

EXCERPT FROM TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND AUSTRIA, SIGNED AT SAINT-GERMAIN-EN-LAYE, SEPTEMBER 10, 1919

“ARTICLE 222. Notwithstanding the provisions of Articles 217 to 220, the Allied and Associated Powers agree that they will not invoke these provisions to secure the advantage of any arrangements which may be made by the Austrian Government with the Governments of Hungary or of the Czecho-Slovak State for the accord of a special customs regime to certain natural or manufactured products which both originate in and come from those countries, and which shall be specified in the arrangements, provided that the duration of these arrangements does not exceed a period of five years from the coming into force of the present Treaty.”

TREATY WITH CZECHOSLOVAKIA

ARTICLE 18.

Pending the conclusion of the general agreement referred to above, Czecho-Slovakia undertakes to treat on the same footing as national vessels or vessels of the most favoured nation the vessels of all the Allied and Associated States which accord similar treatment to Czecho-Slovak vessels.

ARTICLE 19.

Pending the conclusion under the auspices of the League of Nations of a general convention to secure and maintain freedom of communications and of transit, Czecho-Slovakia undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit to or from any Allied or Associated State over Czecho-Slovak territory, and to treat them at least as favourably as the persons, goods, vessels, carriages, wagons and mails respectively of Czecho-Slovak or of any other more favoured nationality, origin, importation or ownership as regards facilities, charges, restrictions, and all other matters.

All charges imposed in Czecho-Slovakia on such traffic in transit shall be reasonable having regard to the conditions of the traffic. Goods in transit shall be exempt from all customs or other duties.

Tariffs for transit traffic across Czecho-Slovakia and tariffs between Czecho-Slovakia and any Allied or Associated Power involving through tickets or waybills shall be established at the request of that Allied or Associated Power.

Freedom of transit will extend to postal, telegraphic and telephonic services.

Provided that no Allied or Associated Power can claim the benefit of these provisions on behalf of any part of its territory in which reciprocal treatment is not accorded in respect of the same subject matter.

If within a period of five years from the coming into force of the present Treaty no general convention as aforesaid shall have been concluded under the auspices of the League of Nations, Czecho-Slovakia shall be at liberty at any time thereafter to give twelve months notice to the Secretary General of the League of Nations to terminate the obligations of the present Article.

Note

Czechoslovakia within the stipulated period became a party to:
The convention and statute on freedom of transit, **Barcelona**,

TREATIES RELATED TO TREATY OF VERSAILLES

Note—Continued

April 20, 1921; in force October 31, 1922; in force for Czechoslovakia, October 29, 1923; 7 League of Nations Treaty Series, p. 11;

The convention and statute on the regime of navigable waterways of international concern and additional protocol, Barcelona, April 20, 1921; in force October 31, 1922 and October 8, 1921; in force for Czechoslovakia, September 28, 1924; 7 *ibid.*, pp. 35, 65;

The declaration recognizing the right to a flag of states having no seacoast, Barcelona, April 20, 1921; registered October 8, 1921; in force for Czechoslovakia, September 8, 1924; 7 *ibid.*, p. 73;

Czechoslovakia signed but did not ratify the convention and statute on the international regime of railways, Geneva, December 9, 1923; in force March 23, 1926; 47 *ibid.*, p. 55.

ARTICLE 20.

Czecho-Slovakia undertakes to adhere within twelve months of the coming into force of the present Treaty to the International Conventions specified in Annex I.

Czecho-Slovakia undertakes to adhere to any new Convention, concluded with the approval of the Council of the League of Nations within five years of the coming into force of the present Treaty, to replace any of the international instruments specified in Annex I.

The Czecho-Slovak Government undertakes within twelve months to notify the Secretary General of the League of Nations whether or not Czecho-Slovakia desires to adhere to either or both of the International Conventions specified in Annex II.

Until Czecho-Slovakia has adhered to the two Conventions last specified in Annex I, she agrees, on condition of reciprocity, to protect by effective measures the industrial, literary and artistic property of nationals of the Allied and Associated States. In the case of any Allied or Associated State not adhering to the said Conventions Czecho-Slovakia agrees to continue to afford such effective protection on the same conditions until the conclusion of a special bilateral treaty or agreement for that purpose with such Allied or Associated State.

Pending her adhesion to the other Conventions specified in Annex I, Czecho-Slovakia will secure to the nationals of the Allied and Associated Powers the advantages to which they would be entitled under the said Conventions.

Czecho-Slovakia further agrees, on condition of reciprocity, to recognise and protect all rights in any industrial, literary or

TREATY WITH CZECHOSLOVAKIA

artistic property belonging to the nationals of the Allied and Associated States in force, or which but for the war would have been in force, in any part of her territory. For such purpose she will accord the extensions of time agreed to in Articles 259 and 260 of the Treaty of Peace with Austria [articles 307 and 308 of the Treaty of Peace with Germany].

Note

The periods were one year and six months respectively.

A N N E X I .

POSTAL CONVENTIONS.

Conventions and agreements of the Universal Postal Union signed at Vienna, July 4, 1891.

Conventions and agreements of the Postal Union signed at Washington, June 15, 1897.

Conventions and agreements of the Postal Union signed at Rome, May 26, 1906.

Note

For details concerning these instruments see treaty of peace with Germany, article 283.

TELEGRAPHIC AND RADIO-TELEGRAPHIC CONVENTIONS.

International Telegraphic Convention signed at St. Petersburg, July 10/22, 1875.

Regulations and Tariffs drawn up by the International Telegraph Conference of Lisbon, June 11, 1908.

International Radio-Telegraphic Convention, July 5, 1912.

Note

For details concerning these instruments see treaty of peace with Germany, articles 283 and 284.

RAILWAY CONVENTIONS.

Convention and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, and the current supplementary provisions made under those Conventions.

Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 15, 1907.

TREATIES RELATED TO TREATY OF VERSAILLES

Agreement of May 15, 1886, regarding the technical standardisation of railways, as modified on May 18, 1907.

Note

The international convention on the transport of merchandise by railway of October 14, 1890 is at 82 *British and Foreign State Papers*, p. 771; the additional agreement of July 16, 1895 is at *ibid.*, p. 802; the convention amending the 1890 convention, signed at Paris, June 16, 1898, is at 92 *ibid.*, p. 433; the additional convention to the 1890 convention signed at Bern, September 19, 1906 is at 110 *Archives diplomatiques*, 1937.

Concerning the other instruments see articles 282 (3) and (4), 366.

SANITARY CONVENTIONS.

Conventions of Paris and Vienna of April 3, 1894, March 19, 1897, and December 3, 1903.

Note

Concerning these instruments see article 282 (19).

OTHER CONVENTIONS.

Convention of September 26, 1906, for the suppression of night work for women.

Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

Conventions of May 18, 1904, and May 4, 1910, regarding the suppression of the White Slave Traffic.

Convention of May 4, 1910, regarding the suppression of obscene publications.

International Convention of Paris of March 20, 1883, as revised at Washington in 1911, for the protection of industrial property.

International Convention of Berne of September 9, 1886, revised at Berlin on November 13, 1908, and completed by the Additional Protocol signed at Berne on March 20, 1914, for the protection of literary and artistic works.

Note

Concerning these instruments see articles 282 (15), 282 (16), 282 (17), 282 (18) and 286.

TREATY WITH CZECHOSLOVAKIA

ANNEX I I.

Agreement of Madrid of April 14, 1891, for the prevention of false indications of origin on goods, revised at Washington in 1911.

Agreement of Madrid of April 14, 1891, for the international registration of trade marks, revised at Washington in 1911.

Note

The agreement revising the agreement of Madrid, April 14, 1891, for prevention of false indication of origin of goods, signed at Washington, June 2, 1911, is at 104 *British and Foreign State Papers*, p. 137; the agreement revising the agreement of Madrid, April 14, 1891, for the international registration of trade marks, signed at Washington June 2, 1911 is at 108 *ibid.*, p. 404.

ARTICLE 21.

All rights and privileges accorded by the foregoing Articles to the Allied and Associated States shall be accorded equally to all States Members of the League of Nations.

THE PRESENT TREATY, in French, in English and in Italian, of which the French text shall prevail in case of divergence, shall be ratified. It shall come into force at the same time as the Treaty of Peace with Austria.

The deposit of ratifications shall be made at Paris.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A procès-verbal of the deposit of ratifications will be drawn up.

The French Government will transmit to all the Signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

IN FAITH WHEREOF the above-named Plenipotentiaries have signed the present Treaty.

DONE at Saint-Germain-en-Laye, the tenth day of September, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of

TREATIES RELATED TO TREATY OF VERSAILLES

which authenticated copies will be transmitted to each of the Signatory Powers.

(L.S.) FRANK L. POLK.	(L.S.) S. PICHON.
(L.S.) HENRY WHITE.	(L.S.) L.-L. KLOTZ.
(L.S.) TASKER H. BLISS.	(L.S.) ANDRÉ TARDIEU.
(L.S.) ARTHUR JAMES BALFOUR.	(L.S.) JULES CAMBON.
(L.S.)	(L.S.) TOM. TITTONI.
(L.S.) MILNER.	(L.S.) VITTORIO SCIALOJA.
(L.S.) GEO. N. BARNES.	(L.S.) MAGGIORINO FERRARIS.
(L.S.) A. E. KEMP.	(L.S.) GUGLIELMO MARCONI.
(L.S.) G. F. PEARCE.	(L.S.) S. CHINDA.
(L.S.) MILNER.	(L.S.) K. MATSUI.
(L.S.) THOS. MACKENZIE.	(L.S.) H. IJUIN.
(L.S.) SINHA OF RAIPUR.	(L.S.) D. KAREL KRAMAR.
(L.S.) G. CLEMENCEAU.	(L.S.) DR. EDUARD BENES.

5. Agreement between the Allied and Associated Powers with Regard to the Contributions to the Cost of Liberation of the Territories of the former Austro-Hungarian Monarchy¹

Signed at Saint-Germain-en-Laye September 10, 1919; accessions by the Serb-Croat-Slovene State, December 5, 1919, and by Rumania, December 9, 1919; in force for signatories July 16, 1920, except: Japan, October 14, 1920 (notice of ratification deposited January 25, 1921); Belgium, July 24, 1920; Cuba, August 16, 1920; Nicaragua, January 29, 1921; Poland, August 22, 1924; Portugal, October 15, 1921; Rumania, September 4, 1920; Panama.

United States: Not submitted to the Senate by the President; Unperfected Treaties P-9.

Applicable to Hungary by operation of article 74, paragraph 2, of the treaty of peace with Hungary signed at Trianon, June 4, 1920 and in force July 26, 1921.

AGREEMENT

BETWEEN THE UNITED STATES OF AMERICA, BELGIUM, THE BRITISH EMPIRE, CHINA, CUBA, FRANCE, GREECE, ITALY, JAPAN,

¹ File 763.72119/7299.

AUSTRO-HUNGARIAN LIBERATION COSTS

NICARAGUA, PANAMA, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM AND THE CZECHO-SLOVAK STATE, WITH REGARD TO THE CONTRIBUTIONS TO THE COST OF LIBERATION OF THE TERRITORIES OF THE FORMER AUSTRO-HUNGARIAN MONARCHY.

The Undersigned, duly authorized by their respective Governments, have agreed on the following provisions:

ARTICLE 1.

Poland, Roumania, the Serb-Croat-Slovene State and the Czecho-Slovak State, as States to which territory of the former Austro-Hungarian Monarchy is transferred or States arising from the dismemberment of that Monarchy, severally agree to pay, as a contribution towards the expenses of liberating the said territories, sums not exceeding in the aggregate the equivalent of 1,500,000,000 francs gold, the gold franc being taken as of the weight and fineness of gold as enacted by law on January 1, 1914.

ARTICLE 2.

The total amount of the contribution referred to in Article 1 shall be divided between the said States on the basis of the ratio between the average for the three financial years 1911, 1912 and 1913 of the revenues of the territories acquired by them from the former Austro-Hungarian Monarchy, the revenues of the provinces of Bosnia and Herzegovina being excluded from this calculation.

The revenues forming the basis for this calculation shall be those adopted by the Reparation Commission, in accordance with Article 203, Part IX (Financial Clauses) of the Treaty of Peace with Austria [and Article 186, Part IX (Financial Clauses) of the Treaty of Peace with Hungary], as best calculated to represent the financial capacity of the respective territories. Nevertheless, in no case shall the sum paid by the Czecho-Slovak State exceed the sum of 750,000,000 francs. Should the contribution attributable to the Czecho-Slovak State exceed the sum of 750,000,000 francs, the difference between that sum and the sum of 750,000,000 francs shall be in diminution of the aggregate sum of 1,500,000,000 francs and shall not be attributable to the other States.

ARTICLE 3.

The amount due as above by each State for liberation, together with the value of the property and possessions of the former

TREATIES RELATED TO TREATY OF VERSAILLES

Austro-Hungarian Monarchy transferred to each of them, assessed in accordance with Article 207, Part IX (Financial Clauses) of the Treaty of Peace with Austria [and Article 190, Part IX (Financial Clauses) of the Treaty of Peace with Hungary], shall be set off against the approved claims, if any, of these States for reparation.

[ARTICLE 4.¹]

[If in the case of any of the above States the amount due for liberation and the value of property transferred is in excess of the approved reparation claims, that State shall, within three months of the notification to it by the Reparation Commission of the amount, if any, of its approved claims for reparation, issue bonds to the amount of this excess and shall deliver them to such person or body as the Governments of the United States of America, the British Empire, France and Italy may designate.

[The above bonds shall be to bearer, principal and interest being payable by the issuing State without deduction for any tax or charge imposed by it or under its authority. The bonds shall bear interest at the rate of five per cent. per annum payable half yearly, beginning on January 1, 1926. They shall be repaid in twenty-five equal annual drawings, beginning on January 1, 1931. The issuing State, however, may, at its option, redeem all or part of the bonds issued by it at par and accrued interest at any time, provided ninety days' notice of its intention so to do is given to the Governments of the United States of America, the British Empire, France and Italy.]

[ARTICLE 5.¹]

[In the case of those States whose approved claims for reparation are in excess of the amount due for liberation and the value of property transferred, the amount chargeable to these States in accordance with Article 3 shall be reckoned as payments by way of reparation, and no further payments on account of reparation shall be made to them until the other States to which reparation is due shall have received payments on account of a like proportion of their approved claims for reparation.]

DONE in French, in English and in Italian, of which in case of divergence the French text shall prevail, at Saint-Germain-en-

¹ Superseded by declaration of Dec. 8, 1919, which follows, p. 829.

AUSTRO-HUNGARIAN LIBERATION COSTS

Laye, the tenth day of September, one thousand nine hundred and nineteen.

FRANK L. POLK.

HENRY WHITE.

TASKER H. BLISS.

HYMANS.

J. VAN DEN HEUVEL.

E. VANDERVELDE.

ARTHUR JAMES BALFOUR.

MILNER.

GEO. N. BARNES.

A. E. KEMP.

G. F. PEARCE.

MILNER.

THOS. MACKENZIE.

SINHA OF RAIPUR.

J. R. LOUTSENGTSIANG.

CHENGTING THOMAS WANG.

ANTONIO S. DE BUSTAMANTE.

G. CLEMENCEAU.

S. PICHON.

L. L. KLOTZ.

ANDRÉ TARDIEU.

JULES CAMBON.

N. POLITIS.

A. ROMANOS.

TOM. TITTONI.

VITTORIO SCIALOJA.

MAGGIORINO FERRARIS.

GUGLIELMO MARCONI.

S. CHINDA.

K. MATSUI.

H. IJUIN.

SALVADOR CHAMORRO.

ANTONIO BURGOS.

I. J. PADEREWSKI.

ROMAN DMOWSKI.

AFFONSO COSTA.

AUGUSTO SOARES.

CHAROON.

TRAIOS PRABANDHU.

D. KAREL KRAMAR.

DR. EDUARD BENES.

[A N N E X]

EXCERPT FROM TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED
POWERS AND AUSTRIA, SIGNED AT SAINT-GERMAIN-EN-LAYE,
SEPTEMBER 10, 1919

ARTICLE 203. 1. Each of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each of the States arising from the dismemberment of that Monarchy, including Austria, shall assume responsibility for a portion of the debt of the former Austrian Government which is specifically secured on railways, salt mines or other property, and which was in existence on July 28, 1914. The portion to be so assumed by each State shall be such portion as in the opinion of the Reparation Commission represents the secured debt in respect of the railways, salt mines and other properties transferred to that State under the terms of the present Treaty or any treaties or agreements supplementary thereto.

TREATIES RELATED TO TREATY OF VERSAILLES

The amount of the liability in respect of secured debt so assumed by each State, other than Austria, shall be valued by the Reparation Commission, on such basis as the Commission may consider equitable, and the value so ascertained shall be deducted from the amount payable by the State in question to Austria in respect of property of the former or existing Austrian Government which the State acquires with the territory. Each State shall be solely responsible in respect of that portion of the secured debt for which it assumes responsibility under the terms of this Article, and holders of the debt for which responsibility is assumed by States other than Austria shall have no recourse against the Government of any other State.

Any property which was specifically pledged to secure any debt referred to in this Article shall remain specifically pledged to secure the new debt. But in case the property so pledged is situated as the result of the present Treaty in more than one State, that portion of the property which is situated in a particular State shall constitute the security only for that part of the debt which is apportioned to that State, and not for any other part of the debt.

For the purposes of the present Article there shall be regarded as secured debt payments due by the former Austrian Government in connection with the purchase of railways or similar property; the distribution of the liability for such payments will be determined by the Reparation Commission in the same manner as in the case of secured debt.

Debts for which the responsibility is transferred under the terms of this Article shall be expressed in terms of the currency of the State assuming the responsibility, if the original debt was expressed in terms of Austro-Hungarian paper currency. For the purposes of this conversion the currency of the assuming State shall be valued in terms of Austro-Hungarian paper kronen at the rate at which those kronen were exchanged into the currency of the assuming State by that State when it first substituted its own currency for Austro-Hungarian kronen. The basis of this conversion of the currency unit in which the bonds are expressed shall be subject to the approval of the Reparation Commission, which shall, if it thinks fit, require the State effecting the conversion to modify the terms thereof. Such modification shall only be required if, in the opinion of the Commission, the foreign exchange value of the currency unit or units substituted for the currency unit in which the old bonds are expressed is substantially less at the date of the conversion than the foreign exchange value of the original currency unit.

AUSTRO-HUNGARIAN LIBERATION COSTS

If the original Austrian debt was expressed in terms of a foreign currency or foreign currencies, the new debt shall be expressed in terms of the same currency or currencies.

If the original Austrian debt was expressed in terms of Austro-Hungarian gold coin, the new debt shall be expressed in terms of equivalent amounts of pounds sterling and gold dollars of the United States of America, the equivalents being calculated on the basis of the weight and the fineness of gold of the three coins as enacted by law on January 1, 1914.

Any foreign exchange options, whether at fixed rates or otherwise, embodied explicitly or implicitly in the old bonds shall be embodied in the new bonds also.

2. Each of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each of the States arising from the dismemberment of that Monarchy, including Austria, shall assume responsibility for a portion of the unsecured bonded debt of the former Austrian Government which was in existence on July 28, 1914, calculated on the basis of the ratio between the average for the three financial years 1911, 1912, 1913 of such revenues of the distributed territory and the average for the same years of such revenues of the whole of the former Austrian territories as in the judgment of the Reparation Commission are best calculated to represent the financial capacity of the respective territories. In making the above calculation, the revenues of Bosnia and Herzegovina shall not be included.

The responsibilities in respect of bonded debt to be assumed under the terms of this Article shall be discharged in the manner laid down in the Annex hereto.

The Austrian Government shall be solely responsible for all the liabilities of the former Austrian Government incurred prior to July 28, 1914, other than those evidenced by the bonds, bills, securities and currency notes which are specifically provided for under the terms of the present Treaty.

Neither the provisions of this Article nor the provisions of the Annex hereto shall apply to securities of the former Austrian Government deposited with the Austro-Hungarian Bank as security for the currency notes issued by that bank. [Annex omitted; see *Treaties, Conventions, etc.*, 1910-23, III, 3220.]

ARTICLE 207. Each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each one of the States arising from the dismemberment of that Monarchy, including Austria, shall deal as it thinks fit with the petty or token

TREATIES RELATED TO TREATY OF VERSAILLES

coinage of the former Austro-Hungarian Monarchy existing in its territory.

No such State shall have any recourse under any circumstances on behalf either of itself or of its nationals, against any other State with regard to such petty or token coinage.

Note

A "Caisse Commune" or Joint Office of Foreign Holders of Bonds of the Austrian and Hungarian Pre-war Public Debts was established by a protocol signed at Innsbruck, June 29, 1923 and completed by protocols signed at Prague, November 14, 1925 and Paris, March 15, 1926. It handled both secured and unsecured debts. The secured debts were principally the obligations of the Chartered Company for the Austrian and Hungarian Railways (STE 9), the lines of which were divided according to mileage among the succession and cessionary states. The unsecured debts were distributed in the following proportions:

	Austrian debt (<i>Percent</i>)	Hungarian debt (<i>Percent</i>)
Austria	36.827	1.716
Czechoslovakia	41.700	17.384
Hungary	—	49.629
Italy	4.087	.812
Poland	13.733	—
Rumania	1.610	23.659
Yugoslavia	2.043	6.800

(Reparation Commission, Official Documents, VII and XIII)

The managing board of the Caisse Commune and representatives of the succession or cessionary states of former Austria and Hungary agreed on the final deficits and surpluses in the balance sheets for the unsecured annuities by a protocol signed at Paris, June 11, 1930. With respect to the Austrian debts Austria, Poland, Rumania, Czechoslovakia, and Yugoslavia were debtors on the 4 per cent gold annuity to a total of some 255,000,000 florins and on the 4½ per cent Treasury certificates 1914 to some 112,000,000 crowns. With respect to the Hungarian debts Hungary, Rumania, and Yugoslavia were debtors to the extent of 464,000,000 florins on the 4 per cent gold annuity, of 66,000,000 crowns on the 4½ per cent 1913 annuity, 272,000,000 crowns on the 4½ per cent 1914 annuity, and 115,000,000 crowns on the 4 per cent Hungarian 1910 annuity. Italy was a creditor against the two Austrian annuities to over 8,000,000 florins and crowns. Austria, Poland, and Czechoslovakia were creditors against the four Hungarian annuities to the extent of 48,000,000

AUSTRO-HUNGARIAN LIBERATION COSTS

Note—Continued

florins and 15,000,000 crowns, the Czechoslovak claim being 47,922,605 florins. A further protocol of June 12 provided for the continuing functions of the Caisse Commune.

The conditions of payment of coupons of the several Austrian and Hungarian loans were arranged by an agreement signed at Paris on October 31, 1930, and an additional agreement of December 13, 1930, and an agreement of February 11, 1931.

In addition to the publications of Reparation Commission, Nos. VII and XIII, concerning the Austro-Hungarian pre-war debts, the director of the Commission's Financial Section, Alceste Antonucci, published in 1932 a full account of that complex problem under the title *Répartition et Règlement de la dette publique autrichienne et hongroise d'avant-guerre*. Altogether 13 conferences were held between September 1922 and February 1931 to bring the matter into its eventual shape.

5a. Declaration modifying the Preceding Agreement¹

Signed at Paris, December 8, 1919; accession by Rumania, December 9, 1919; in force for signatories July 16, 1920, except: Japan, October 14, 1920 (notice of ratification deposited January 25, 1921); Belgium, July 24, 1920; Cuba, August 16, 1920; Portugal, October 15, 1921; Rumania, September 4, 1920.

United States: Not submitted to the Senate by the President; Unperfected Treaties Q-9.

Applicable to Hungary by operation of Article 74, par. 2, of the treaty of peace with Hungary signed at Trianon, June 4, 1920 and in force July 26, 1921.

Nicaragua, Poland, and Czechoslovakia, though named in the preamble, did not sign, accede, or ratify.

DECLARATION

MODIFYING THE AGREEMENT OF SEPTEMBER 10, 1919, BETWEEN THE ALLIED AND ASSOCIATED POWERS WITH REGARD TO THE CONTRIBUTIONS

¹ File 186.5/25.

TREATIES RELATED TO TREATY OF VERSAILLES

TO THE COST OF LIBERATION OF THE TERRITORIES OF THE FORMER AUSTRO-HUNGARIAN MONARCHY.

THE UNITED STATES OF AMERICA, BELGIUM, THE BRITISH EMPIRE, CHINA, CUBA, FRANCE, GREECE, ITALY, JAPAN, NICARAGUA, PANAMA, POLAND, PORTUGAL, SIAM AND THE CZECHOSLOVAK STATE, Powers who have signed the Agreement concluded on September 10, 1919, at Saint-Germain-en-Laye, with regard to the contributions to the cost of liberation of the territories of the former Austro-Hungarian Monarchy, and THE SERB-CROAT-SLOVENE STATE, which by an Act dated December 5, 1919, has acceded to the said Agreement subject to the modifications which are the subject of the present Declaration,

Have agreed to modify the Agreement referred to above as follows:
Articles 4 and 5 are replaced by the following provisions:

ARTICLE 4.

Each of the said States shall, within three months after being requested by the Reparation Commission so to do, issue bonds to the amount of the sum due by such State for liberation and the value of property transferred, and shall deliver them to such person or body as the Governments of the United States of America, the British Empire, France and Italy may designate.

The above bonds shall be to bearer, principal and interest being payable by the issuing State without deduction for any tax or charge imposed by it or under its authority. The bonds shall bear interest at the rate of five per cent. per annum payable half yearly, beginning on January 1, 1926. They shall be repaid in twenty-five equal annual drawings, beginning on January 1, 1931. The issuing State, however, may, at its option, redeem all or part of the bonds issued by it at par and accrued interest at any time, provided ninety days' notice of its intention so to do is given to the Governments of the United States of America, the British Empire, France and Italy.

As and when payments on such bonds fall due, the Reparation Commission shall retain, against the sums due to each of States concerned for reparation, the sums required for interest and amortization.

Plenipotentiaries who in consequence of their temporary absence from Paris have not signed the present Declaration may do so up to December 20, 1919.

ITALIAN REPARATION PAYMENTS

Made in French, in English and in Italian, of which in case of divergence the French text shall prevail, at Paris, the eighth day of December one thousand nine hundred and nineteen.

FRANK L. POLK.	L. L. KLOTZ.
ROLIN-JAEQUEMYNS.	ANDRÉ TARDIEU.
EYRE A. CROWE.	JULES CAMBON.
GEORGE H. PERLEY.	A. ROMANOS.
ANDREW FISHER.	G. DE MARTINO.
THOMAS MACKENZIE.	K. MATSUI.
R. A. BLANKENBERG.	R. A. AMADOR.
EYRE A. CROWE.	AFFONSO COSTA.
VIKYUIN WELLINGTON KOO.	CHAROON.
RAFAEL MARTINEZ ORTIZ.	NIK. P. PACHITCH.
G. CLEMENCEAU.	DR. ANTE TRUMBIC.
S. PICHON.	DR. IVAN ZOIGER.

6. Agreement between the Allied and Associated Powers with Regard to the Italian Reparation Payments ¹

Signed at Saint-Germain-en-Laye, September 10, 1919; accessions by the Serb-Croat-Slovene State December 5, 1919, and by Rumania, December 9, 1919; in force for signatories July 16, 1920, except: Japan, October 14, 1920 (notice of ratification, deposited January 25, 1921); Belgium, July 24, 1920; Cuba, August 16, 1920; Nicaragua, January 29, 1921; Poland, August 22, 1924; Portugal, October 15, 1921; Rumania, September 4, 1920; Panama.

United States: Not submitted to the Senate by the President; Unperfected Treaties R-9.

Applicable to Hungary by operation of article 74, paragraph 2, of the treaty of peace with Hungary signed at Trianon, June 4, 1920 and in force July 26, 1921.

AGREEMENT

BETWEEN THE UNITED STATES OF AMERICA, BELGIUM, THE
BRITISH EMPIRE, CHINA, CUBA, FRANCE, GREECE, ITALY, JAPAN,

¹ File 763.72119/7299.

TREATIES RELATED TO TREATY OF VERSAILLES

NICARAGUA, PANAMA, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, AND THE CZECHO-SLOVAK STATE, WITH REGARD TO THE ITALIAN REPARATION PAYMENTS.

The Undersigned, duly authorized by their respective Governments, have taken note of the declaration made by Italy in Article 1 of the present Agreement, and have agreed on the subsequent provisions :

ARTICLE 1.

Italy declares that she has made the greatest sacrifices and borne the heaviest financial burdens in the war waged for the liberation of Italian territory remaining subject to the former Austro-Hungarian Monarchy, and for the other lofty aims of the Allied and Associated Powers ;

That, in addition, the territories ceded to Italy have sacrificed as a result of the Treaty of Peace with Austria a large proportion of their wealth, and that they have already contributed in other ways to the reparation of the damage caused by the war in which they have so cruelly suffered ;

That, nevertheless, with the object of facilitating an agreement between the States arising from the dismemberment of Austria-Hungary, or acquiring territories of the former Monarchy, as to the contribution to be made by them towards the cost of liberating the territories of the former Austro-Hungarian Monarchy and of reparation, Italy agrees to contribute to these expenses in the manner provided in the present Agreement.

ARTICLE 2.

Italy, as a State acquiring territory formerly part of the Austro-Hungarian Monarchy, agrees, on account of such acquisition, to be debited against her approved claims for reparation under the Treaties of Peace concluded with Germany, Austria, and the Powers which fought upon their side, with a sum in gold francs (the gold franc being taken as of the weight and fineness of gold as enacted by law on January 1, 1914) to be calculated as set out in Article 3 below.

ARTICLE 3.

The ratio between the sum to be debited to Italy in accordance with Article 2 and the sum of 1,500,000,000 francs gold (or between such sum and the total amount of the contributions to be made by Poland, Roumania, the Serb-Croat-Slovene State and the Czecho-

ITALIAN REPARATION PAYMENTS

Slovak State, if this amount is less than 1,500,000,000 francs gold, as provided in the Agreement of even date between the same High Contracting Parties) shall be the same as the ratio between the average revenues for the three financial years 1911, 1912, 1913 of the territory transferred to Italy and the average revenues for the same years of the whole of the territories of the former Austro-Hungarian Monarchy transferred, whether to Italy or to the other Powers mentioned above, under the Treaties of Peace with Austria and Hungary. It is understood however that the revenues of the provinces of Bosnia and Herzegovina shall be excluded from this calculation.

The revenues serving as the basis of this calculation shall be those accepted by the Reparation Commission, in accordance with the provisions of Article 203, Part IX (Financial Clauses) of the Treaty of Peace with Austria [and Article 186, Part IX (Financial Clauses) of the Treaty of Peace with Hungary], as best representing the financial capacity of the respective territories.

[ARTICLE 4.¹]

[The sum so calculated, together with the value of the property and possessions of the former Austro-Hungarian Monarchy transferred to Italy, assessed in accordance with Article 207, Part IX (Financial Clauses) of the Treaty of Peace with Austria [and Article 186, Part IX (Financial Clauses) of the Treaty of Peace with Hungary], shall be set off against the approved claims of Italy for reparation. The total of these two sums shall be reckoned as payments by way of reparation, and no further payments shall be made to Italy on account of reparation until the other States to which reparation is due shall have received payments on account of a like proportion of their approved claims for reparation.]

DONE in French, in English and in Italian, of which in case of divergence the French text shall prevail, at Saint-Germain-en-Laye, the tenth day of September 1919, one thousand nine hundred and nineteen.

FRANK L. POLK.

HENRY WHITE.

TASKER H. BLISS.

HYMANS.

J. VAN DEN HEUVEL.

E. VANDERVELDE.

ARTHUR JAMES BALFOUR.

MILNER.

GEO. N. BARNES.

A. E. KEMP.

¹ Superseded by declaration of Dec. 8, 1919, which follows.

TREATIES RELATED TO TREATY OF VERSAILLES

G. F. PEARCE.	VITTORIO SCIALOJA.
MILNER.	MAGGIORINO FERRARIS.
THOS. MACKENZIE.	GUGLIELMO MARCONI.
SINHA OF RAIPUR.	S. CHINDA.
J. R. LOUTSENGTSIANG.	K. MATSUI.
CHENGTING THOMAS WANG.	H. IJUIN.
ANTONIO S. DE BUSTAMANTE.	SALVADOR CHAMORRO.
G. CLEMENCEAU.	ANTONIO BURGOS.
S. PICHON.	I. J. PADEREWSKI.
L. L. KLOTZ.	ROMAN DMOWSKI.
ANDRÉ TARDIEU.	AFFONSO COSTA.
JULES CAMBON.	CHAROON.
N. POLITIS.	TRAIOS PRABANDHU.
A. ROMANOS.	D. KAREL KRAMAR.
TOM. TITTONI.	DR. EDUARD BENES.

6a. Declaration Modifying the Preceding Agreement¹

Signed at Paris, December 8, 1919; accession by Rumania, December 9, 1919; in force for signatories July 16, 1920, except: Japan, October 14, 1920 (notice of ratification deposited January 25, 1921); Belgium, July 24, 1920; Cuba, August 16, 1920; Portugal, October 15, 1921; Rumania, September 4, 1920.

United States: Not submitted to the Senate by the President; Unperfected Treaties S-9.

Applicable to Hungary by operation of article 74, paragraph 2, of the treaty of peace with Hungary signed at Trianon, June 4, 1920 and in force July 26, 1921.

Nicaragua, Poland, and Czechoslovakia, though named in the preamble, did not sign, accede, or ratify.

DECLARATION

MODIFYING THE AGREEMENT OF SEPTEMBER 10, 1919, BETWEEN THE ALLIED AND ASSOCIATED POWERS WITH REGARD TO THE ITALIAN REPARATION PAYMENTS.

¹ File 186.5/25.

ITALIAN REPARATION PAYMENTS

THE UNITED STATES OF AMERICA, BELGIUM, THE BRITISH EMPIRE, CHINA, CUBA, FRANCE, GREECE, ITALY, JAPAN, NICARAGUA, PANAMA, POLAND, PORTUGAL, SIAM AND THE CZECHOSLOVAK STATE, Powers who have signed the Agreement concluded on September 10, 1919, at Saint-Germain-en-Laye with regard to the Italian reparation payments, and the SERB-CROAT-SLOVENE STATE, which by an Act dated December 5, 1919, has acceded to the said Agreement subject to the modifications which are the subject of the present Declaration,

Have agreed to modify the Agreement referred to above as follows:

Article 4 is replaced by the following provision :

ARTICLE 4.

The sum so calculated, together with the value of the property and possessions of the former Austro-Hungarian Monarchy transferred to Italy, assessed in accordance with Article 208, Part IX (Financial Clauses) of the Treaty of Peace with Austria, shall be set off against the approved claims of Italy for reparation.

Italy shall, within three months after being requested by the Reparation Commission so to do, issue bonds to the amount of these two sums, and shall deliver them to such person or body as the Governments of the United States of America, the British Empire, France and Italy may designate.

The above bonds shall be to bearer, principal and interest being payable by Italy without deduction for any tax or charge imposed by her or under her authority. The bonds shall bear interest at the rate of five per cent. per annum payable half yearly, beginning on January 1, 1926. They shall be repaid in twenty-five equal annual drawings, beginning on January 1, 1931. Italy may, however, at her option, redeem all or part of the bonds issued by her at par and accrued interest at any time, provided ninety days' notice of her intention so to do is given to the Governments of the United States of America, the British Empire and France.

As and when payments on such bonds fall due, the Reparation Commission shall retain, against the sums due to Italy for reparation, the sums required for interest and amortization.

Plenipotentiaries who in consequence of their temporary absence from Paris have not signed the present Declaration may do so up to December 20, 1919.

TREATIES RELATED TO TREATY OF VERSAILLES

Made in French, in English, and in Italian, of which in case of divergence the French text shall prevail, at Paris, the eighth day of December one thousand nine hundred and nineteen.

FRANK L. POLK.	L. L. KLOTZ.
ROLIN-JAEQUEMYS.	ANDRÉ TARDIEU.
EYRE A. CROWE.	JULES CAMBON.
GEORGE H. PERLEY.	A. ROMANOS.
ANDREW FISHER.	G. DE MARTINO.
THOMAS MACKENZIE.	K. MATSUI.
R. A. BLANKENBERG.	R. A. AMADOR.
EYRE A. CROWE.	AFFONSO COSTA.
VIKYUIN WELLINGTON KOO.	CHAROON.
RAFAEL MARTINEZ ORTIZ.	NIK. P. PACHITCH.
G. CLEMENCEAU.	DR. ANTE TRUMBIC.
S. PICHON.	DR. IVAN ZOLGER.

[A N N E X]

EXCERPT FROM TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND AUSTRIA, SIGNED AT SAINT-GERMAIN-EN-LAYE, SEPTEMBER 10, 1919

ARTICLE 208. States to which territory of the former Austro-Hungarian Monarchy is transferred and States arising from the dismemberment of that Monarchy shall acquire all property and possessions situated within their territories belonging to the former or existing Austrian Government.

For the purposes of this Article, the property and possessions of the former or existing Austrian Government shall be deemed to include the property of the former Austrian Empire and the interests of that Empire in the joint property of the Austro-Hungarian Monarchy, as well as all the property of the Crown, and the private property of members of the former Royal Family of Austria-Hungary.

These States shall, however, have no claim to any property of the former or existing Government of Austria situated outside their own respective territories.

The value of such property and possessions acquired by States other than Austria shall be fixed by the Reparation Commission and placed by that Commission to the credit of Austria and to the debit

ITALIAN REPARATION PAYMENTS

of the State acquiring such property on account of the sums due for reparation. The Reparation Commission shall deduct from the value of the public property thus acquired an amount proportionate to the contribution in money, land or material made directly by any province or commune or other autonomous local authority towards the cost of such property.

Without prejudice to Article 203 relating to secured Debt, in the case of each State acquiring property under the provisions of this Article, the amount placed to the credit of Austria and to the debit of the said State in accordance with the preceding paragraph shall be reduced by the value of the amount of the liability in respect of the unsecured Debt of the former Austrian Government assumed by that State under the provisions of Article 203 which, in the opinion of the Reparation Commission, represents expenditure upon the property so acquired. The value shall be fixed by the Reparation Commission on such basis as the Commission may consider equitable.

Property of the former and existing Austrian Governments shall be deemed to include a share of the real property in Bosnia-Herzegovina of all descriptions for which, under Article 5 of the Convention of February 26, 1909,¹ the Government of the former Austro-Hungarian Monarchy paid £ T. 2,500,000 to the Ottoman Government. Such share shall be proportionate to the share which the former Austrian Empire contributed to the above payment, and the value of this share, as assessed by the Reparation Commission, shall be credited to Austria on account of reparation.

As exception to the above there shall be transferred without payment:

(1) the property and possessions of provinces, communes and other local autonomous institutions of the former Austro-Hungarian Monarchy, including those in Bosnia-Herzegovina which did not belong to the former Austro-Hungarian Monarchy.

(2) schools and hospitals the property of the former Austro-Hungarian Monarchy.

(3) forests which belonged to the former Kingdom of Poland.

Further, any building or other property situated in the respective territories transferred to the States referred to in the first paragraph whose principal value lies in its historic interest and associations, and which formerly belonged to the Kingdom of Bohemia, the Kingdom of Poland, the Kingdom of Croatia-Slavonia-Dal-

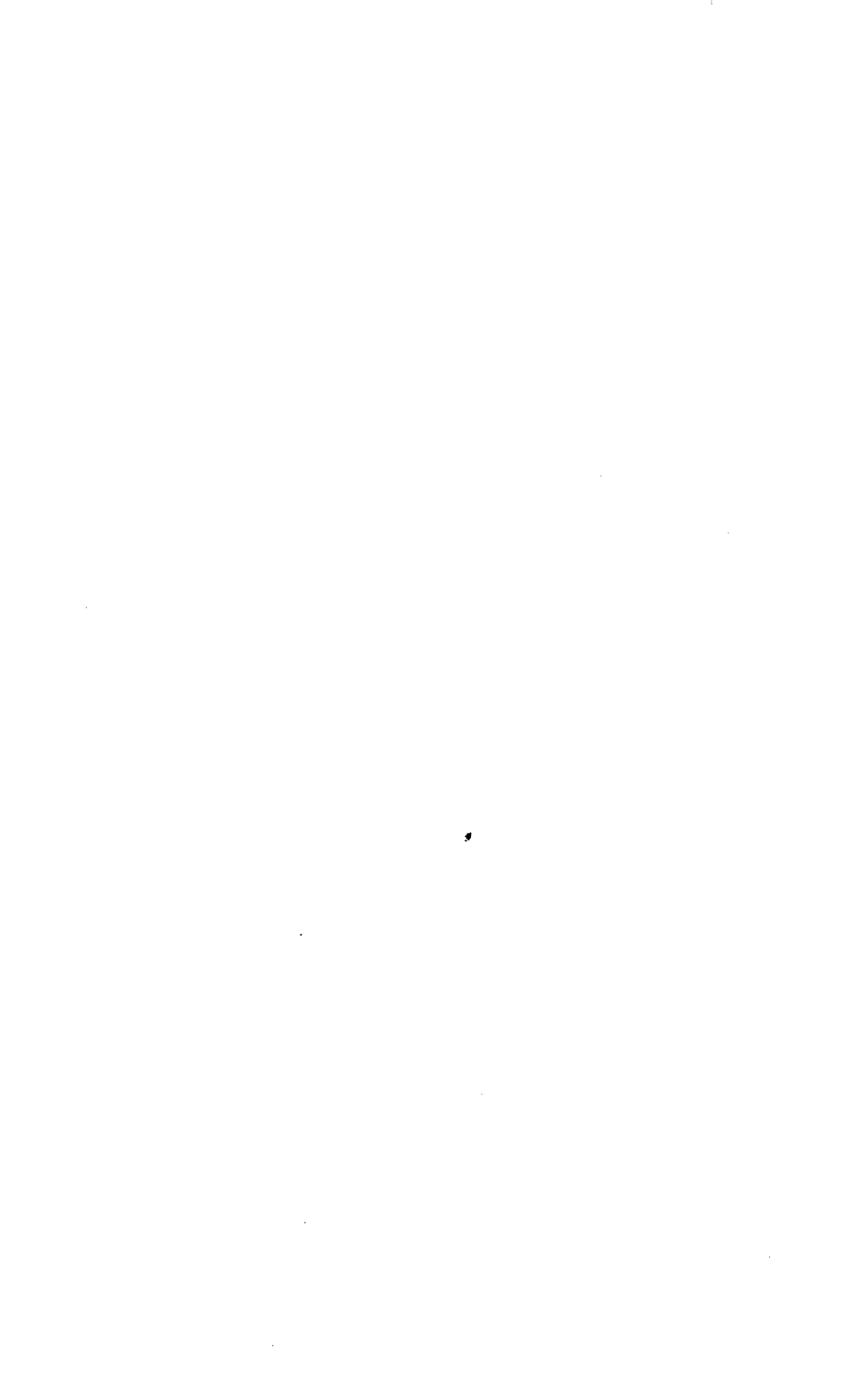
¹ 102 *British and Foreign State Papers*, p. 180.

TREATIES RELATED TO TREATY OF VERSAILLES

matia, Bosnia-Herzegovina, the Republic of Ragusa, the Venetian Republic or the Episcopal Principalities of Trient and Bressanone, may, subject to the approval of the Reparation Commission be transferred to the Government entitled thereto without payment.

A P P E N D I X

**Certain Treaties for Execution or Modification of the
Treaty of Peace with Germany**



RELATING TO PART II, SECTION III

1. *Treaty of Mutual Guaranty between Germany, Belgium, France, Great Britain, and Italy*¹

Done at Locarno, October 16, 1925; in force in accordance with article 10 September 14, 1926; the German Government notified signatory states that it regarded the treaty as no longer binding and introduced troops into the demilitarized zone, March 7, 1936; violation by Germany found by resolution of Council of League of Nations, March 19, 1936, and notified to signatories; negotiations for a fresh and wider understanding failed; France and the United Kingdom by exchange of notes with Belgium inter alia released Belgium from obligations toward them April 24, 1937; Germany by exchange of notes with Belgium affirmed Belgium's inviolability and integrity, October 13, 1937; Germany invaded Belgium and France, May 10, 1940.

[The vertical rule indicates treaty text.]

THE PRESIDENT OF THE GERMAN REICH, HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE FRENCH REPUBLIC, HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, HIS MAJESTY THE KING OF ITALY;

Anxious to satisfy the desire for security and protection which animates the peoples upon whom fell the scourge of the war of 1914-18;

Taking note of the abrogation of the treaties for the neutralisation of Belgium, and conscious of the necessity of ensuring peace in the area which has so frequently been the scene of European conflicts;

Animated also with the sincere desire of giving to all the signatory Powers concerned supplementary guarantees within the framework of the Covenant of the League of Nations and the treaties in force between them;

¹ 54 League of Nations Treaty Series, p. 289.

APPENDIX

Have determined to conclude a treaty with these objects, and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN EMPIRE :

Dr. HANS LUTHER, Chancellor of the Empire ;

Dr. GUSTAV STRESEMANN, Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE BELGIANS :

M. EMILE VANDERVELDE, Minister for Foreign Affairs ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. ARISTIDE BRIAND, Prime Minister and Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

The Right Honourable STANLEY BALDWIN, M.P., First Lord of the Treasury and Prime Minister ;

The Right Honourable JOSEPH AUSTEN CHAMBERLAIN, M.P., Principal Secretary of State for Foreign Affairs ;

HIS MAJESTY THE KING OF ITALY :

The Honourable VITTORIO SCIALOJA, Senator of the Kingdom ;

Who, having communicated their full powers, found in good and due form have agreed as follows :

ARTICLE 1. The High Contracting Parties collectively and severally guarantee, in the manner provided in the following Articles, the maintenance of the territorial *status quo* resulting from the frontiers between Germany and Belgium and between Germany and France, and the inviolability of the said frontiers as fixed by or in pursuance of the Treaty of Peace signed at Versailles on June 28, 1919, and also the observance of the stipulations of Articles 42 and 43 of the said Treaty concerning the demilitarised zone.

ARTICLE 2. Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of :

(1) The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph or to a flagrant breach of Articles 42 or 43 of the said Treaty of Versailles, if such breach constitutes an unprovoked act of aggression and by reason of the assembly of armed forces in the demilitarised zone, immediate action is necessary ;

(2) Action in pursuance of Article 16 of the Covenant of the League of Nations ;

LOCARNO GUARANTY

(3) Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

ARTICLE 3. In view of the undertakings entered into in Article 2 of the present Treaty, Germany and Belgium, and Germany and France, undertake to settle by peaceful means and in the manner laid down herein all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy:

Any question with regard to which the Parties are in conflict as to their respective rights shall be submitted to judicial decision, and the Parties undertake to comply with such decision.

All other questions shall be submitted to a conciliation commission. If the proposals of this commission are not accepted by the two Parties, the question shall be brought before the Council of the League of Nations, which will deal with it in accordance with Article 15 of the Covenant of the League.

The detailed arrangements for effecting such peaceful settlement are the subject of special Agreements signed this day.

ARTICLE 4. (1) If one of the High Contracting Parties alleges that a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles has been or is being committed, it shall bring the question at once before the Council of the League of Nations.

(2) As soon as the Council of the League of Nations is satisfied that such violation or breach has been committed, it will notify its finding without delay to the Powers signatory of the present Treaty, who severally agree that in such case they will each of them come immediately to the assistance of the Power against whom the act complained of is directed.

(3) In case of a flagrant violation of Article 2 of the present Treaty or of a flagrant breach of Articles 42 or 43 of the Treaty of Versailles by one of the High Contracting Parties, each of the other Contracting Parties hereby undertakes immediately to come to the help of the Party against whom such a violation or breach has been directed as soon as the said Power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarised zone immediate action is necessary. Nevertheless, the Council of

APPENDIX

the League of Nations, which will be seized of the question in accordance with the first paragraph of this Article, will issue its findings, and the High Contracting Parties undertake to act in accordance with the recommendations of the Council, provided that they are concurred in by all the Members other than the representatives of the Parties which have engaged in hostilities.

ARTICLE 5. The provisions of Article 3 of the present Treaty are placed under the guarantee of the High Contracting Parties as provided by the following stipulations:

If one of the Powers referred to in Article 3 refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision and commits a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles, the provisions of Article 4 of the present Treaty shall apply.

Where one of the Powers referred to in Article 3, without committing a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles, refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision, the other Party shall bring the matter before the Council of the League of Nations, and the Council shall propose what steps shall be taken; the High Contracting Parties shall comply with these proposals.

ARTICLE 6. The provisions of the present Treaty do not affect the rights and obligations of the High Contracting Parties under the Treaty of Versailles or under arrangements supplementary thereto, including the Agreements signed in London on August 30, 1924.¹

ARTICLE 7. The present Treaty, which is designed to ensure the maintenance of peace, and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 8. The present Treaty shall be registered at the League of Nations in accordance with the Covenant of the League. It shall remain in force until the Council, acting on a request of one or other of the High Contracting Parties notified to the other signatory Powers three months in advance, and voting at least by a two-thirds' majority, decides that the League of Nations ensures sufficient protection to the High Contracting Parties; the Treaty shall cease to have effect on the expiration of a period of one year from such decision.

¹ See p. 887.

TONNAGE AGREEMENT

ARTICLE 9. The present Treaty shall impose no obligation upon any of the British dominions, or upon India, unless the Government of such dominion, or of India, signifies its acceptance thereof.

ARTICLE 10. The present Treaty shall be ratified and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

It shall enter into force as soon as all the ratifications have been deposited and Germany has become a Member of the League of Nations.

The present Treaty, done in a single copy, will be deposited in the archives of the League of Nations, and the Secretary-General will be requested to transmit certified copies to each of the High Contracting Parties.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Treaty.

Done at Locarno, October 16, 1925.

(L.S.) HANS LUTHER.
(L.S.) GUSTAV STRESEMANN.
(L.S.) EMILE VANDERVELDE.
(L.S.) ARISTIDE BRIAND.
(L.S.) STANLEY BALDWIN.
(L.S.) AUSTEN CHAMBERLAIN.
(L.S.) VITTORIO SCIALOJA.

RELATING TO PART VIII

2. "*Wilson - Lloyd George Agreement*" concerning German Tonnage, Signed at Paris, May 8, 1919¹

The Allied and Associated Governments whose signatures are hereto affixed, severally agree as regards merchant shipping as follows:

¹ The English version, except for that of the Clemenceau letter and his signature to the agreement, is transcribed from *Foreign Relations*, 1920, II, 512. The date and the Clemenceau signature and letter are supplied from the text on which the Reparation Commission relied.

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1. The Reparation Commission will as soon as possible compile a list giving fullest particulars available on all enemy ships still in existence, captured, seized or detained by any Allied or Associated Government during the war, and also all other enemy ships or boats which the enemy Powers are required to cede under the Treaty of Peace.

2. The Reparation Commission will take such steps as will secure that each of the Allied and Associated Governments will retain as its own the complete title to and use of all ships captured, seized, or detained during the war as a war measure and prior to November 11, 1918, and will own the same free from any claim of any of the other Allied and Associated Governments.

In all cases where the ships and boats so to be retained by any Allied or Associated Government are in excess of the claims of such Governments respectively for war losses in merchant ships such Governments shall not make any claim for a share in other ships and boats ceded under the Treaty of Peace.

3. In all cases where the ships and boats so to be retained by any such Governments are insufficient to satisfy in full the claims of such Governments respectively for war losses in merchant ships, the enemy ships which remain and which are to be ceded under the Treaty of Peace will be divided into three classes, viz. liners, other merchant ships, and fishing boats, and will be distributed to such Governments on the basis of ton-for-ton and class-for-class of the ships and boats lost and not replaced by the ships and boats retained, but in proportion to the balances due on the claims of such Governments respectively.

4. As the ships and boats so to be retained will, in the case of Brazil, China, Cuba, Siam, and the United States, exceed the total amount of tonnage which would be allocated to those countries were the total enemy tonnage captured, seized, detained or still in existence shared in proportion to losses of ships and boats during the war, in each such case a reasonable value on the excess of ships and boats over the amount which would result from such a division will be determined.

The amount of the value so fixed will be paid over by each such state to the Reparation Commission for the credit of Germany towards the sums due from her for Reparation, in respect to war losses of merchant ships.

5. As soon as the Reparation Commission has collected the necessary information, and is in a position so to do, they will give public notice that after an interval of two months they will proceed

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to divide the vessels except those captured, seized, or detained by the Allied and Associated Governments which are to be retained by them respectively as hereinbefore provided.

If within one month of the publication of the notice, any Allied, Associated or Neutral Government, person or corporation, a national of such Government and acting through such Government, notifies the Commission that they have an equitable claim against any vessel which has not been, or is not being satisfied by the enemy Governments, that claim will be considered on its merits by the Commission which may adopt any procedure it thinks fit, provided it is expeditious and is calculated to do substantial justice as between the Allied and Associated Governments on the one hand and the claimant on the other.

The Commission will have power to determine claims so presented, and such determination will be conclusive and the Commission will also have power to enforce its findings.

8 May, 1919.

WOODROW WILSON
Subject to the
explanation contained
in the attached
memorandum.
D. LLOYD GEORGE
CLEMENCEAU

[Memorandum]

I deem it my duty to state, in signing this document, that, while I feel confident that the Congress of the United States will make the disposal of the funds mentioned in clause four which is there agreed upon, I have no authority to bind it to that action, but must depend upon its taking the same view of the matter that is taken by the joint signatories of this agreement.

W.W.

Pending the outcome of the negotiations, which we hope will enable us to accept and sign the general agreement heretofore signed by President Wilson and Mr. Lloyd George in regard to distribution of enemy ships, the French Government agrees with the United States Government:

That in any case the United States, in so far as any interest of the French Government is concerned, shall retain all ships captured, seized or detained by them during the war as a war measure

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and prior to November 3rd, 1918, the same to be free of any claim of the French Government for reparation.

And that the Reparation Commission will take such steps as will secure that the United States retain as its own the complete title to and the use of all ships, in so far as the interest of the French Government in these particular ships is concerned.

As the tonnage of the ships and boats so to be retained by the United States will exceed the total amount of tonnage which would be allocated to them, were the total enemy tonnage captured, seized, detained or still in existence shared in proportion to the losses of ships and boats during the war, a reasonable value on such excess of ships and boats over the amount which would result from such a division will be determined.

The amount of the value so fixed will be paid over by the United States to the Reparation Commission for the credit of Germany towards the sums due from her for reparation in respect to war losses of merchant ships, subject, however, to the power of the Congress of the United States to make disposal of such funds under the resolution approved May 13 [12], 1917.¹

8 May, 1919

CLEMENCEAU

Note

Italy became a party to the Wilson-Lloyd George agreement with regard to the ultimate disposal of Austro-Hungarian merchant ships by agreements concluded with the United Kingdom on September 25 and October 13, 15, 1919 and June 1, 1921 (6 League of Nations Treaty Series, p. 323). Japan became a party to the Wilson-Lloyd George agreement with regard to the ultimate disposal of both German and Austro-Hungarian merchant ships by an agreement with the United Kingdom on November 10, 12, 1919 (*ibid.*, p. 333).

¹ 40 Stat. 75.

BELGIAN REPARATION PRIORITY

3. Agreement regarding Priority in Reparation Payments to Belgium, Approved by the Council of Principal Allied and Associated Powers June 24, 1919¹

WHEREAS, Article 237 of the Conditions of Peace with Germany provides, among other things, that the payments to be made by Germany, by way of reparation, will be divided by the Allied and Associated Governments in proportions which have been determined upon by them in advance and on a basis of general equity and of the rights of each; and

WHEREAS, it is deemed equitable that after the priority accorded by Article 235, in respect of the expenses of the Armies of Occupation and payments for the supply of Germany, a certain priority should be granted to Belgium in respect of the payments made by Germany by way of reparation;

Now, THEREFORE, the undersigned, in the name of their respective Governments, agree that out of the first cash received from Germany, in respect of reparation, Belgium shall receive, on account of the reparation payments to which she is entitled the equivalent of 2,500,000,000 gold francs.

For the purposes of the foregoing there shall be reckoned as cash:

- (1) Currency received by the Reparation Commission;
- (2) The proceeds of the sale by the said Commission of negotiable instruments or securities received from Germany;
- (3) The value of deliveries and reparation in kind made by Germany pursuant to the provisions of the Conditions of Peace and debited to the Allied and Associated Governments. This last item shall not be taken into account before May 1, 1921.

It is understood that the restitutions contemplated by Article 238 of the Treaty will not be taken into consideration.

Irrespective of this priority of 2,500,000,000 francs, Belgium will participate in the proportion which will be accorded to her in the division of the first payments and the subsequent divisions contemplated by Article 237 above referred to.

Beginning with May 1, 1921, the above mentioned sum of 2,500,000,000 francs will be amortized at the rate of one-thirtieth per year out of Belgium's share in each of the subsequent payments made by Germany. If, however, Germany should complete payment of its debt in less than thirty years, such amortization will be accel-

¹ File 180.03401/89.

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erated so that it will conclude coincidentally with the final settlement of Germany.

The Annex attached hereto will serve as an illustration of the method of applying the foregoing provisions.

G. CLEMENCEAU
 WOODROW WILSON
 D. LLOYD GEORGE
 S. SONNINO

A N N E X

Let us assume that Germany pays up to May 1, 1921, in addition to sums which will be applied to its supply of food and raw materials and to the expenses of the Armies of Occupation, the total sum of 13 milliards of francs applicable to reparations. Let us suppose that this sum has been paid as follows:

In cash or securities converted into cash, 1½ milliards.

In different deliveries, 11½ milliards.

Let us further assume that Belgium's share is fixed at 7%, for example. On the foregoing hypothesis Belgium will be entitled:

(1) To receive the cash, that is, 1½ milliards;

(2) On May 1, 1921, each of the interested Powers, having been debited with the total amount of deliveries in kind received by it, payment will be made to Belgium out of the common fund of 1 milliard of the 11½ milliards mentioned above.

Out of the balance of 10½ milliards, Belgium will be entitled to 7%, that is to say, 735 millions.

If Belgium has received in kind 1,200,000,000, she should pay into the common funds the difference between this sum and the share of the 735 millions to which she is entitled, that is to say, 465 millions.

After 1921, for instance in 1922, if Germany has paid in that year 10 milliards and Belgium has received in kind 300 millions, its account will stand as follows:

Received in kind, 300 millions,	300,000,000
Amortization payment on the priority of 2½ milliards,	83,330,000

Total . . . : 383,330,000

Amount due to Belgium 700 millions, from which are to be deducted the above 383,330,000; balance due from the common fund to Belgium, 316,670,000.

G.C.
 W.W.
 D.L.I.G.
 S.S.

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**3a. Notification to the Government of Belgium, Approved
June 24, 1919**

*M. Clemenceau, President Wilson, and Mr. Lloyd George to the
Belgian Minister for Foreign Affairs (M. Hymans)*

PARIS, June 16, 1919.

SIR: The Reparation Clauses of the draft Treaty of Peace with Germany obligate Germany to make reimbursement of all sums which Belgium has borrowed from the Allied and Associated Governments up to November 11, 1918, on account of the violation by Germany of the Treaty of 1839. As evidence of such an obligation Germany is to make a special issue of bonds to be delivered to the Reparation Commission.

Each of the undersigned will recommend to the appropriate governmental agency of his Government that, upon the delivery to the Reparation Commission of such bonds, his Government accept an amount thereof corresponding to the sums which Belgium has borrowed from his Government since the war and up to November 11, 1918, together with interest at 5% unless already included in such sums, in satisfaction of Belgium's obligation on account of such loans, which obligation of Belgium's shall thereupon be cancelled.

We are [etc.]

G. CLEMENCEAU
WOODROW WILSON
D. LLOYD GEORGE

**4. Agreement between Great Britain, Belgium, France,
Italy, Japan and Portugal for the Settlement of
certain Questions as to the Application of the
Treaties of Peace and Complementary Agreements
with Germany, Austria, Hungary, and Bulgaria,
Signed at Spa, July 16, 1920¹**

The Governments of Belgium, France, Great Britain, Italy,
Japan and Portugal respectively represented by the undersigned,

¹ United Kingdom, *Reparation, Agreement between the Allies for the Settlement of Certain Questions* . . . 1922, Cmd. 1615; 114 *British and Foreign State Papers*, p. 550.

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recognising that it is in the general interest to effect an immediate settlement between themselves of certain problems arising from the application of the Treaties of Peace and the complementary Agreements, have agreed upon the following:—

PART I.

ART. I.—In pursuance of Article 237 of the Treaty of Versailles, sums received from Germany under the head of reparation shall be divided in the following proportions:—

	Per cent
British Empire	22
France	52
Italy	10
Japan . . . . .	.75
Belgium	8
Portugal . . . . .	.75

6.5 per cent shall be reserved for Greece, Roumania, the Serb-Croat-Slovene State,¹ and for the other Powers entitled to reparation which are not signatories of this Agreement.

II. The aggregate amount received under the head of reparation from Austria, Bulgaria and Hungary, together with the sums received from Italy, the Czechoslovak State, Roumania and the Serb-Croat-Slovene State under the Agreements made on the 10th September and the 8th December, 1919, shall be divided as follows:

(a.) One-half shall be divided between the Allied Governments mentioned in Article I in the proportion fixed by the said Article.

(b.) Of the other half, Italy shall receive 40 per cent., and 60 per cent. is reserved for Greece, Roumania, the Serb-Croat-Slovene State, and for other Powers entitled to reparation which are not signatories of this Agreement.

PART II.

III. The Allied Governments recognise that it is in the general interest to determine the total amount due by Germany under Articles 231 and 232 of the Treaty of Versailles, and to make provision for the method of payment on the basis of an agreement embodying:

(1) The fixing of annuities to be paid by Germany.

¹ The percentage of the Serb-Croat-Slovene State was determined as 5 per cent by an agreement with France and Great Britain concluded at Paris on June 20, 1921 and confirmed by the Spa signatories. That government did not, however, adhere to the Spa agreement until February 25, 1925 (file 462.00 R 29/3822).

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(2) The faculty for her to free herself at an earlier date by discounting some or all of these annuities.

(3) The issue by Germany of loans destined for the internal requirements of the country and the prompt discharge of its debt to the Allied Powers.

The Allied Governments declare their readiness to take among themselves such measures as they may deem appropriate to facilitate an agreement of this kind.

PART III.

IV.—(1.) For each of the Allied Powers the Reparation Commission will draw up, as on the 1st May, 1921, a statement in the following form:—

May 1, 1921

Creditor	Debtor
(a.) Cost to the 1st May, 1921, of Armies of Occupation.	(d.) Receipts on account of Armies of Occupation.
(b.) Sums advanced to Belgium before the 11th November, 1918, with interest to the 1st May, 1921.	(e.) Value of deliveries in kind up to the 1st May, 1921, excluding restitutions under Article 238 under the Treaty of Versailles.
(c.) Present value of share in reparation.	(f.) Receipts to be credited to Germany under Article 243 of the said Treaty, excluding final balances under Sections III and IV of Part X (Economic Clauses), and sums applied in accordance with Article V (a) of this Agreement below towards the satisfaction of the Belgian priority.

If the payments to be made by Germany consist of annuities, or periodical payments which can be discounted, the credit for the present value of the share in reparation referred to in (c) above for each Power shall be fixed by discounting at 5 per cent. the share attributed to that Power in the annuities or periodical payments, unless the said share has been, as an exception, fixed at a capital sum.

Where the receipts to be credited under (f) have not been definitely ascertained when the statement is drawn up, the Reparation Commission will estimate the receipts to be credited. The Commission will make such subsequent adjustments in the accounts as may be necessary when the amount is definitely ascertained.

(2.) If the above statement shows that a Power has received under (d), (e) and (f) more than the aggregate totals of (a),

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(*b*) and (*c*), the Reparation Commission will notify the amount of the excess to the Power in question, and it shall be paid to the Reparation Commission by that Power within three months from the date of the notification.

(3.) In all cases, even where the repayment provided for above has been made, any excess of the sums debited under (*d*), (*e*) and (*f*) over the sums credited under (*a*) shall be retained for the following purposes:—

(*a*.) In the case of Belgium, the excess shall be regarded as a payment on account of her priority of 2½ milliards of gold francs.

(*b*.) In the case of each of the Allied Powers other than Belgium, it shall be treated as an advance repayable in the manner indicated below, and bearing interest of 5 per cent., which shall be placed to the credit of the special interest account referred to in paragraph 4.

The amounts so treated as an advance shall constitute contingent reserves for the purpose of enabling the Reparation Commission to meet, during the ensuing five years, the service of the whole or part of the German loans referred to in Article III (3) in the event of default by Germany.

For this purpose, the amount for each Power shall be divided into five equal parts, one of which shall be attributable to each of the five years. If, in any year, the part attributable to that year is not required for the service of the German loans, it shall be applied for the following purposes in the order named:—

(i.) In discharge of sums then due by Germany to that Power in respect of the cost of the Army of Occupation.

(ii.) In satisfaction of sums, either capital or interest, due by Belgium to the Power in question for moneys advanced before the 11th November, 1918.

(iii.) Towards the annuities, if any, due by Germany to the Power concerned.

(iv.) As regards Italy and Japan, towards the payment by anticipation of future instalments of the annuities due to those Powers (beginning with the earlier instalments) at such rates of discount not being less than 5 per cent. (five) as may from time to time be agreed between those Powers and the Reparation Commission.

Any balance not required for the above purpose shall be paid to the Reparation Commission for division among the Powers in the proportions laid down in Article I.

(4.) A special interest account shall be drawn up for each Power, and in it shall be included, after the 1st May, 1921, the interest on the advances referred to in paragraph 3. The credit balance on

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the account shall be divided among the Powers, other than Belgium, in proportion to the percentages laid down in Article I.

V. In consideration of the sacrifice made in the general interest by all the Powers which are creditors of Germany in order to ensure the success of the loans referred to in Article III, and with a view to avoiding all difficulty in inter-Allied financial adjustments, Belgium consents, and it is hereby agreed, that the sum of 2½ milliards of gold francs to which she is entitled in priority under the Agreement of the 16th June, 1919, should be ensured as follows:—

Belgium retains, as laid down in Article IV of this Agreement, the excess of the deliveries in kind and the transfer of German rights and interests received before the 1st May, 1921. The remainder of the 2½ milliards of gold francs shall, after payment of the costs of the Armies of Occupation which have not been paid as provided in Article IV, and until the priority granted to her is satisfied, be paid:—

(a.) Up till the 1st May, 1921, out of any cash payments received by the Reparation Commission under Article 243, and, in particular, from sums received under the following heads:—

(1.) Reimbursements to be effected under the conditions specified in Article IV by any Allied Power which has received deliveries in kind or transfers of German rights or interests referred to in Article 243 of the Treaty of Versailles, to a value in excess of her credits with Germany on account of the cost, if any, of her Armies of Occupation, of her reparation for damage, and of the sums, if any, to be reimbursed to her in respect of advances to Belgium up to the 11th November, 1918.

(2.) Receipts in respect of final balances in favour of Germany from the clearing houses provided for in Article 296 of the Treaty of Versailles and of the proceeds of the liquidation of German property, rights and interests seized by the Allied Powers in their respective territories, and paid to the Reparation Commission in conformity with the provisions of Article 297, paragraph (h), of the said Treaty.

(3.) Any payments under Article 254 of the Treaty of Versailles in respect of the assumption of part of the debt of the German Empire, or of a German State, by Denmark (Slesvig), Czechoslovakia, or the Free City of Danzig.

(4.) The value under Article 256 of the Treaty of Versailles of the assets and properties of the German Empire and States in the territories transferred by Germany received from Denmark (Slesvig), Czechoslovakia and the Free City of Danzig.

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(5.) The acquisition under Article 260 of the Treaty of Versailles of the value of German rights or interests in public utility undertakings or concessions in the countries and territories referred to in that Article.

(6.) The sale of arms, munitions, war material and machinery which is to be destroyed in accordance with Article 169 of the Treaty of Versailles.

(7.) Sale to Luxemburg of German coal delivered in execution of paragraph 5 of Annex V of Part VIII (Reparation) of the Treaty of Versailles.

(8.) Distribution or sale by the Reparation Commission of dye-stuffs and chemical drugs delivered by Germany, under the conditions laid down in Annex VI of Part VIII (Reparation) of the Treaty of Versailles.

(b.) After the 1st May, 1921, subject to the payment in priority of the cost of the Armies of Occupation, the value of all deliveries or payments made by Germany, and any other receipts of the Reparation Commission available for distribution.

(c.) To the extent specified below, the proceeds of the first German loan, and contingently, the proceeds of the following loans, Belgium recognises that, in order to ensure the success of the loans, it is proper to interest the largest number of Germany's creditors in their success, and not to reserve to one power practically the whole proceeds. After deducting that part of the proceeds of these loans which is reserved for Germany, Belgium will receive, if necessary, up to 50 per cent. of the proceeds.

(d.) If the payment of the amounts due by Germany for reparation is provided for in the form of annuities, sums paid to Belgium by reason of her right of priority will be deducted from her share of the annuities, or from her share of the proceeds of the annuities, if all or any of them are discounted. This deduction must be so arranged as to ensure that Belgium's share in the present value of the receipts from Germany shall coincide with the percentage allotted to her in Article I of this Agreement.

VI-(1.) Germany, by Annex III of Part VIII (Reparation) of the Treaty of Versailles, and Austria and Hungary, by the corresponding provisions of the Treaty of Saint-Germain and the Treaty of Trianon, having recognised the right of the Allied and Associated Powers to the replacement, ton for ton and class for class, of all merchant ships and fishing boats lost or damaged owing to the war, and in view of the great difficulty of fixing a fair value

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for the ships surrendered except after the actual sale of the greater portion of such ships, it is agreed as follows:—

The sale of the ships allotted to the British Empire shall be made before the 1st May, 1921, by the Reparation Commission on the British market, and shall be made to British nationals.

The amount to be credited to the ex-enemy Powers and debited to the British Empire in respect of merchant vessels and fishing craft allotted to it, or subsequently transferred to it under inter-Allied Agreements, shall, subject to adjustments rendered necessary by repairs or the expenses of delivery, be the actual price realised by such sales.

In the case of other Powers, the amount to be debited in respect of merchant vessels and fishing craft allotted to them, or subsequently transferred to them under inter-Allied Agreements, shall be the average amounts, subject to similar adjustments, realised by the sale of similar ships of each class on the British market.

The value so ascertained shall be debited to the Allied Power and credited to the ex-enemy Power concerned as on the following dates. In the case of Germany, on the 10th January, 1920, or the date of the delivery of the vessel, whichever may be later; in the case of Austria and Hungary, on the respective dates of the coming into force of the Treaties of Peace with those countries.

Interest at 5 per cent. per annum from the above dates up till the date of sale or up to the 1st May, 1921, if the ships are not sold before that date shall be debited to the British Empire in respect of ships allotted or transferred to it, and shall be credited to the special interest account referred to in Article IV.

In the case of each of the other Powers a lump sum shall be debited in respect of interest and credited to the said special account. This sum shall bear the same proportion to the total amount debited to the British Empire in respect of interest as the value of the total amount of tonnage allotted or transferred to that Power bears to the value of the total amount of tonnage allotted or transferred to the British Empire.

(2.) No charge shall be debited to any Allied Power to which ships have been allotted for the use of such ships after the coming into force of the several Treaties of Peace.

(3.) In the case of ships transferred, the hire of such ships, until transferred, shall be paid over to the transferring Power by the Power to which ships are transferred. Such payments shall be effected by deducting the amount of the hire, plus interest at 5 per cent. per annum from the date of the transfer of the ships, from the

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first percentage payment other than payments in kind or services rendered, received either from Germany, Austria, or Hungary, whichever may be the earliest, by the Power to which the ship is transferred, and adding it to the first percentage payment received by the transferring Power.

(4.) After the final allotment of tonnage by the Reparation Commission, there shall be transferred to Belgium out of the shares of the other Powers sharing in the distribution of tonnage such an amount of tonnage as will make up her ton for ton allotment to a total equivalent to the tonnage of the vessels condemned after the Armistice in the Belgian Prize Court. Such tonnage shall be of approximately the same age, type and value as the condemned ships. The contribution of each of the transferring Powers shall be in proportion to their approved claims for the ton for ton allotment of ex-enemy tonnage.

The value of the vessels allotted to Belgium, and also of those transferred to her as above, will be debited to the transferring Powers in the same proportions as they contribute the transferred ships.

The condemnation of the above vessels in the Belgian Prize Court not being recognised by the Allied Powers, Belgium, while maintaining the validity of these decisions, agrees, in consideration of the tonnage transferred to her under this paragraph (4), not to claim any interest in these vessels by reason of their condemnation.

VII. No sum shall be credited to Germany for the light cruisers, floating docks or the material handed over, or to be handed over, under the Protocol of the 10th January, 1920, as compensation for the warships which were sunk.

As regards sunk German ships which have been, or may be, salvaged, a Power to which they have been, or may be, allotted, will be chargeable with the cost of the salvage incurred by the Power which has borne them.

VIII. No sum shall be credited to Germany in respect of the proceeds of the sale of warships and naval war material surrendered under the Naval Clauses of the Treaty of Versailles, including the value of the arisings from naval war material which may have been, or may be, sold by the Reparation Commission at the request of the Supreme Council. These sums shall be divided between the Allied Powers in the same proportions as were approved by the Supreme Council for the material surrendered under the Protocol of the 10th January, 1920.

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IX. Italy shall, in priority to all other Allied Powers, be entitled to retain and set off against the amounts due to her by Austria, Bulgaria and Hungary in respect of the Armies of Occupation and reparation a sum equal to the amount for which she may be adjudged by the Reparation Commission to be liable to account to the Reparation Commission in respect of the value of property transferred and services rendered up to the 1st May, 1921, under Article 189 and Annexes III, IV and V to Part VIII (Reparation) of the Treaty of Saint-Germain, and of the corresponding provisions of the Treaty of the Trianon, and also of the sum provided for in the Agreement relating to Italy with respect to the reparation contribution signed at Saint-Germain on the 10th September, 1919, as modified at Paris on the 8th December, 1919. Italy will in consequence only be obliged to issue the bonds referred to in Article IV of the said Agreement if and so far as her debt is not covered by the set-off provided for above.

X. The provisions of the present Agreement do not apply to Poland. The right of Poland to reparation for damage suffered by her, as an integral part of the former Empire of Russia, is reserved in accordance with Article 116 of the Treaty of Versailles and Article 87 of the Treaty of Saint-Germain.

The sums to be credited to Germany and Austria under Articles 92 and 243 of the Treaty of Versailles, and Article 189 of the Treaty of Saint-Germain, shall be entered provisionally in suspense accounts carrying interest at 5 per cent. per annum.

XI. The stipulations of the present Agreement shall not affect the operation of the provisions of Article 232, paragraph 3, of the Treaty of Versailles.

The amount of the sums borrowed by Belgium up till the 11th November, 1918, including interest at 5 per cent. per annum up till the date of payment, shall rank immediately after the payment of 2½ milliards of gold francs referred to in Article V and be distributed as equally as possible over the sums paid each year by Germany before the 1st May, 1926.

Sums paid in advance by Germany shall not be applied for the purpose of discounting this part of her yearly payments.

XII. Nothing in this Agreement shall prejudice the right of the Allied Powers to repayment of the relief credits afforded by them to the ex-enemy Powers.

XIII. The question of the reduction of the cost of the Armies of Occupation to a uniform basis for all the Allied and Associated Powers is reserved in order that it may be discussed with the United States of America.

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BELGIUM:	ITALY:
(L.S.) LEON DELACROIX.	(L.S.) C. SFORZA.
FRANCE:	JAPAN:
(L.S.) A. MILLERAND.	(L.S.) S. CHINDA.
GREAT BRITAIN:	PORTUGAL:
(L.S.) D. LLOYD GEORGE.	(L.S.) AFFONSO COSTA.

SPA, *July 16, 1920.*

4a. Informal reservation by the unofficial representative of the United States on the Reparation Commission, presented August 27, 1920¹

In connection with the inter-Allied agreement signed at Spa (annex 345) which has been presented to the Reparation Commission, the United States Unofficial Delegate desires to place on record a formal reserve with respect to the rights of the United States, *id est*, which, either in case of ratification or non-ratification of the treaties or any portion of them, may be affected thereby. Subject to the foregoing reserve he states further that certain indications of the agreement constrain him to decline to assent thereto and even to protest against its acceptance by the Commission.

In explanation of the foregoing and without attempting to make a complete statement of objections he expresses opinion that:

1. The agreement is in direct conflict with the provisions of the treaty with Germany. In view of the emphasis, which both at the beginning and since the end of the war, has been placed on Germany's failure to respect her treaty obligations, any tendency in this same direction shown by Germany's critics needs no comment.

2. The influence which such an agreement inevitably exercises upon the personal opinion of the members of the Commission is in itself objectionable. If to that influence is added the pressure of direct instructions to the delegates, the status of the Commission under the treaty is threatened. It is no longer a judicial body, it has become a mere registering machine controlled by governments in their own interests.

3. Specifically, the provisions with respect to ex-enemy ships prescribe an arbitrary method of valuation which has no relation to

¹ File 462.00 R 29/334. Cf. *Foreign Relations*, 1920, II, 421, 424.

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established principles, either of law or equity, which conflicts with the treaty provisions and which is unfair to the ex-enemy powers.

4. The provisions of articles 6, 7 and 8 denying to Germany credit for certain property and for the use of certain ships are attempts to deprive the Commission of jurisdiction in matters of which the treaty makes the Commission the sole judge. The provisions of articles 7 and 8 are in direct conflict with opinions rendered by our legal service.

The specific objections to which I have called attention would no longer exist if the assent of ex-enemy countries interested were obtained or if arrangements were made with ex-enemy countries interested such that future indemnity payments would have no relation to the deliveries in question or if the provisions of the inter-allied agreement were treated as arrangements for inter-allied accounting and not as changes in the treaty provisions. I express the hope that some one of these solutions may be adopted.

To avoid misunderstanding the undersigned will add that there can be no objection in principle to treaty changes which in the light of experience commend themselves to all parties concerned. He is strongly of opinion that experience has shown that important changes are desirable particularly from the point of view of those powers most interested in realizing substantial indemnity from Germany.

4b. Resolution of the Reparation Commission¹

The Reparation Commission on September 11, 1920 adopted the following:

“The Reparation Commission takes note of the agreement arrived at between the governments of Belgium, France, Great Britain, Italy, Japan, and Portugal at Spa on the 16th, July 1920 with regard to the distribution of receipts from Germany under the Reparation provisions of the treaty of Versailles, methods of valuation for purposes of the accounts as between those governments and procedure in connection with the settlement of such accounts and it will cause

¹ File 462.00 R 29/335 and/336. Cf. *Foreign Relations*, 1920, II, 439.

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the necessary steps to be taken to give effect thereto, due regard being paid to the rights and interests of other powers signatory to the treaty of Versailles which are not parties to the above mentioned agreement.”

5. Schedule of Payments, May 5, 1921, Prescribing the Time and Manner for Securing and Discharging the Entire Obligation of Germany for Reparation under Articles 231, 232 and 233 of the Treaty of Versailles

The Reparation Commission has, in accordance with Article 233 of The Treaty of Versailles, fixed the time and manner for securing and discharging the entire obligation of Germany for Reparation under Articles 231, 232 and 233 of the Treaty—as follows:

This determination is without prejudice to the duty of Germany to make restitution under Article 238 or to other obligations under the Treaty.

ARTICLE 1.

Germany will perform in the manner laid down in this Schedule her obligation to pay the total fixed in accordance with Articles 231, 232 and 233 of the Treaty of Versailles by the Commission, viz: 132 milliards of gold marks less:

(a) The amount already paid on account of Reparation, (b) sums which may from time to time be credited to Germany in respect of State properties in ceded territory, etc., and (c) any sums received from other enemy or ex-enemy Powers in respect of which the Commission may decide that credit should be given to Germany, plus the amount of the Belgian debt to the Allies, the amounts of these deductions and addition to be determined later by the Commission.

ARTICLE 2.

Germany shall create and deliver to the Commission in substitution for bonds already delivered or deliverable under paragraph 12 (c) of Annex II of Part VIII (Reparation) of the Treaty of Versailles the bonds hereafter described.

¹ Reparation Commission, Annex 908.

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A. Bonds for an amount of 12 milliards gold marks. Those bonds shall be created and delivered at latest on July 1st, 1921— There shall be an annual payment from fund to be provided by Germany as prescribed in this schedule in each year from May 1st, 1921, equal in amount to 6 per cent of the nominal value of the issued bonds, out of which there shall be paid interest at 5 per cent per annum payable half yearly on the bonds outstanding at any time, and the balance to sinking fund for the redemption of the bonds by annual drawings at par.

These bonds are hereinafter referred to as bonds of Series (A).

B. Bonds for a further amount of 38 milliards gold marks.

These bonds shall be created and delivered at the latest on 1st November 1921.

There shall be an annual payment from funds to be provided by Germany as prescribed in this schedule in each year from 1st November, 1921, equal in amount to 6 per cent of the nominal value of the issued bonds out of which there shall be paid interest at 5 per cent per annum payable half yearly on the bonds outstanding at any time and the balance to sinking fund for the redemption of the bonds annual drawings at par.

These bonds are hereinafter referred to as bonds of Series (B).

C. Bonds for 82 milliards of gold marks, subject to such subsequent adjustment by creation or cancellation of bonds as may be required under Article (1).

These bonds shall be created and delivered to the Reparation Commission, without coupons attached, at latest on 1st November 1921, they shall be issued by the Commission as and when it is satisfied that the payments which Germany is required to make in pursuance of the schedule are sufficient to provide for the payment of interest and sinking fund on such bonds. There shall be an annual payment from funds to be provided by Germany as prescribed in this schedule in each year from the date of issue by the Reparation Commission equal in amount to 6 per cent of the nominal value of the issued bonds out of which shall be paid interest at 5 per cent per annum payable half yearly on the bonds outstanding at any time and the balance to sinking fund for the redemption of the bonds by annual drawings at par.

The German Government shall supply to the Commission coupon-sheets for such bonds as and when issued by the Commission.

These bonds are hereinafter referred to as bonds of Series (C).

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ARTICLE 3.

The bonds provided for in Article 2 shall be signed German Government bearer bonds, in such form and in such denominations as the Commission shall prescribe for the purpose of making them marketable, and shall be free of all German taxes and charges of every description present or future.

Subject to the provisions of Articles 248 and 251 of the Treaty of Versailles, these bonds shall be secured on the whole of the assets and revenues of the German Empire and the German States, and in particular on the assets and revenue specified in Article 7 of this schedule. The Service of the bonds of Series (A), (B) and (C) shall be a first, second and third charge respectively on the said assets and revenues and shall be met by the payments to be made by Germany under this schedule.

ARTICLE 4.

Germany shall pay in each year until the redemption of the bonds provided for in Article 2 by means of the sinking funds attached thereto:

1. A sum of 2 milliard gold marks;
2. (a) A sum equivalent to 25 per cent of the value of her exports in each period of twelve months starting from 1st May 1921, as determined by the Commission.

or

(b) Alternatively an equivalent amount as fixed in accordance with any other index proposed by Germany and accepted by the Commission.

3. A further sum equivalent to 1 per cent of the value of her exports as above defined or alternatively an equivalent amount fixed as provided in (b) above.

Provided always that when Germany shall have discharged all her obligations under this schedule, other than her liability in respect of outstanding Bonds, the amount to be paid in each year under this paragraph shall be reduced to the amount required in that year to meet the interest and sinking fund on the bonds then outstanding.

Subject to the provisions of Article 5 the payments to be made in respect of paragraph (1) above shall be made quarterly on or before 15th January, 15th April, 15th July, and 15th October each year and the payments in respect of paragraph (2) and (3) above shall be made quarterly on or before 15th February, 15th May,

SCHEDULE OF PAYMENTS

15th August and 15th November and calculated on the basis of the exports in the last quarter but one preceding that quarter, the first payment to be made on or before the 15th November 1921, to be calculated on the basis of the exports, in the 3 months ending 31 July 1921.

ARTICLE 5.

Germany shall pay within 25 days from this notification one milliard gold marks in gold or approved foreign currencies or approved foreign bills or in drafts at three months on the German Treasury endorsed by approved German banks and payable in pounds sterling in London, in francs in Paris, in dollars in New York or any currency in any other place designated by the Commission. These payments will be treated as the two first quarterly instalments of the payments provided for in Article 4 (1°).

ARTICLE 6.

The Commission will within 25 days from this notification in accordance with paragraph 12 A (*d*) Annex II of the Treaty as amended, establish the special Sub-Commission to be called the Committee of Guarantees.

The Committee of Guarantees will consist of representatives of the Allied Powers now represented on the Reparation Commission, including a representative of the United States of America in the event of that Government desiring to make the appointment.

The Committee shall co-opt and more than three representatives of nationals of other Powers whenever it shall appear to the Commission that a sufficient portion of the Bonds to be issued under this schedule is held by nationals of such Powers to justify their representation on the Committee of Guarantees.

ARTICLE 7.

The Committee of Guarantees shall be charged with the duty of securing the application of Articles 241 and 248 of the Treaty of Versailles.

It shall supervise the application to the service of the Bonds provided for in Article 2 of the funds assigned as security for the payments to be made by Germany under Article 4. The funds to be so assigned shall be:

(*a*) The proceeds of all German maritime and land customs duties, and in particular the proceeds of all import and export duties.

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(b) The proceeds of a levy of 25 per cent, on the value of all exports from Germany, except those exports upon which a levy of not less than 25 per cent, is applied under the legislation referred to in Article 9.

(c) The proceeds of such direct or indirect taxes or any other funds as may be proposed by the German Government and accepted by the Committee of Guarantees in addition to or in substitution for the Funds specified in (a) or (b) above.

The assigned Funds shall be paid to accounts to be opened in the name of the Committee and supervised by it, in gold or in foreign currencies approved by the Committee.

The equivalent of the 25 per cent levy referred to in paragraph (b) shall be paid in German currency by the German Government to the exporter.

The German Government shall notify to the Committee of Guarantees any proposed action which may tend to diminish the proceeds of any of the assigned funds and shall, if the Committee demand it, substitute some other approved funds.

The Committee of Guarantees shall be charged further with the duty of conducting on behalf of the Commission the examination provided for in paragraph 12 (b) of Annex II to Part VIII of the Treaty of Versailles and of verifying on behalf of the Commission, and, if necessary of correcting, the amount declared by the German Government as the value of German exports for the purpose of the calculation of the sum payable in each year or quarter under Article 4 (2), and the amounts of the funds assigned under this Article to the service of the Bonds.

The Committee shall be entitled to take such measures as it may deem necessary for the proper discharge of its duties.

The Committee of Guarantees is not authorized to interfere in German administration.

ARTICLE 8.

In accordance with paragraph 9 (2) of Annex II as amended Germany shall on demand, subject to the prior approval of the Commission, provide such material and labour as any of the Allied Powers may require towards the restoration of the devastated areas of that Power, or to enable any Allied Power to proceed with the restoration or development of its industrial or economic life. The value of such material and labour shall be determined in each case by a valuer appointed by Germany and a valuer appointed by the

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Power concerned, and, in default of agreement, by a referee nominated by the Commission.

This provision as to valuation does not apply to deliveries under Annexes III, IV, V, and VI to Part VIII of the Treaty.

ARTICLE 9.

Germany shall take every necessary measure of legislative and administrative action to facilitate the operation of the German Reparation Recovery Act, 1921, in force in the United Kingdom, and of any similar legislation enacted by any Allied Power, so long as such legislation remains in force. Payments effected by the operation of such legislation shall be credited to Germany on account of the payments to be made by her under Article 4 (2).

The equivalent in German currency shall be paid by the German Government to the exporter.

ARTICLE 10.

Payments for all services rendered, all deliveries in kind and all receipts under Article 9 shall be made to the Reparation Commission by the Allied Power receiving the same in cash or current coupons within one month of the receipt thereof, and shall be credited to Germany on account of the payments to be made by her under Article 4.

ARTICLE 11.

The sum payable under Article 4 (3) and any surplus receipts by the Commission under Article 4 (1) and (2) in each year, not required for the payment of interest and sinking fund on bonds outstanding in that year, shall be accumulated and applied so far as they will extend, at such times as the Commission may think fit, by the Commission in paying simple interest not exceeding 2 and a half per cent, per annum, from May 1, 1921 to May 1, 1926, and thereafter at a rate not exceeding 5 per cent on the balance of the debt not covered by the Bonds then issued.

The interest on such balance of the debt shall not be cumulative. No interest thereon shall be payable otherwise than as provided in this paragraph.

ARTICLE 12.

The present schedule does not modify the provisions securing the execution of the Treaty of Versailles, which are applicable to the stipulations of the present schedule.

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*5a. Final text of the A Bond provided for by the Schedule of Payments*¹

REPARATION COMMISSION

1921—SERIES A.

German Treasury Bond for 12,000,000,000 gold marks, issued under paragraph 1 of the law of June 26, 1921 (R.G.B. p. 761).

Germany owes to the bearer of this bond the sum of 12,000,000,000 (twelve thousand million) gold marks of the weight and fineness of gold as enacted by the law on January 1st, 1914.

This bond is issued under and by virtue of Annex II of Part VIII of the Treaty of Versailles dated 28th June 1919, as amended by the Powers represented on the Reparation Commission on 5th May 1921, and, also, the terms of the Schedule of Payments notified to Germany by the Reparation Commission on 5th May 1921.

This bond represents the twelve thousand millions of gold marks bonds of Series A provided for in Article 2 of the Schedule of Payments. It is entitled to the benefit of and subject to the provisions of the said Treaty and of the Schedule of Payments as that Schedule stands or as it may be amended by the Reparation Commission within the limits of the powers conferred upon it by the Treaty of Versailles.

This bond shall as from May 1st, 1921, bear interest payable in gold marks at the rate of 5% per annum on the capital amount owing by Germany. The interest shall be paid in half yearly instalments on May 1st and November 1st of each year, and for the first time on November 1st, 1921.

This bond shall, as from May 1st, 1921, be redeemed in gold marks at its nominal value by annual payments at the rate of 1% on the full nominal value, plus 5% on any amount already amortised. The amortisation instalments shall be paid on May 1st of each year and for the first time on May 1st 1922.

The payments in respect of interest and amortisation shall be effected on presentation of this bond at the Financial Office of the Reparation Commission at Paris, or at any other place the Reparation Commission may appoint, and in such currencies as it may designate. The amount of such payments shall be endorsed on the back of the bond.

² Subject to the provisions of Article 251 of the Treaty of Versailles, the holder of this bond shall be entitled to a first charge on the sums paid each year by the German Government under Article IV of the Schedule of Payments (subject to any modifications thereof that may from time to time be made by the Reparation Commission under Article 234 of the Treaty of Versailles) which said sums are secured on the whole of the assets and revenues of Ger-

¹ File 462.00 R 29/828-249.

² This paragraph replaces the following: "Subject to the provisions of Article 248 and Article 251 of the Treaty of Versailles, this bond shall be a first charge secured on the whole of the assets and revenues of Germany and of the German States, and in particular the interest and amortisation thereof are guaranteed by the payments annually to be made by Germany under Article 4 of the Schedule of Payments."

SCHEDULE OF PAYMENTS: "A" BOND

many and the German States pursuant to Article 248 of the Treaty of Versailles as costs of reparation under that Treaty or any treaties or agreements supplementary thereto, and the interest and amortisation instalments on this Bond shall be provided out of the sums so paid but not further or otherwise and so that any sums so paid for the service of this bond shall be applied:

1. First, in payment of any Arrears of Interest;
2. Next, in payment of current interest;
3. Next, in payment of any arrears of amortisation instalments, and
4. Lastly, in payment of any current amortisation instalment.

Further, as security for the sums to be paid under Article IV of the Schedule of Payments, the German Government assigns:¹

(a) The proceeds of all German maritime and land customs duties, and in particular, the proceeds of all import and export duties.

(b) The proceeds of a levy of 25% on the value of all exports from Germany not subject to a levy of equal or greater amount imposed otherwise.

(c) The proceeds of such direct or indirect taxes or any other funds as may be proposed by the German Government and accepted by the Committee of Guarantees constituted under the terms of Article 6 of the Schedule of Payments in addition to or in substitution for the funds specified in (a) and (b) above.

The German Government shall, in accordance with the Schedule of Payments, place the proceeds of the above funds in the hands of the Committee of Guarantees or of any agent designated by it.

The bond shall be free of all German taxes and charges of every description, present or future.

In exchange for this bond, Germany will, on demand by the bearer or by the Reparation Commission, issue free of cost other bonds, with coupons attached, of an aggregate nominal value equal to the nominal value of this bond, less any sum that may have already been amortised. The Reparation Commission shall have power, by written notice to Germany, to prescribe, in Agreement, if necessary, with the Reichsschuldenverwaltung, the form, conditions and denominations of such bonds, and in particular, the provisions in regard to the places at which, and the currency in which payment of interest and amortisation of such bonds shall be effected and all arrangements relative to their amortisation. The exchange of the bonds shall be effected at the Financial Office of the Reparation Commission at Paris or at any other place that the Reparation Commission may designate.

Germany further agrees in case of mutilation or destruction of this bond, to issue a new bond of like tenor.

Germany guarantees that this bond has been duly authorised and that all formalities and conditions precedent to the issue and validity of this bond have been complied with.

The German text of this bond is authoritative.

BERLIN, *June 29, 1921.*

REICHSSCHULDENVERWALTUNG,
Halle, Vieregge, Muller, Dickhuth, Springer,
V. Drenkmann, Mucke, Moll, Bruckner.

(L.S.)

¹ These four words replace the previous wording: "these payments".

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Note

Series B and C General Bonds were issued under date of October 28, 1921 in the amounts of 38 and 82 billion gold marks respectively. The terms of those bonds were of similar tenor to the Series A Bond, except for the provisions as to amount, issue, and interest which followed the stipulations in article 2, B and C, of the Schedule of Payments respectively.

6. Agreement between Great Britain, Belgium, France, Italy, and Japan respecting the Distribution of German Reparation Payments, Signed at Paris, March 11, 1922¹

I.—Memorandum by the Finance Ministers.

In the Agreement, of which the text is attached, the Finance Ministers have undertaken a settlement of the questions which were outstanding and arrived at a complete understanding on the various questions raised in dealing with distribution of the German payments.

In the course of their discussions the Finance Ministers have given attention to the general question of reparation. They have reached the conclusion that in accordance with the Treaty of Versailles and the declarations of the Governments, generally speaking this question belongs exclusively to the province of the Reparation Commission, but they were unanimous in recognising that it would be essential in the interests of the Governments that they should impress upon their Delegates on the Reparation Commission the necessity of arriving as soon as possible at concrete solutions. Such solutions should aim at securing the payment of reparation, both by restoring order to German finance under effective supervision and by enabling Germany to pay off part of the capital of her debt by the issue of foreign loans to be secured on the produce of her

¹ United Kingdom, *Reparation, Agreement between the Allies for the Settlement of Certain Questions . . . 1922*, Cmd. 1616; 116 *British and Foreign State Papers*, p. 612.

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Customs or such other of the resources of the German Empire as the Reparation Commission might judge suitable.

The Ministers further discussed the problems arising out of the war debts due by the European Allies to each other.

G. THEUNIS
CH. DE LASTEYRIE
R. S. HORNE
C. PEANO

II.—*Agreement*

The Governments of Belgium, France, Great Britain, Italy and Japan, respectively represented by the undersigned, have agreed as follows:—

ART. I—(1.) The payments to be made by Germany on account of the costs of the armies of occupation of Belgium, Great Britain and France, exclusive of the cost under Articles 8 to 12 of the Arrangement of the 28th June, 1919, shall as from the 1st May, 1922, be fixed at the following annual amounts:—

Belgian francs	102,000,000
Pounds sterling	2,000,000
French francs	460,000,000

(2) The above figures are fixed on the basis of the following effective strengths:—

Belgian army	19,300
British army	15,000
French army	90,400

They have been calculated on the basis of a total amount of 220,000,000 gold marks. Out of this amount a sum of 10,950,000 gold marks has in the first place been allocated in respect of the British army, representing a special allowance of 2 gold marks per man per day, to cover its higher cost. The remainder, or 209,050,000 gold marks, has been divided in proportion to the number of effectives in question. The conversion of the sums in gold marks so arrived at into national currencies has been made at the mean rates of exchange for December 1921.

(3) The sums definitely fixed above as the amounts to be paid by Germany for the year commencing on the 1st May, 1922, may before the 1st May in any subsequent year be revised for the year commencing on that date in accordance with the following principles:—

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(i.) The total of these sums shall be increased if the total effective strength of the three armies is increased in consequence of and by a number equal to the reduction of the American army; the increase shall be proportional to the increase of effectives regard being had, in so far as it may be necessary, to the special allowance of 2 gold marks per man per day for the British army.

(ii.) The total of these sums shall be diminished if the total strength of the three armies is reduced. The diminution shall be proportional to the reduction in strength, regard being had, in so far as it may be necessary, to the special allowance of 2 gold marks per man per day for the British army. If the British strength is reduced without affecting the total strength, the total shall be reduced by an amount equal to so much of the whole sum produced by the special allowance of 2 gold marks per man per day for the British army as corresponds to the number of effectives by which that army is reduced.

But no reduction shall be made so long as the cost of the three armies, calculated on the basis of the French cost per head, with the special allowance of 2 gold marks per man per day in the case of the British army, is not less than the total of the sums set out in paragraph (1).

(iii.) If the cost in any one year of the three armies together, calculated on the basis of the French cost per head, with a supplement of 2 gold marks per man per day in the case of the British army, is less than the total amount fixed for that year, the difference shall accrue to the benefit of Germany in the shape of a reduction of the amount payable for the following year.

(4) Germany will, subject to the provisions of Article II below, pay the sums fixed under paragraph (1) of this Article to the Belgian, British and French Governments respectively in twelve monthly instalments. The Belgian, British and French Governments will, at the end of each year commencing on the 1st May make the adjustments necessary to ensure that the sum finally allocated to each of them for that year shall correspond to the average effective strength maintained by each of them during the year.

(5.) The Governments concerned will each year, and in the first instance for the year commencing the 1st May, 1922, decide upon the total of the sums in paper marks required to cover the cost of the services to be furnished by Germany under Articles 8-12 of the Arrangement of Versailles of the 28th June, 1919, and upon the method by which this total sum shall be divided among the three armies.

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(6.) In the event of special military measures of a precautionary or coercive character being decided upon by the Allied Powers the resulting expenses shall be claimed from Germany by the application of Article 249 of the Treaty of Versailles in addition to the amounts above mentioned.

II. The Governments represented by the undersigned confirm the mandate which they have given to the Reparation Commission to recover the costs of the armies of occupation, and to draw up a separate account of such costs. They further request the Reparation Commission to take into consideration the obligations incumbent upon Germany, both under the Schedule of Payments and under Article 249 of the Treaty of Versailles when, in reply to the German Note of the 28th January, 1922,¹ the Commission determines the total payments to be made by Germany during the year 1922 in cash and in kind.

The Governments further request the Commission to debit each of the Powers concerned on army of occupation account for the period from the 1st May 1921, to the 31st December, 1922, with the value of the deliveries in kind received by it during the same period up to the amount due on that account, including therein the proceeds of the German Reparation (Recovery) Act and of all similar legislation passed in accordance with the decision of the Allied Governments on the 3rd March, 1921.²

III. Of the total amount of deliveries in kind which Germany will be called upon by the Reparation Commission to make to the Allied Powers during 1922, 65 per cent will be allotted to France and 35 per cent allotted to the other Allied Powers.

For the purposes of this distribution the proceeds of the British Reparation (Recovery) Act and of any similar legislation passed by other Allied Powers in pursuance of the decision of the Allied Governments of the 3rd March, 1921, will be treated as a delivery in kind.

The 35 per cent share of the deliveries in kind to be made by Germany during 1922 will, after deducting the share of Great Britain (*viz.* 24 per cent. of the amount to be allotted to Powers other than France) be divided between the other Powers concerned in the proportions fixed by the Spa Agreement, subject to any adjustments which may be required if one or more of the Powers concerned takes less than the amount of deliveries in kind to which it is entitled.

¹ See reference to letter of Mar. 21, 1922, p. 452.

² See p. 430.

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Out of the above-mentioned proportion of 35 per cent. there shall be allotted to Italy a sum of 240 million gold marks made up of the amounts of which the other Allies cannot take advantage.

The Governments concerned will prohibit the re-export of deliveries in kind received under the provisions of this Article.

IV. The Governments represented by the undersigned consent to the operation for a period of three years of those provisions of the Wiesbaden Agreement of the 6th October, 1921, to which their agreement was deemed to be necessary by the Reparation Commission, and in particular of the provisions respecting the passing of a credit to Germany and a debit against France for the value of deliveries in kind effected in execution of the Agreement, subject to the following conditions:—

(1) The amounts of the deferred debits shall not exceed—

350 million gold marks in 1922.
750 “ “ 1923.
750 “ “ 1924.

(2) The amount standing deferred at the end of 1924 shall be liquidated by France, with interest as provided for in the Agreement, in ten equal annual instalments beginning on the 1st May 1926, by set-off against sums due to France in each year out of reparation receipts, and unless the operation of the Agreement is continued for a longer period by agreement among the Allies, France shall, in no year subsequent in 1926, receive, whether in cash or deliveries, sums which, when added to the said instalments, would result in France receiving in that year more than her proportionate share, as determined by Inter-Allied Agreements, of the total payments by Germany in that year, including the instalments due by France.

V. The Governments signatory to this Agreement consent to the putting into operation, subject to the approval of the Reparation Commission, of Agreements for deliveries in kind similar to the Wiesbaden Agreement of the 6th October, 1921, which may be concluded by any Power participating in reparation, provided that the value of the deliveries in kind effected in virtue of Annexes II to VI to Part VIII of the Treaty of Versailles and under such Agreements to be received by Powers other than France (including the proceeds of the British Reparation (Recovery) Act and of any similar legislation passed by other Allied Powers in pursuance of the decision of the Allied Governments of the 3rd March, 1921), shall not exceed in 1922 35 per cent. of the total amount of deliv-

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eries in kind which Germany will be called upon by the Reparation Commission to place in 1922 at the disposal of the Allied Powers.

VI. Each of the Powers having a credit due to it on account of reparation shall retain for its own use, up to the limit of the share allocated to that Power, without any obligation to make payments in cash in respect thereof at any time, the value of any deliveries in kind received up to the 31st December, 1922, including the proceeds of the British Reparation (Recovery) Act and of any similar legislation passed by the other Allied Powers in pursuance of the decision of the Allied Governments of the 3rd March 1921.

But subject to the provisions of paragraph (4) and (5) above, and of any Inter-Allied Agreement already entered into, the receipts of any Allied Power in respect of reparation in the period to the 31st December, 1922, together with interest thereon at the rate of 5 per cent. per annum as from the 1st January, 1923, shall be taken into account in determining the proportions of reparation receipts due to each Power in 1923 and subsequent years.

VII. The Governments signatory to this Agreement take note of the Agreement reached on the 7th October, 1921, between France and Germany in regard to the price of coal delivered or to be delivered by Germany to France under Annex V to Part VIII of the Treaty of Versailles, and agree that Germany shall be credited and France debited in respect of such coal in accordance with the provisions of paragraph 6 (a) of the above-mentioned Annex.

The Governments signatory to this Agreement will support the efforts of Italy to obtain the benefit of the same conditions and in any case Italy will be debited in the account drawn up under Article 235 in respect of the coal received by Italy before the 1st May, 1921, in accordance with the provisions of paragraph 6 (a) of the above-mentioned Annex, any difference between the debit thus fixed and the credit to be given to Germany being adjusted if necessary in accordance with the provisions of Article XII of this Agreement.

VIII. Out of the total amount of the cash payments made by Germany in 1921, under Article 5 of the Schedule of Payments, the following payments shall be made in accordance with the provisions of Article 251 of the Treaty of Versailles and the Inter-Allied Agreement of the 16th June, 1919, in regard to Belgian priority:—

(a) 500 million gold marks shall be allocated to Great Britain to be applied towards payment of the cost of British army of occupation before the 1st May, 1921.

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(b) 140 million gold marks shall be allocated to France to be applied towards payment of the cost of the French army of occupation before the 1st May, 1921.

The remainder of the above-mentioned cash payments, as well as cash payments made after 1921, will be allocated to Belgium on account of her priority until such priority is satisfied, with the exception of the sum of 172 million Italian lire at present deposited with the Bank of Italy, which shall be allocated to Italy on Reparation account.

Any balance remaining due to Great Britain and France as on the 1st May, 1921, will be repaid as from the date of the present Agreement and until the balance is liquidated by equal instalments drawn from the following sources:—

(a) Cash receipts accruing to the Reparation Commission after the 1st May, 1921, other than the annuities laid down by the Schedule of Payments.

(b) After the satisfaction of the Belgian priority, the first cash receipts accruing to the Reparation Commission whether in respect of the annuities laid down in the Schedule of Payments or otherwise.

No interest shall be credited or debited in respect of the adjustments under this Article.

IX. In respect to the value of the Saar mines the sum of 300,000,000 gold marks shall be debited to France in distribution account in the same way as a delivery in kind made in 1922, and the provisions of Article VI of this Agreement shall apply to this debit. Should the value of the Saar mines as assessed by the Reparation Commission prove to be higher than 300,000,000 gold marks, the excess will be liquidated by the distribution among the Powers participating in reparation of "C" Bonds to the value of such excess taken from France's share in the total series of "C" Bonds.

X. The United States, Great Britain and France will receive on account of the special credit provided for in the last paragraph of Article 232 of the Treaty of Versailles a block of bonds of nominal value equal to the amount of this credit as determined by the Reparation Commission. This block of bonds will be drawn from the general total of the bonds delivered by Germany under the provisions of the Schedule of Payments. The amounts of the bonds of series "A" "B" and "C" respectively in this block will be determined in accordance with the proportion which each of these series bears to the sum of the three series.

DISTRIBUTION AGREEMENT, 1922

This clause in so far as it relates to the United States of America is subject to the consent of the Government of the United States of America.

XI. The Reparation Commission will fix the reparation debt of Austria and Hungary in accordance with Article 179 of the Treaty of Saint-Germain and with Article 163 of the Treaty of Trianon.

Whatever total may be fixed by the Reparation Commission, the amount to be divided among the Powers participating in reparation shall be not less than the total of the value of the properties transferred by Austria and Hungary under the Treaties of Saint-Germain and Trianon plus 6 milliards of gold marks and the Bulgarian debt fixed by Article 121 of the Treaty of Neuilly.

As soon as the bonds of series "C" have been created, from the total amount shall be taken bonds to a nominal value equal to the total debt arrived at above and distributed among the Powers participating in reparation in proportion to the percentages fixed by Article 2 of the Financial Arrangement of Spa.

If at the time when the bonds of series "C" are created the Reparation Commission has not taken the decision provided for in the first paragraph of this Article, it shall nevertheless distribute (in proportion to the percentages fixed by Article 2 of the Financial Arrangement of Spa) a block of "C" Bonds drawn from the total series for a total nominal amount of 6 milliards of gold marks plus the amount of the Bulgarian debt.

The Powers receiving payments in cash or in kind from Austria, Hungary and Bulgaria shall return to the Reparation Commission for cancellation series "C" Bonds of the nominal value of these payments.

The method of payment for State properties situated in the territories ceded by Austria and Hungary and for the contribution to the liberation expenses provided for under the Agreement of the 10th September as modified by the Agreement of the 8th December, 1919, shall be determined in accordance with the principles set out in the Annex.

The Powers concerned which are not parties to the present Agreement shall have the opportunity to adhere to the provisions of the Annex provided for by this Article.

XII. With a view to adjusting any difference which may arise between the amounts credited to Germany and the amounts debited to an Allied Power as a result of any Inter-Allied Agreement in respect of deliveries in kind, brought to account under Article 235, the distribution of series "C" Bonds will be effected in the following manner:—

APPENDIX

It will be assumed that the number of bonds available for distribution is the number arrived at after crediting Germany with the amounts debited to the Allied Powers in accordance with any such Inter-Allied Agreement.

Each Power will receive out of this assumed amount the share to which it is entitled under the Spa Financial Agreement less the difference, if any, between the value credited to Germany in respect of deliveries to that Power and the value debited in respect of the same deliveries in accordance with any Inter-Allied Agreement.

In accordance with the Spa Financial Arrangement Belgium will not be debited with any sum on account of the ships allotted or transferred to her, and the above provision will not apply to Belgium in respect of such ships.

XIII. The present Agreement is made subject to any rights of the United States of America.

XIV. The Powers signatory to the present Agreement will endeavour to secure the early adherence to this Agreement of the other Allied and Associated Powers concerned.

FOR THE GOVERNMENT OF BELGIUM:

G. THEUNIS.

FOR THE GOVERNMENT OF FRANCE:

CH DE LASTEYRIE.

FOR THE GOVERNMENT OF GREAT BRITAIN:

R. S. HORNE.

FOR THE GOVERNMENT OF ITALY:

C. PEANO.

FOR THE GOVERNMENT OF JAPAN:

(to be signed later [May 29, 1922])

PARIS, *March 11, 1922.*

A N N E X

Austrian Reparation: Agreement in regard to the Protocol of September¹ 8, 1919

The Governments of Belgium, France, Great Britain, Italy and Japan, recognising that it is desirable, in view of the postponement of their claims for reparation against Austria under the Treaty of Saint-Germain, that a new provision in the place of the Liberation Bonds should be made for the discharge of the obligation of Italy, the Serb-Croat-Slovene State and Roumania in respect of the ex-

¹ Dec. 8 is meant.

DISTRIBUTION AGREEMENT, 1922

penses of liberating territories of the former Austro-Hungarian Monarchy transferred to them and also for the payment of the value of the property and possessions of that monarchy transferred to them.

Have agreed as follows:—

1. Bonds of series "C" to be created and delivered under the Schedule of Payments notified to Germany under the Treaty of Versailles by the Reparation Commission on the 5th May, 1921, to an amount equal to the amounts already credited, or which should have been credited, to Austria under the Treaty of Saint-Germain in respect of property and possessions of the former Austro-Hungarian Monarchy transferred and of deliveries already made by Austria or otherwise, shall be distributed between the Powers entitled to reparation in the percentages in which the aggregate amount received under the head of reparation from Austria is to be divided according to the provisions of Article II (*a*) and (*b*) of the Agreement signed at Spa on the 16th July, 1920, and any Agreements supplementary to the Agreement.

2. Italy, the Serb-Croat-Slovene State and Roumania shall discharge their respective obligations for the payment of the value of property and possessions of the former Austro-Hungarian Monarchy transferred to them under the Treaty of Saint-Germain by surrendering to the Reparation Commission for cancellation bonds of the whole series "C" above mentioned, part of the said bonds to which they respectively will be entitled, to an amount equal in capital value to the capital value of the property and possessions of the Austro-Hungarian Monarchy so transferred to them respectively. From the value of the property and possessions transferred to Italy shall be deducted the total cost of the Italian armies of occupation in Austrian territories.

3. Italy, the Serb-Croat-Slovene State and Roumania respectively shall discharge their obligations arising under the Agreements signed at Saint-Germain on the 10th September, 1919, and modified at Paris on the 8th December, 1919, for the payment of the expenses of liberating territories of the former Austro-Hungarian Monarchy transferred to them, by handing over to the Reparation Commission bonds of the said series "C", part of the said bonds to which they respectively will be entitled, to an amount equal in capital value to the amount of their respective obligations, less the percentages in which those States respectively share according to the repartition of the said sums established by Article II (*a*) and (*b*) of the Agreement signed at Spa on the 16th July, 1920.

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4. The Reparation Commission shall divide the series "C" bonds handed over under the last preceding clause among the Powers, other than the Powers by whom the bonds are handed over, entitled to share in reparation payments in the same proportions as the interest of those Powers in bonds to be distributed under Clause 1 of this Agreement.

5. Nothing in this Agreement shall affect the distribution of receipts from Austria, Hungary, or Bulgaria on account of reparation or any adjustments to be made of any bonds of the said series "C" in consequence of such receipts.

If one of the Powers to which territories of Austria and Hungary have been ceded has not available series "C" Bonds in sufficient quantity to carry out the adjustments provided for above, the value of the possessions which have been transferred to such Power and its contribution to the costs of liberation shall be discharged, in so far as they cannot be satisfied by the delivery of series "C" Bonds, in accordance with the provisions of the Agreement of the 10th September, 1919, as modified by the Agreement of the 8th December, 1919.

6. This Agreement cancels all previous arrangements between the High Contracting Parties, whether contained in the said Agreements of September and December 1919 or the Agreement of Spa of the 16th July, 1920, or otherwise, in so far as such arrangements may be in conflict with the provisions of this Agreement.

The provisions of Articles II, III and IV of this Agreement shall not come into force until Czechoslovakia and Poland shall have discharged their respective obligations under the said Agreements of the 10th September and the 8th December, 1919, regard being had in so far as Poland is concerned to Article 10 of the Spa Agreement.

7. *Agreement between the United States of America and Great Britain, France, Italy, and Belgium in regard to the Reimbursement of the Costs of the American Army of Occupation*¹

Signed at Paris, May 25, 1923; in force between governments from date of signing, subject to confirmation; superseded by the pro-

¹ File 462.00 R 294/256. Printed in *Foreign Relations*, 1923, II, 180.

AMERICAN OCCUPATION COSTS

visions of article 3 of the Finance Ministers' agreement of January 14, 1925, in virtue of paragraph B, 3, thereof

THE PRESENT AGREEMENT is concluded between the Government of the United States of America, of the one part,

And the Governments of Great Britain, France, Italy, and Belgium of the other part.

The Governments of Great Britain, France, Italy and Belgium undertake to use every effort to secure the adherence to this Agreement of the other Allied Powers who have a right to participate in the payments affected by the said Agreement.

ARTICLE 1

For the purpose of the present Agreement the net amount due to the Government of the United States for the costs of its Army of Occupation will be reckoned as follows:

The total net costs as they are certified by the United States Government and as they will figure in the accounts of the Reparation Commission after deducting the following sums, if they have not already been deducted:

(a) Any amount already collected by the United States Government in the form of the requisition of paper marks;

(b) The value of the Armistice material and material abandoned by Germany not possessing a military character.

The value in gold of the paper marks, of the Armistice material and of the abandoned material not possessing a military character, shall be fixed by the Reparation Commission and the Reparation Commission will agree with the Government of the United States as to the amount thereof to be deducted from the total net costs of the American Army of Occupation.

ARTICLE 2

I. The net amount due to the United States will be paid in twelve equal yearly instalments, the first instalment to be paid on or before the 31st December 1923.

II. No interest will be charged; however, if the Allied Governments should decide at any time to charge interest from a fixed date for the unpaid costs of their Armies of Occupation, the same rate of interest commencing from the same date shall be allowed the Government of the United States for the unpaid balance of its claim.

III. Each of the yearly instalments referred to in paragraph I of the present Article constitutes up to the 31st December 1926 a

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first charge on the payments of all kinds to be credited to Germany's "Reparation" account¹ excluding those specially excepted by paragraph IV below, and, from the 1st January 1927, if the payments of all kinds to be placed to the credit of the Reparation account are insufficient, a first charge in addition on all the payments to be placed to the credit of Armies of Occupation account, exclusive of paper marks requisitioned to meet the needs of the Armies of Occupation for local currency during the year in the course of which the said yearly instalment should be paid to the Government of the United States. The charges established by the present paragraph are applicable whether these payments are made by Germany or for her account or by or for the account of another country from whom a similar payment may be exacted, to any organization which has been or may be designated to receive such payments and including the payments made directly to the interested Governments.

IV. For the purpose of the execution of the present Agreement, the payments by the German Government subjected to the charges referred to in paragraph III above shall not include:

a) Deliveries in kind intended to be used in the interior of the receiving countries, their colonies and their dominions made by virtue of the various annexes to Part VIII of the Treaty of Versailles or of any other procedure approved to date by the Reparation Commission² to the Allied countries having a credit on account of reparations;

b) The proceeds of the British Reparation Recovery Act or of any other similar legislation enacted or to be enacted by the other Allied Governments in pursuance of paragraph 2 of the decision of the Allied Governments of 3rd March 1921;³

c) The value of transfers and cessions of property, rights and interests made in execution of the Treaty of Versailles, unless such

¹The "Reparation" account of Germany includes all payments in cash or kind which are devoted to making good the damages for which the Allies have claimed compensation from Germany in accordance with the terms of the Treaty of Versailles. Accordingly, there are excluded from the "Reparation" account such items as the costs of the Reparation Commission, the payments made through the Clearing Offices, and the cost of the Armies of Occupation. [Footnote on the original.]

²The other procedures approved to date by the Reparation Commission are those of: (a) The Wiesbaden Agreements signed on the 6th and 7th October 1921; (b) The Bemelmans-Cuntze Agreement of 2nd June, 1922; (c) The Gillet-Ruppel Agreement of 2nd June, 1922. [Footnote on the original.]

³See p. 430.

AMERICAN OCCUPATION COSTS

transfers (e.g., under Articles 254 and 256 of the Treaty of Versailles) result in a payment to the credit of Germany's reparation account made by Powers not having a right to reparation, or unless such cessions of property, rights and interests (e.g., under Article 260 of the Treaty of Versailles) are liquidated or sold for cash by the Reparation Commission for the credit of Germany.

V. If, in the course of one calendar year between 1st January 1923 and 31st December 1926, the amount of the sum due to the Government of the United States exceeds 25% of the total of the payments made by or for the account of Germany for the credit of her reparation account as defined above (excluding the sums carried to the account of the Armies of Occupation), the amount of the instalment payable to the Government of the United States shall be reduced to a sum equivalent to 25% of such payments, and $\frac{1}{8}$ of the sum deducted shall be added to each of the instalments to be paid in the course of the years 1927 to 1934 inclusive.

VI. Nevertheless, for the purpose of the present Agreement, the European Allied Governments, creditors on account of their Armies of Occupation, undertake to apply during each of the years 1923 to 1926 inclusive by priority to the payment of the current expenses for their respective Armies of Occupation, in so far as these have not been met by the requisition of paper marks, the value of the deliveries in kind referred to in paragraph (a) above, the proceeds of any Reparation Recovery Act for the time being in force and referred to in paragraph (b) above, and the value of the transfers and cessions of property rights and interests referred to in paragraph (c) above, in such a way as to be able to place as far as possible the value of the other payments which Germany will make to her credit on account of reparations.

VII. If, after 1926, the payments to the Government of the United States in the course of any particular year are insufficient to satisfy the amount due to that Government in the course of that year, the arrears shall be carried over to a special account bearing simple interest at $4\frac{1}{2}\%$.

This account of arrears shall be liquidated as soon as the payments received from Germany in the course of any year admit.

These arrears shall have the same priority as that given under paragraph III of Article 2 of the present Agreement to the equal annual instalments.

VIII. However, if in the course of one of the first four years it should prove necessary to utilise all or a part of the payments in cash made by Germany to cover the costs of the Armies of Occupa-

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tion of the European Allies in the course of that year, the American priority of 25% shall be calculated on the total of the payments in cash made by Germany in the course of that year on reparation account and on the account of the Armies of Occupation of the European Allied Powers, exclusive of paper marks requisitioned to meet the needs of the Armies of Occupation for local currency. The sum to be remitted to the Government of the United States in the course of any one of the first four years shall not, however, exceed 50% of the total balance of the payments in cash made by Germany in the course of the year in question, which remains for credit to reparation account. If the American priority calculated as above for any particular year cannot be met by the 50% payments calculated as above, the balance of this priority shall be chargeable against the payments in cash made by Germany in the course of the following years up to and including 1926 instead of being spread over the payments of the last eight years. At the beginning of 1927 the total deficit which has accrued shall be spread over the payments of the last eight years.

IX. If at the end of the year 1927 or of any year following, the arrears have reached such an amount as might, in the opinion of the Government of the United States, endanger the complete execution of the payments within the period of twelve years, the Allied Governments will, upon the request of the Government of the United States and in agreement with it, use their best endeavours to make such modifications of the present Agreement as may seem necessary to ensure the complete execution of the payments within the prescribed period of twelve years.

X. The Allied Governments, however, reserve all their rights in respect of the payments in kind and in cash which might be collected in occupied territory through the intervention of any Allied authority.

ARTICLE 3

The present Agreement has been drawn up in contemplation of annual payments to be made by Germany and with the recognition of the impossibility of foreseeing and determining at this moment the distribution of any extraordinary payment which may be made by Germany in any particular year.

If, however, a loan is floated or an anticipatory payment effected by Germany in any manner, the Allied Governments will put themselves in communication with the Government of the United States for the purpose of discussing the participation of the United States in such extraordinary payments.

AMERICAN OCCUPATION COSTS

If, as a consequence of a loan floated either in America or elsewhere, or of any anticipatory payment made by Germany by any means whatever, a moratorium were granted to Germany, the Allied Governments will put themselves into communication with the Government of the United States for the purpose of reaching an agreement which would not cause any prejudice to the Government of the United States.

No discount shall be allowed for any anticipatory payments.

ARTICLE 4

The Allied Governments which have approved the agreement of 11th March 1922, declare that the charge upon the payments in cash to be received from Germany and set up by the last part of Article 8 of the Interallied Agreement of March 11th 1922, in favour of the unpaid balance of the costs of the British and French Armies of Occupation up to 1st May 1921, shall only apply to the balance, if such there be, of the German payments after payment of the sums due to the United States in execution of the present Agreement. The fact that the Government of the United States has taken note of this declaration cannot, however, be interpreted as an expression of opinion of the Government of the United States with regard to the Agreement of 11th March 1922.

ARTICLE 5

If the Government of the United States should come to an agreement with the Reparation Commission to receive, in accordance with the provisions of the Treaty of Versailles or any supplementary Agreement, German dye-stuffs, the value of these dye-stuffs determined by agreement between the Government of the United States and the Reparation Commission, shall be deducted from the annual payment due to the Government of the United States under the present Agreement in the course of the calendar year in which these dye-stuffs shall have been received.

If, in the course of any calendar year, the value of the dye-stuffs thus supplied to the United States exceeds the annual sum due to the Government of the United States, the excess shall be utilised:

(a) During the years from 1923 to 1926 to supplement, as far as necessary, the payments already made, so as to bring them, for each year, up to 1/12 of the American claim;

(b) During 1927 and the years following, to liquidate the account of arrears.

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If, when these operations have been completed, there still remains a balance, this shall be regarded as an anticipatory payment of the annual instalments fixed in accordance with Article 2 of the present Agreement.

No discount shall be allowed on these anticipatory payments.

ARTICLE 6

If at any time the arrears due to the United States reach a total such that the Government of the United States considers that there is a risk of its not being paid within the prescribed period of 12 years, the Government of the United States shall have the right to abrogate the present Agreement, if within a period of three months from the date of a notification to that effect, the Agreement has not been modified to its satisfaction.

In negotiating the present Agreement, the respective Governments, with a view to arriving at an arrangement for the payment of the costs of the American Army of Occupation, have voluntarily avoided raising any question of right or interpretation.

The respective Governments desire, nevertheless, to state that, in case the present Agreement should be abrogated for any reason whatsoever, each of them reserves the right to maintain all its rights whatsoever may be their extent, such as each deems them to exist at this date.

THE PRESENT AGREEMENT shall take effect after such ratifications as may be required in accordance with the constitutional methods of the High Contracting Parties.¹

Ratifications shall be exchanged at Paris as soon as possible.

IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Agreement.

DONE at Paris, the twenty-fifth day of May one thousand nine hundred and twenty-three, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

For the United States of America:

ELIOT WADSWORTH

For Great Britain:

JOHN BRADBURY

For France:

JEAN TANNERY

For Italy:

M. D'AMELIO

For Belgium:

A. BEMELMANS

¹The agreement did not require ratification. In the United States it was decided that the agreement was executive and the President's approval was sent to the French Foreign Office on Aug. 24, 1923 (file 462.00 R 294/266).

COMMITTEE OF EXPERTS' (DAWES) PLAN

RELATING TO THE
COMMITTEE OF EXPERTS' (DAWES) PLAN

Agreements of the London Reparation Conference,
July–August 1924

Note to Agreements 8 to 10

A conference of representatives of the governments interested in giving effect to the Report of the First Committee of Experts of April 9, 1924 (120 *British and Foreign State Papers*, p. 406) convened at London on July 16, 1924. Representatives of the Government of the United States attended “with specifically limited powers,” that is, for “the purpose of dealing with such matters as affect the interests of the United States and otherwise for purposes of information” (*Foreign Relations*, 1924, II, 35). The closure of the conference was marked by the issuance of a final protocol to which were annexed four agreements then signed or initialed *ne varietur*.

The first of these was an agreement between the Reparation Commission and the German Government dated August 9, 1924 (120 *British and Foreign State Papers*, p. 549). As customarily published it is completed by an annex I which is a draft protocol and the indication for an annex II which is stipulated to set forth “such additional arrangements as may hereafter be made between the German Governments and the Allied Governments at the said conference”. In its final form, as binding the Reparation Commission and the German Government, annex I was the protocol duly executed and signed, while annex II *a* was the agreement between the Allied Governments and the German Government concerning the agreement under notice and annex II *b* was the other agreement between the Allied Governments and Germany, both of which were signed on August 30, 1924.

The second of the series, dated August 30, 1924, was the agreement between the Allied Governments and the German Government concerning the aforementioned agreement of August 9, 1924 between the German Government and the Reparation Commission, to which it ultimately became annex II *a* for the execution of the Experts' (Dawes) Plan.

The third of the series, dated August 30, 1924, was the agreement between the Allied Governments and Germany for the purpose of bringing the Experts' (Dawes) Plan “into being as soon as possible”. It was transitional and was made annex II *b* of the Reparation Commission–German Agreement. Its text is at 30 League of Nations Treaty Series, p. 75, and 119 *British and Foreign State Papers*, p. 490.

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Note to Agreements 8 to 10—Continued

The fourth of the series, dated August 30, 1924, was the inter-Allied agreement "for the complete fulfilment, so far as they are concerned, of the plan". This agreement between the reparation creditors in the first of its six articles set forth amendments to part VIII, annex II, adopted by the governments represented on the Reparation Commission. A further agreement, dated August 30, 1924, embodied the first article as a decision which "shall be notified to the powers signatory to the Treaty of Versailles and to the Reparation Commission". This separate agreement is at 30 League of Nations Treaty Series, p. 97, and 119 *British and Foreign State Papers*, p. 500.

None of these agreements was subject to ratification and all entered into force by virtue of the operation of the Experts' (Dawes) Plan beginning September 1, 1924.

8. Agreement between the Reparation Commission and the German Government¹

Signed at London, August 9, 1924; confirmed by signing of instruments of Reparation Conference, London, August 30, 1924; not subject to ratification; effective by virtue of the operation of the Experts' (Dawes) Plan beginning September 1, 1924

THE Contracting Parties

Being desirous of carrying into effect the plan for the discharge of the reparation obligations and other pecuniary liabilities of Germany under the Treaty of Versailles proposed to the Reparation Commission on April 9, 1924, by the First Committee of Experts appointed by the Commission (which plan is referred to in this agreement as the experts' plan) and of facilitating the working of the expert's plan by putting into operation such additional arrangements as may hereafter be made between the German Government and the Allied Governments at the conference now being held in London, in so far as the same may lie within the respective

¹ File 462.00 R 296/282 and /1531.

REPARATION: AGREEMENT WITH GERMANY

spheres of action of the Reparation Commission and the German Government;

And the Reparation Commission acting in virtue not only of the powers conferred upon it by the said treaty, but also of the authority given to it by the Allied Governments represented at the said conference in respect of all payments by Germany dealt with in the experts' plan but not comprised in Part VIII of the said treaty;

Hereby agree as follows:—

I.

The German Government undertakes to take all appropriate measures for carrying into effect the experts' plan and for ensuring its permanent operation, and in particular—

- a)* It will take all measures necessary with a view to the promulgation and enforcement of the laws and regulations required for that purpose (specially the laws on the bank, the German railways and the industrial debentures) in the form approved by the Reparation Commission;
- b)* It will apply the provisions contained in Annex I hereto as to the control of the revenues assigned as security for the annuities under the experts' plan and other matters.

II.

The Reparation Commission undertakes on its side to take all appropriate measures for carrying into effect the experts' plan and for ensuring its permanent operation, and in particular—

- a)* For facilitating the issue of the German loan contemplated in the experts' plan;
- b)* For making all financial and accounting adjustments necessary to give full effect to the experts' plan.

III.

The Reparation Commission and the German Government agree—

- a)* To carry into effect in so far as the same may lie within their respective spheres of action such additional arrangements as may hereafter be made between the German Government and the Allied Governments at the said conference now being held in London, including any provisions which may be so agreed for carrying into effect the experts' plan or for the introduction of modifications of detail in the working of the said plan. The said additional arrangements

APPENDIX

when concluded shall be added in the form of a second schedule to this document and shall be identified by the signatures of two members of the Reparation Commission on behalf of that body and of two duly authorised representatives of the German Government.

- b) Any dispute which may arise between the Reparation Commission and the German Government with regard to the interpretation either of the present agreement and its schedules or of the experts' plan or of the German legislation enacted in execution of that plan, shall be submitted to arbitration in accordance with the methods to be fixed and subject to the conditions to be determined by the London Conference for questions of the interpretation of the experts' plan.

This provision shall be without prejudice to the arbitration clauses included in the experts' plan or in the said German legislation or in any of the annexes hereto.

IV.

If no agreement shall be reached at the London Conference between the Allied Governments and the German Government for the purpose of carrying into effect the experts' plan, this agreement shall be void.

Signed for the Reparation
Commission :

LOUIS BARTHOU.
JOHN BRADBURY.
SALVAGO RAGGI.
LÉON DELACROIX.

Signed for the German
Government :
MARX.

LONDON, *August 9, 1924.*

A N N E X I

Protocol concerning the Contributions to be made from the German Budget and the Institution of Control over the Revenues from Customs and the Taxes of Spirits, Tobacco, Beer and Sugar.

[Not reprinted; for text consult 120 *British and Foreign State Papers*, pp. 549, 551.]

A N N E X I I a)

[See agreement next below.]

AGREEMENT: GERMANY AND REPARATION COMMISSION

ANNEX II b)

Agreement between the Allied Governments and the German Government to Carry out the Experts' Plan of April 9, 1924, Signed at London, August 30, 1924

[Not reprinted; for text consult 30 League of Nations Treaty Series, p. 75.]

9. Agreement between the Allied Governments and the German Government concerning the Agreement of August 9, 1924, between the German Government and Reparation Commission¹

Signed at London, August 30, 1924 after initialing on August 16; not subject to ratification; effective by virtue of the operation of the Experts' (Dawes) Plan beginning September 1, 1924.

THE Representatives of the Governments assembled in London, Having taken note of the provisions of the Agreement signed in London on August 9, 1924, between the German Government and the Reparation Commission, and of the questions of which under Article III of the said Agreement the settlement must be completed, Agree that the following clauses shall be embodied in the said Agreement:—

CLAUSE 1.

The procedure for the settlement of disputes contemplated in Article III (b) of the said Agreement of August 9, 1924, shall be as follows:—

Subject to the powers of interpretation conferred upon the Reparation Commission by paragraph 12 of Annex II to Part VIII of the Treaty of Versailles and subject to the provisions as to arbitration existing elsewhere, and in particular in the Experts' plan or in the German legislation enacted in execution of that plan, all disputes which may arise between the Reparation Commission and Germany with regard to the interpretation either of

¹ File 462.00 R 296/282 and /1531.

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the Agreement concluded between them, the Experts' plan, or the German legislation enacted in execution of that plan, shall be submitted for decision to three arbitrators appointed for five years; one by the Reparation Commission, one by the German Government and the third, who shall act as President, by agreement between the Reparation Commission and the German Government, or failing such agreement, by the President for the time being of the Permanent Court of International Justice.

Before giving a final decision and without prejudice to the questions at issue, the President, on the request of the first party applying therefor, may order any appropriate provisional measures in order to avoid an interruption in the regular working of the plan and to safeguard the respective rights of the parties.

Subject to any decision of the arbitrators to the contrary the procedure shall be governed by the provisions of the Convention of The Hague of October 18, 1907, on the pacific settlement of international disputes.

CLAUSE 2.

The German Government declares:

a) That it recognises that the Transfer Committee¹ is free, subject to the conditions of the Report of the Experts, to employ the funds at its disposal in the payment for deliveries on customary commercial conditions of any commodities or services provided for in the programmes from time to time prescribed by the Reparation Commission after consultation with the Transfer Committee or by the Arbitral Commission provided for in paragraph (d) below, including in particular coal, coke and dyestuffs and any other commodities specially provided for in the Treaty of Versailles, even after the fulfilment of the Treaty obligations in regard to these commodities.

¹The Transfer Committee was provided for by part XIII and annex 6 of the Experts' Report. It consisted of the Agent General for Reparation Payments and five members appointed by the Reparation Commission of United States, French, British, Italian, and Belgian nationality. As Germany's obligation was acquitted by payment of marks into the account of the Agent General for Reparation Payments at the Reichsbank, the committee had the task, in addition to regulating execution of the program of deliveries in kind, of controlling "the transfer of cash to the Allies by purchase of foreign exchange and generally" of so acting "as to secure the maximum transfers, without bringing about instability of currency"

AGREEMENT: GERMANY AND REPARATION COMMISSION

b) That it recognises that the programmes laid down by the Reparation Commission, after consultation with the Transfer Committee, or by the Arbitral Commission provided for in paragraph (*d*) below, for deliveries to be made under ordinary commercial conditions, shall not be subject, as regards the nature of the products, to the limitations fixed by the Treaty of Versailles for the deliveries which the Reparation Commission can demand from Germany thereunder, but they shall be fixed with due regard to the possibilities of production in Germany, to the position of her supplies of raw materials and to her domestic requirements in so far as is necessary for the maintenance of her social and economic life and also with due regard to the limitations set out in the Experts' Report.

c) That it will facilitate as far as possible the execution of the programmes for all deliveries under either the treaty or the Experts' Report by means of commercial contracts passed under ordinary commercial conditions; and that in particular, it will not take, nor allow to be taken, any measure which would result in deliveries being unobtainable under ordinary commercial conditions.

The Allied Governments on their side each undertake so far as it is concerned to prevent as far as possible the re-exportation of the deliveries received from Germany, except in accordance with the provisions of Article V of Annex 6 of the Experts' Report.

d) The German Government further declares that it agrees to the following additional provisions in regard to the fixation and execution of programmes for the deliveries of the undermentioned products after the fulfilment of the Treaty obligations in regard to such products:

- (i.) In default of agreement as regards the programmes of deliveries of these products, either between the members of the Reparation Commission, or between the Reparation Commission acting unanimously and the German Government, programmes which take due account of ordinary commercial custom shall be laid down for periods to be determined by the Special Committee referred to in clause 3 of this agreement by an Arbitral Commission consisting of three independent and impartial arbitrators. The members of this Arbitral Commission shall be appointed in advance for a definite period by agreement between the Reparation Commission acting unanimously and the German Government, or, in default of agreement, by the President for the

APPENDIX

- time being of the Permanent Court of International Justice at The Hague. The Chairman of the Commission shall be a citizen of the United States of America.
- (ii.) In laying down the programmes, the Arbitral Commission shall take into account the possibilities of production in Germany, the position of her supplies of raw materials and her domestic requirements in so far as necessary for the maintenance of her social and economic life, and also of the conditions set out in the Experts' Report, nor shall it exceed the limits fixed by the Transfer Committee with a view to the maintenance of the German exchange.
 - (iii.) The decision of the Arbitral Commission fixing the programmes shall be final.
 - (iv.) The Allied Governments and nationals shall make every effort to obtain the delivery of the full amounts fixed by these programmes by means of direct commercial contracts with the German suppliers.
 - (v.) If any Allied Government considers that it or its nationals have not been able to make commercial contracts to the full amount of the programme owing to measures of wilful discrimination or wilful obstruction on the part of the German Government or its nationals, it may submit a reasoned claim to the Arbitral Commission, and the Commission after hearing the parties shall decide, as a matter of equity, taking into account the conditions referred to in paragraph (ii) above, whether there have in fact been measures of wilful discrimination or wilful obstruction on the part of the German Government or of German suppliers.
 - (vi.) In the event of the Arbitral Commission deciding this question in the affirmative, it shall require the German Government to ensure the delivery of such quantities as it shall decide, and under such conditions, particularly as regards price, as it shall fix.
 - (vii.) Any disputes which may arise as to the interpretation of the decisions of the Arbitral Commission shall be submitted to it for final judgment.
 - (viii.) Nothing in this clause shall affect in any way the powers of the Transfer Committee as set out in the Experts' Report.

AGREEMENT: GERMANY AND REPARATION COMMISSION

The above procedure will apply to the following products:—

- (i) Coal, coke and lignite briquettes;
- (ii) Sulphate of ammonia prepared by synthetic processes and other synthetic nitrogenous products. These last-named products can only be called for simultaneously with synthetic sulphate of ammonia and up to a quantity corresponding to the proportion in which these products are manufactured as compared with sulphate of ammonia in the same period of manufacture.
- (iii) Products referred to in paragraph 5 of Annex VI of Part VIII of the Treaty of Versailles (English text) with the exception, as regards chemical products, of specialties manufactured by a single "Concern".

As regards the products falling under (iii), the special provisions of paragraph *d*) will cease to apply on the 15th August, 1928.

As regards the products falling under (ii) and (iii) above, the Special Committee provided for in clause 3 will draw up a more detailed list. For certain among them, it may fix maximum quantities as regards either weight or value: it may also exclude certain of them, if it is shown that they are indispensable for the protection of German national economy.

CLAUSE 3.

The German Government agrees to the appointment of a special Committee, not exceeding six members, composed of an equal number of Allied and German representatives, who shall be appointed by the Reparation Commission and the German Government respectively, with the power in the event of difference to co-opt an additional member of neutral nationality to be chosen by the Allied and German members in agreement or in default of agreement to be appointed by the Reparation Commission. This Committee will be charged with the duty of—

- (1) Determining the procedure for placing orders and the conditions for carrying out deliveries in kind so as to ensure the satisfactory working of such deliveries, adhering as closely as possible to ordinary commercial usage.
- (2) Examining the best means of ensuring the fulfilment of the undertakings to be given by the German Government in accordance with clause 2, paragraphs (*c*) and (*d*), of this agreement, in particular by providing for the reference to arbitration of any disagreements which may arise thereon

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between the interested parties, the decision of the arbitrator or arbitrators being binding on such parties.

- (3) Examining the best means of applying the provisions of the Experts' Report relative to the limitation of deliveries to those which are not of an anti-economic character, and to recommend the measures to be taken against any persons who may infringe the prohibition against re-exportation of deliveries.

The members of the Committee may be assisted by such experts as they may consider necessary.

The work of this Committee is not in any way to delay the bringing into operation of the Experts' Plan, and its decisions are not to encroach in any way on the powers of the Transfer Committee to be set up under that Plan. Its decisions must accordingly before being carried out be approved by the Reparation Commission, and by the Transfer Committee, in so far as the latter is concerned. It is understood that the conclusions of this Committee will not be modified without the consent of the German Government.

CLAUSE 4.

If differences of opinion should arise between the Transfer Committee and the German Government on any of the following points relating to the execution of Article VI of Annex 6 of the Experts' Report, viz:

- (1) the inclusion of any particular class of property in the list,
- (2) any modification in the list,
- (3) the scope of any class so included, or,
- (4) the measures to be taken to secure that investments to be purchased by this procedure shall not be of a temporary character,

such difference shall be referred, at the request of either party, to an arbitrator (who, if the German Government so desire, shall be a national of a country not interested in German reparation payments) to be chosen by agreement between the two parties, or in default of agreement to be nominated by the President for the time being of the Permanent Court of International Justice at The Hague. The arbitrator shall decide whether any claim made or objection raised is justified or not, and in so doing shall in particular give consideration to the principles set out in Article VI, viz: (1) that the investment must not be of a temporary character, and (2) that the German Government is required to have due regard to the necessity for making maximum payments to its

AGREEMENT: GERMANY AND REPARATION COMMISSION

creditors but is also entitled to have regard to maintaining its control of its own internal economy.

The Allied Governments agree that the Transfer Committee should only transfer marks for purchases under the operation of the said Article VI if and when the accumulated funds exceed the amounts which the Bank of Issue will accept as short term deposits.

CLAUSE 5.

If the Transfer Committee is equally divided in regard to the question whether concerted financial manœuvres have been set on foot within the meaning of Article VIII of Annex 6 of the Experts' Report, the question shall be referred to an independent and impartial arbitrator, who shall hear the views of each of the members of the Committee and decide between them. The arbitrator shall be a financial expert selected by the members of the Transfer Committee in agreement, or, in default of an agreement, by the President for the time being of the Permanent Court of International Justice at The Hague.

On all other questions, if the Transfer Committee is equally divided, the Chairman shall have a casting vote.

If the funds at the disposal of the Agent-General for Reparation Payments are at any time accumulated in Germany up to the limit of 5 milliards of gold marks referred to in paragraph (a) of Article X of Annex 6 of the Experts' Report, or such lower figure as may be fixed by the Transfer Committee under paragraph (b) of that Article and the Committee has, by a majority, decided that concerted financial manœuvres within the meaning of Article VIII of that Annex have not taken place, or that certain measures to defeat manœuvres contemplated in that Article should not be taken, any member of the minority of the Committee may, within eight days, appeal against such decision to an arbitral Tribunal, whose decision on the matters before them shall be final. The arbitral Tribunal shall consist of three independent and impartial financial experts, including a citizen of the United States of America, who shall act as Chairman, such experts to be selected by the Committee unanimously, or, failing unanimity, to be appointed by the President for the time being of the Permanent Court of International Justice at The Hague.

CLAUSE 6.

If any Government interested (Allied or German) consider that a defect exists in the technical working of the Experts' Plan so far as it relates to the collection of German payments or the control of

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the securities therefor, which can be remedied without affecting the substantial principles of that Plan, it may submit the question to the Reparation Commission, which will transmit it forthwith for enquiry and advice to a Committee consisting of the Agent-General for Reparation Payments, the Trustee or Trustees for the Railway and Industrial Mortgage Bonds, the Railway Commissioner, the Bank Commissioner and the Commissioner of Controlled Revenues.

This Committee will, as soon as possible, transmit to the Reparation Commission either a unanimous report, or majority and minority reports, including, if necessary, proposals for the removal of any defect to which attention may have been drawn.

If the Reparation Commission arrives at a unanimous decision, it shall invite the German Government to adhere to it, and if an agreement is reached with the German Government on the subject, the necessary measures shall be carried into effect without delay.

If the Reparation Commission is not unanimous, or if any decision taken unanimously is not accepted by the German Government, any of the parties interested may submit the question to a Committee of three independent and impartial experts chosen by agreement between the Reparation Commission deciding unanimously and the German Government, or, in default of such agreement, by the President for the time being of the Permanent Court of International Justice at The Hague. The decision of this Committee shall be final.

It is understood that this provision shall not apply to any question in regard to the disposal of the funds paid to the account of the Agent General for Reparation Payments, or to any other matter which falls solely within the competence of the Transfer Committee.

Done at London the 30th day of August, 1924, in a single copy which will remain deposited in the archives of His Britannic Majesty's Government, which will transmit a certified copy to the Reparation Commission for inclusion in the Agreement of August 9, 1924, and to each of the signatory Governments.

BN. MONCHEUR.

EYRE A. CROWE.

N. A. BELCOURT.

JOSEPH COOK.

J. ALLEN.

E. H. WALTON.

DADIBA MERWANJEE

DALAL.

SAINT-AULAIRE.

D. CACLAMANOS.

TORRETTA.

HAYASHI.

NORTON DE MATTOS.

RADU T. DJUVARA.

GAVRILOVITCH.

STHAMER.

INTER-ALLIED AGREEMENT

10. *Inter-Allied Agreement*¹

Signed at London, August 30, 1924 after initialing on August 16; not subject to ratification; effective by virtue of the operation of the Experts' (Daves) Plan beginning September 1, 1924

THE ROYAL GOVERNMENT OF BELGIUM, THE GOVERNMENT OF HIS BRITANNIC MAJESTY (WITH THE GOVERNMENTS OF THE DOMINION OF CANADA, THE COMMONWEALTH OF AUSTRALIA, THE DOMINION OF NEW ZEALAND, THE UNION OF SOUTH AFRICA, AND INDIA), THE GOVERNMENT OF THE FRENCH REPUBLIC, THE GOVERNMENT OF THE GREEK REPUBLIC, THE ROYAL GOVERNMENT OF ITALY, THE IMPERIAL GOVERNMENT OF JAPAN, THE GOVERNMENT OF THE PORTUGUESE REPUBLIC, THE ROYAL GOVERNMENT OF ROUMANIA AND THE ROYAL GOVERNMENT OF THE SERB-CROAT-SLOVENE STATE,

Anxious to provide for the complete fulfilment, so far as they are concerned, of the plan presented to the Reparation Commission on April 9, 1924, by the First Committee of Experts appointed by it on November 30, 1923, "to consider the means of balancing the budget and the measures to be taken to stabilise the currency of Germany," the said plan being approved by the Commission and accepted by each of the interested Powers, and

Having resolved to conclude an agreement for this purpose, the Undersigned, duly authorised, have agreed as follows:

ARTICLE I.

The Governments represented upon the Reparation Commission acting under Paragraph 22 of Annex II to Part VIII (Reparation) of the Treaty of Versailles will modify the said Annex II by the introduction of the following paragraphs 2 A and 16 A, and by the amendment of paragraph 17 as set out below.

Paragraph 2 A. "When the Reparation Commission is deliberating on any point relating to the report presented on April 9, 1924, to the Reparation Commission by the First Committee of Experts appointed by it on November 30, 1923, a citizen of the United States of America appointed as provided below shall take part in the discussions and shall vote as if he had been appointed in virtue of Paragraph 2 of the present Annex.

"The American citizen shall be appointed by unanimous vote of the Reparation Commission within thirty days after the adoption of this amendment.

¹ File 462.00 R 296/282 and /1531.

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“In the event of the Reparation Commission not being unanimous, the appointment shall be made by the President for the time being of the Permanent Court of International Justice at The Hague.

“The person appointed shall hold office for five years, and may be re-appointed. In the event of any vacancy the same procedure shall apply to the appointment of a successor.

“Provided always that if the United States of America are officially represented by a delegate on the Reparation Commission, any American citizen appointed under the provisions of this paragraph shall cease to hold office and no fresh appointment under these provisions shall be made as long as the United States are so officially represented.”

Paragraph 16A. “In the event of any application that Germany be declared in default in any of the obligations contained either in this part of the present Treaty as put into force on January 10, 1920, and subsequently amended in virtue of Paragraph 22 of the present Annex, or in the Experts’ Plan dated April 9, 1924, it will be the duty of the Reparation Commission to come to a decision thereon. If the decision of the Reparation Commission granting or rejecting such application has been taken by a majority, any member of the Reparation Commission who has participated in the vote may within eight days from the date of the said decision appeal from that decision to an arbitral commission composed of three impartial and independent persons whose decision shall be final. The members of the arbitral commission shall be appointed for five years by the Reparation Commission deciding by a unanimous vote, or failing unanimity by the President for the time being of the Permanent Court of International Justice at The Hague. At the end of the five-year period or in case of vacancies arising during such period the same procedure will be followed as in the case of the first appointments. The president of the arbitral commission shall be a citizen of the United States of America.”

Paragraph 17. “If a default by Germany is established under the foregoing conditions, the Commission will forthwith give notice of such default to each of the interested Powers and may make such recommendations as to the action to be taken in consequence of such default as it may think necessary.”

ARTICLE 2.

In accordance with the provisions of the Experts’ Plan, sanctions will not be imposed on Germany in pursuance of paragraph 18 of

INTER-ALLIED AGREEMENT

Annex II to Part VIII (Reparation) of the Treaty of Versailles unless a default within the meaning of Section III of Part I of the report of the said Committee of Experts has been declared under the conditions laid down by the said Annex as amended in conformity with this agreement.

In this case the signatory Governments, acting with the consciousness of joint trusteeship for the financial interests of themselves and of the persons who advance money upon the lines of the said plan, will confer at once on the nature of the sanctions to be applied and on the method of their rapid and effective application.

ARTICLE 3.

In order to secure the service of the loan of 800 million gold marks contemplated by the Experts' Plan, and in order to facilitate the issue of that loan to the public, the signatory Governments hereby declare that, in case sanctions have to be imposed in consequence of a default by Germany they will safeguard any specific securities which may be pledged to the service of the loan.

The signatory Governments further declare that they consider the service of the loan as entitled to absolute priority as regards any resources of Germany so far as such resources may have been subjected to a general charge in favour of the said loan and also as regards any resources that may arise as a result of the imposition of sanctions.

ARTICLE 4.

Any dispute between the signatory Governments arising out of articles 2 or 3 of the present agreement shall, if it cannot be settled by negotiation, be submitted to the Permanent Court of International Justice.

ARTICLE 5.

Unless otherwise expressly stipulated in the preceding articles of this agreement all the existing rights of the signatory Governments under the Treaty of Versailles read with the report of the experts referred to in article 2 are reserved.

ARTICLE 6.

The present Agreement, of which the French and English texts are both authentic, shall come into force from the moment of signature.

APPENDIX

Done at London, the 30th day of August, 1924, in a single copy, which will remain deposited in the archives of His Britannic Majesty's Government, which will transmit certified copies to each of the parties.

BN. MONCHEUR.

EYRE A. CROWE.

N. A. BELCOURT.

JOSEPH COOK.

J. ALLEN.

E. H. WALTON.

DADIBA MERWANJEE

DALAL.

SAINT-AULAIRE.

D. CACLAMANOS.

TORRETTA.

HAYASHI.

NORTON DE MATTOS.

RADU T. DJUVARA.

GAVRILOVITCH.

11. Agreement Regarding the Distribution of the Dawes Annuities¹

Signed at Paris, January 14, 1925;² effective from date of signature; terms executed or evolved into subsequent agreements; supplanted as to its effects by entrance into force of the New (Young) Plan May 17, 1930

FINAL PROTOCOL.

The representatives of the Governments of BELGIUM, FRANCE, GREAT BRITAIN, the UNITED STATES OF AMERICA, ITALY, JAPAN, BRAZIL, GREECE, POLAND, PORTUGAL, ROUMANIA, SERB-CROAT-SLOVENE STATE, CZECHOSLOVAKIA, assembled at Paris from the 7th to the 14th January 1925 with a view to settling as between their respective Governments questions which arise out of the distribution of the receipts already entered, or to be entered, in the accounts of the Reparation Commission, in particular after the 1st January 1923 to 1st September 1924, and also in the first years of the applica-

¹ The formal amendments detailed in the Protocol of January 22nd 1925 attached to the authentic text of the Agreement of January 14th 1925 have been incorporated in the text of the present edition. [Footnote on the original.]

² File 462.00 R 296/910; *Foreign Relations*, 1925, II, 145.

REPARATION: FINANCE MINISTERS' AGREEMENT

tion of the Dawes Plan which formed the subject of the Agreements concluded in London on 31st [30th]¹ August 1924,

Have agreed on the provisions contained in the Agreement of today's date of which a copy is attached to the present Protocol.

DONE at Paris, 14th January 1925.

CLEMENTEL.	EM. J. TSOUDEROS.
G. THEUNIS.	J. MROZOWSKI.
WINSTON S. CHURCHILL.	J. KARSNICKI.
MYRON T. HERRICK.	ANTONIO DA FONSECA.
FRANK B. KELLOGG.	VINTILA BRATIANO.
JAMES A. LOGAN, JR.	N. TITULESCU.
ALBERTO DE' STEFANI.	STOYADINOVITCH.
K. ISHII.	STEFAN OSUSKY.
L. M. DE SOUZA DANTAS.	

A G R E E M E N T.

The Governments of BELGIUM, FRANCE, GREAT BRITAIN, ITALY, JAPAN, the UNITED STATES OF AMERICA, BRAZIL, GREECE, POLAND, PORTUGAL, ROUMANIA, the SERB-CROAT-SLOVENE STATE and CZECHOSLOVAKIA, respectively represented by the undersigned, have agreed as follows.

Agreement Regarding the Distribution of the Dawes Annuities.

Summary.

CHAPTER I.—ALLOCATION OF DAWES ANNUITIES.

- ART. 1. Costs of Commissions.
- ART. 2. Costs of Armies of Occupation 1924-1925.
- ART. 3. Share of the United States of America in the Dawes Annuities.
- ART. 4. Belgian War Debt.
- ART. 5. Restitutions.
- ART. 6. Belgian Priority.
- ART. 7. Greek and Roumanian share of reparations.
- ART. 8. Miscellaneous Claims.
- ART. 9. Compensation due to the European Commission of the Danube.
- ART. 10. Clearing Office Balances.

CHAPTER II.—SETTLEMENT OF PAST ACCOUNTS.

- ART. 11. Distribution Accounts: Provision as to Arbitration.
- ART. 12. Ruhr Accounts.

CHAPTER III.—SPECIAL QUESTIONS ARISING OUT OF PREVIOUS AGREEMENTS.

- ART. 13. Extension beyond January 1st, 1923 of the provisions of Article 2 of the Agreement of the 11th March 1922: Appropriation of Deliveries in Kind to the Costs of the Armies of Occupation.

¹ Correction, which conforms with the French text.

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- ART. 14. Extension beyond January 1st, 1923 of the provisions of Article 6 of the Agreement of 11th March 1922: Retention by each Power of the Deliveries in Kind received by it.
- ART. 15. Costs of Armies of Occupation from 1st May 1922 to 31st August 1924.
- ART. 16. Debits for vessels allotted or transferred to Belgium under Article 6 (4) of the Spa Protocol.
- ART. 17. Debits for Shantung Mines and Railways.

CHAPTER IV.—INTEREST AND ARREARS.

- ART. 18. Interest Account.
- ART. 19. Account of Excesses and Arrears as at 1st September 1924.
- ART. 20. Recovery of Arrears.
- ART. 21. Costs of Armies of Occupation to 1st May 1921.

CHAPTER V.—MISCELLANEOUS QUESTIONS.

- ART. 22. Repayment by Czechoslovakia in respect of certain Deliveries in Kind.
- ART. 23. Bulgarian Payments.
- ART. 24. Properties ceded to the Free City of Danzig.
- ART. 25. Recommendations with regard to the distribution of the payments throughout the year.
- ART. 26. Interpretation and Arbitration.
- ART. 27. Reservation as to the rights and obligations of Germany.

CHAPTER I.—ALLOCATION OF THE DAWES ANNUITIES.

ARTICLE 1.

Costs of the Commissions.

A) The maximum normal charge on the Dawes Annuities of the Reparation Commission, including the organisations set up under the Dawes Plan, shall be:

For the year from 1st September 1924. 9 $\frac{1}{4}$ million gold marks.

For the later years 7 $\frac{1}{2}$ — —

(to be taken partly in foreign currencies or in German currency as required).

Of these sums not more than 3,700,000 gold marks a year shall be attributable to the organisations set up under the Dawes Plan. If necessary this sum may be increased in order to meet the costs of the arbitral bodies provided for by the Dawes Plan and the London Protocol.

B) The maximum charge for the Interallied Rhineland High Commission (including deliveries under Articles 8-12 of the Rhineland Agreement) shall not exceed 10 million gold marks (to be taken in foreign currencies or in German currency as required) for

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the year from 1st September 1924, this sum being allocated between the French, British and Belgian High Commissariats in the proportion of 62:16:22, after providing for the other expenses of the Commission. The amount for any later year will be settled at a later date.

C) The charge of the Military Commission of Control shall not exceed a maximum of 8 million gold marks (to be taken in German currency) in the year from 1st September 1924. The amount of any later year will be settled at a later date. This figure does not include the Commission's expenses in national currencies, which shall continue to be paid by the Governments concerned, the amounts so paid being credited to their respective accounts by the Reparation Commission.

ARTICLE 2.

Costs of Armies of Occupation 1924/1925.

A) The sums to be allowed as a prior charge on payments by Germany during the year 1st September 1924 to 31st August 1925 in respect of the costs of the Armies of Occupation of Belgium, Great Britain and France, shall be fixed at the following amounts:

Belgian Army	25,000,000 gold marks.
British Army	25,000,000 —
French Army	110,000,000 —

B) Belgium, Great Britain and France will meet their additional Army costs during the period mentioned out of their respective shares in German reparation payments, but shall not be debited on reparation account therewith, that is to say, their respective reparation arrears will be increased by corresponding sums.

C) The additional Army costs shall be calculated as follows. Each Power will be entitled to receive:

1. The sums payable under the Finance Ministers' Agreement of 11th March 1922, calculated in the case of Great Britain on the basis of the French capitation rate with a special allowance of 2 gold marks a man, converted into sterling on the basis of the mean rates of exchange of the respective currencies during the month of December 1921. The value of German marks supplied to the Armies of Occupation and the value of any requisitions under Article 6 of the Rhineland Agreement shall, as heretofore, be included in these sums, and

2. The value of the requisitions and services under Articles 8-12 of the Rhineland Agreement, which are credited to Germany in the accounts of the Agent General for Reparations.

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For each Power the additional Army costs shall be the difference between the total sum so calculated and the amount of the prior charge set out in paragraph (A) above.

D) It is agreed that the Powers concerned in the occupation shall not charge for effectives in excess of the strength authorised for each respectively by Article 1 (2) and (3) of the Agreement of 11th March 1922.

E) The provisions of this Article for the year to 31st August 1925 are accepted without prejudice to any question of principle, and the Allied Governments and the Government of the United States of America will discuss, before the 1st September 1925, the arrangement for Army Costs in the future.

ARTICLE 3.

Share of the United States of America in the Dawes annuities.

A) Out of the amount received from Germany on account of the Dawes annuities, there shall be paid to the United States of America the following sums in reimbursement of the costs of the United States Army of Occupation and for the purpose of satisfying the awards of the Mixed Claims Commission established in pursuance of the Agreement between the United States and Germany of August 10th, 1922.

1. Fifty-five million gold marks per annum beginning September 1st, 1926, and continuing until the principal sums outstanding on account of the costs of the United States Army of Occupation, as already reported to the Reparation Commission, shall be extinguished. These annual payments constitute a first charge on cash made available for transfer by the Transfer Committee out of the Dawes Annuities, after the provision of the sums necessary for the service of the 800 million gold mark German external loan, 1924, and for the costs of the Reparation Commission, the organisations established pursuant to the Dawes Plan, the Interallied Rhineland High Commission, the Military Control Commissions, and the payment to the Danube Commission provided for in Article 9 below, and for any other prior charges which may hereafter with the assent of the United States of America be admitted. If in any year the total sum of fifty-five million gold marks be not transferred to the United States of America the arrears shall be carried forward to the next succeeding annual instalment payable to the United States of America, which shall be pro tanto increased. Arrears shall be cumulative and shall bear simple interest

REPARATION: FINANCE MINISTERS' AGREEMENT

at $4\frac{1}{2}\%$ from the end of the year in which the said arrears accumulated until they are satisfied.

2. Two and one quarter per cent ($2\frac{1}{4}\%$) of all receipts from Germany on account of the Dawes Annuities available for distribution as reparations, provided that the annuity resulting from this percentage shall not in any year exceed the sum of forty-five million gold marks.

B) Subject to the provisions of Paragraph A above, the United States of America agree:

1. To waive any claim under the Army Cost Agreement of May 25th 1923, on cash receipts obtained since 1st January 1923 beyond the sum of \$14,725,154.40 now deposited by Belgium to the account of the Treasury of the United States in a blocked account in the Federal Reserve Bank of New-York, which sum shall forthwith be released to the United States Treasury.

2. That the Agreement of May 25th 1923 does not apply to payments on account of reparations by any ex-enemy Powers other than Germany.

3. That the Agreement of May 25th 1923, is deemed to be superseded by the present Agreement.

C) The provisions of this Agreement relating to the admission against the Dawes Annuities of charges other than reparations, and the allotments provided for such charges shall not be modified by the Allied Governments, so as to reduce the sums to be distributed as reparations save in agreement with the United States of America.

D) The United States of America is recognised as having an interest, proportionate to its $2\frac{1}{4}\%$ interest in the part of the annuities available for reparation, in any distribution of railway bonds, industrial debentures or other bonds issued under the Dawes Plan, or in the proceeds of any sale of undistributed bonds or debentures and as having the right also to share in any distribution or in the proceeds of any sale, of such bonds or debentures for any arrears that may be due to it in respect of the repayment of its army costs as provided in the present Agreement. The United States of America is also recognised as having an interest in any other disposition that may be made of the bonds if not sold or distributed.

ARTICLE 4.

Belgian War Debt

A) As from the 1st September 1924 5% of the total sum available in any year after meeting the charges for the service of the

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German External Loan, 1924, and the charges for Costs of Commissions; Costs of U. S. Army of Occupation; Annuity for Arrears of pre-1st May 1921 Army Costs; Prior charge for current Army Costs; and any other prior charges which may hereafter be agreed, shall be applied to the reimbursement of the Belgian War Debt as defined in the last paragraph of Article 232 of the Treaty of Versailles.

B) The amounts so applied in any year shall be distributed between the Powers concerned in proportion to the amount of the debts due to them respectively as at 1st May 1921. Pending the final settlement of the accounts, France shall receive 46% Great Britain 42% and Belgium (by reason of her debt to U. S. A.) 12%.

ARTICLE 5.

Restitution.

A) There shall be applied to the satisfaction of claims for restitution:

a) During the first four years 1% of the total sum available in any year after meeting the charges for the service of the German External Loan, 1924, and the charges for Costs of Commissions: Costs of U. S. Army of occupation; annuity for arrears of pre-1st May 1921 Army Costs; prior charge for current Army Costs; and any other prior charge which may hereafter be agreed;

b) During subsequent years 1% of the balance of the first milliard after meeting the charges enumerated above and 2% of the surplus of the annuity.

B) The amount so applied shall be distributed between the Powers having a claim for restitution proportionately to their respective claims under this head as accepted by the Reparation Commission.

C) The French and Italian Governments reserve their rights to claim restitution of certain objects of art by the application of article 238 of the Treaty of Versailles. The other Allied Governments will support their efforts to secure the execution by Germany of such restitution. Nevertheless, if the fulfilment of this obligation involves a charge on the Dawes annuities the value will be charged against the share in the annuity of the Power interested.

ARTICLE 6.

Belgian Priority.

A) It is agreed that the determination of the exact position as regards the satisfaction of the Belgian priority depends on the

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settlement of the distribution account which the Reparation Commission has been requested to draw up.

B) Out of the part of the annuities received from Germany and available for distribution as reparations among the Allied Powers after 1st September 1924, Belgium will receive:

a) During the year commencing 1st September 1924: 8%.

b) During the year commencing 1st September 1925, so long as Belgian priority is not extinguished 8% of each monthly payment. As soon as the priority is extinguished, the percentage of all further payments during the year in question will be reduced to 4.5%.

c) During the year commencing 1st September 1926 and during each succeeding year: 4.5%.

This reduction in percentage is accepted as fully discharging Belgium from her obligations to repay her priority.

C) As from the date at which Belgian priority is extinguished or at the latest from 1st September 1926, the 3½% released by the above arrangements for the repayment of the Belgian priority will be payable to France and Great Britain in the proportion 52 : 22, in addition to their Spa percentages.

The sums debited to Belgium in respect of the period to 1st September 1924, will not be regarded as creating for her either excess payments or arrears, provided that this shall be without prejudice to the liability of Belgium to account for any final balance under the Economic Clauses of the Treaty.

D) The right accruing to Belgium as a result of previous Agreements on payments received or to be received from or on account of Austria, Hungary and Bulgaria remain unaltered.

ARTICLE 7.

Greek and Roumanian Reparation Percentages.

A) The percentage of reparation payments available for distribution between the Allied Powers to be allotted to Greece is fixed at 0.4 per cent of payments by Germany and of the first half of payments by Austria, Hungary and Bulgaria and 25 per cent of the second half of payments by Austria, Hungary and Bulgaria.

B) The percentage of reparation payments available for distribution between the Allied Powers to be allotted to Roumania is fixed at 1.1 per cent of payments made by Germany and of the first half of payments by Austria, Hungary and Bulgaria, and 20 per cent of the second half of payments made by Austria, Hungary and Bulgaria.

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ARTICLE 8.

Miscellaneous Claims.

A) The following claims namely:

a) Costs of military occupation of the Plebiscite zones (Annex to Article 88 of Treaty);

b) Costs of repatriation of German prisoners of war (Article 217 of the Treaty);

c) Repayment of exceptional war expenses advanced by Alsace-Lorraine during the war, or by public bodies in Alsace-Lorraine, on account of the Empire (Article 58 of the Treaty);

d) Payment of certain indemnities in the Cameroons and French Equatorial Africa (Articles 124 and 125 of the Treaty).

shall be submitted for valuation to the Reparation Commission which shall be at liberty to use for this purpose all the means at its disposal including reference to arbitration as proposed in Article 11 below.

The amounts of these claims, when established shall be credited to the interested Powers in their Reparation accounts as at the 1st September 1924, and the credits treated as arrears at that date in accordance with the provisions of Article 19 below.

B) The following claims would appear to be payable apart from and in addition to the Dawes annuities namely:

a) The costs of the civil and military pensions in Alsace-Lorraine earned at the date of the Armistice (Article 62 of the Treaty);

b) The transfer of the reserves of social insurance funds in Alsace-Lorraine (Article 77 of the Treaty). Should, however, the German Government succeed in establishing that these claims must be met out of the Dawes Annuities the Allied Governments will concert together as to the manner in which they should be dealt with.

ARTICLE 9.

Compensation due to the European Commission of the Danube.

There shall be paid forthwith to the European Commission of the Danube out of the Annuities the sum of 266,800 gold francs, being the amount agreed to be due from Germany to the Commission in respect of compensation for damages.

ARTICLE 10.

Clearing Office Balances.

No special charge shall be admitted against the Dawes annuities in respect of Clearing Offices balances of pre-war debts or other

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claims under the Economic Clauses of the Treaty unless it is shown that any Allied Power claiming the benefit of such charge has a net credit balance due for payment, after applying, to meet its claims under the Economic Clauses, the German properties and other assets which it has the power to liquidate under the same articles. No provision shall be made for such net credit balances during the first four years of the Dawes Plan.

CHAPTER II.—SETTLEMENT OF PAST ACCOUNTS.

ARTICLE 11.

Distribution Accounts.—Provision as to Arbitration.

The Allied Governments request the Reparation Commission to draw up as soon as possible definite distribution accounts as at 1st September 1924.

They will give authority to their respective Delegates on the Reparation Commission, to submit to arbitration all questions of fact or of figures arising on the accounts and to the fullest possible extent, questions of interpretation, on which they are not unanimous, in so far as is not already provided for in any existing arrangement.

The above provisions will apply in particular to the settlement of the Ruhr accounts in accordance with the principles set out below and to questions which may arise in regard to the amounts due under the heads of restitutions or other non-reparation claims.

ARTICLE 12.

Ruhr Accounts.

A) The Reparation Commission shall fix in accordance with the provisions of the Treaty of Versailles and the practice hitherto in force the value in gold marks of the receipts of every nature obtained by the French, Belgian, and Italian Governments from Germany since 11th January 1923, in so far as such receipts have not already been accounted for to it. The Reparation Commission shall similarly determine the amounts to be set against such receipts with a view to securing that the Powers concerned receive credit for expenditure actually incurred by them, subject, however, to the detailed provisions below with respect to Army Costs.

B) Separate accounts will be drawn up for deliveries in kind and cash receipts.

C) The account of deliveries in kind shall include the value as determined by the Reparation Commission of:

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1. Deliveries in kind not yet accounted for to the Commission including deliveries paid for from the "fonds commun" and the "fonds special".

2. All requisitions under or on the analogy of Article 6 of the Rhineland Agreement and all paper marks seized and fines imposed by the Armies of Occupation during the period 1st January 1923, up to the 31st August 1924, in so far as they have not already been reported to the Reparation Commission.

Against these receipts will be allowed as deductions the extra costs incurred by the French and Belgian Governments during the period 1st January 1923, to the 31st August 1924, through the maintenance of military forces in German territory not occupied on the 1st January 1923, after setting off the normal costs of the maintenance of these forces in their home garrisons.

The net value of the deliveries in kind so determined shall be debited in the reparation accounts against the Powers which have received them.

The value of coal and coke sold to Luxemburg during the same period shall be treated as a delivery in kind to France.

D) The account of cash receipts shall include cash receipts of all kinds obtained by the Occupying Powers including the gross amounts obtained from taxes or duties, licences, derogations, etc., and the net receipts of the Railway Regie, as ascertained by the Reparation Commission after verification of the accounts.

From these receipts will be allowed as deductions the civil costs of collection and expenses of administration incurred before the 31st August 1924, and the costs of loading coal and exploitation of mines and cokeries up to the same date.

The balance of the account shall, with the exception of the sum mentioned in sub-paragraph 1 of parag. B of Art. 3, be paid over to the Belgian Government which shall be debited on account of the priority for the period before 1st September 1924, with the full amount so received less the interest due on the German Treasury Bills transferred to Belgium in 1922.

E) In accordance with Annexe III to the London Protocol no claim will be made for payment out of the Dawes annuities of any costs in respect of military forces in German territory not occupied on the 1st January, 1923, other than the value of requisitions effected by, or services rendered to these forces after 1st September, 1924. The value of such requisitions or services will be accounted for as deliveries on Reparation Account to the Allied Powers concerned.

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CHAPTER III.—SPECIAL QUESTIONS ARISING OUT OF
PREVIOUS AGREEMENTS.

ARTICLE 13.

Extension beyond January 1st, 1923 of the provisions of Article 2 of the Agreement of March 11, 1922: Appropriation of deliveries in kind to the costs of Armies of Occupation.

The French, British and Belgian Governments agree that the forfaits [lump sums] fixed, or to be fixed, for their respective armies of occupation from the 1st January, 1923, and until the 31st August, 1928, in so far as they are not met out of requisitions of paper marks and services, etc., under Article 6 of the Rhineland Agreement, should be charged on the deliveries in kind (including receipts under the British Reparation Recovery Act and any similar levy established by any other Government) received by them respectively, and the Reparation Commission is requested to give effect to this decision in its accounts.

ARTICLE 14.

Extension beyond January 1st, 1923, of the Provisions of Article 6 of the Agreement of March 11, 1922: Retention by each Power of the Deliveries in Kind received by it

Each of the Allied Governments having a credit due to it on reparation account shall be entitled to retain, without being required to make payment in cash for the value thereof, the deliveries in kind (including Reparation Recovery Act Receipts) received and retained by them between the 31st December 1922, and the 1st September 1924. The receipts of each Power, however, up to the 1st September 1924, shall be taken into account in determining the adjustments provided for in Article 19.

ARTICLE 15.

Costs of the Armies of Occupation for the period 1st May 1922 to 31st August 1924.

A) The credits to be given in respect of the costs of occupation for the period 1st May 1922 to 1st May 1924, are as follows:

	FRENCH SHARE OF FORFAIT.	BELGIAN SHARE OF FORFAIT.	BRITISH SHARE OF FORFAIT.
	Gold marks.	Gold marks.	Gold marks.
May 1st, 1922 to April 30th, 1923	155,526,698	30,680,158	21,092,922
May 1st, 1923 to April 30th, 1924	117,195,330	23,284,922	22,369,567

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B) As regards the costs of occupation for the period 1st May 1924 to 31st August 1924, the Allied Governments will authorise their representatives on the Reparation Commission to make the necessary adjustment on the basis of the principles on which the above figures were calculated.

C) The Reparation Commission is requested to introduce those figures into its accounts for the years in question.

ARTICLE 16.

Debits for the Vessels allotted or transferred to Belgium under Article 6 (4) of the Spa Protocol

The debits in the Interallied accounts for the vessels allotted or transferred to Belgium under Article 6 (4) of the Spa Protocol shall be dealt with under Article 12 of the Finance Ministers' Agreement of the 11th March 1922 instead of as provided for in the Spa Protocol.

ARTICLE 17.

Debit for Shantung Railways and Mines.

In respect of the Railways and Mines referred to in the second paragraph of Article 156 of the Treaty of Versailles, Japan will be debited by the Reparation Commission in the Interallied accounts only with the equivalent of compensation which has been or may be in fact paid by the German Government to its nationals for their interests. Pending the establishment of the amounts in question Japan will be regarded as entitled to her full percentage of reparations as from 1st September 1924.

CHAPTER IV.—INTEREST AND ARREARS.

ARTICLE 18.

Interest Account.

The Allied Governments agree that all interest charges on reparation receipts up to 1st September 1924, should be waived as between the Allied Powers and all provisions in existing agreements requiring interest accounts to be kept to that date are cancelled. Interest at 5% shall, however, be charged as from 1st September, 1924, on the excess receipts shown in the account to be drawn up under Article 19 below as due at that date by any Allied Power to the Reparation Pool as well as on any further excess receipts which may accrue after that date until they are repaid.

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ARTICLE 19.

Excesses and Arrears.

A) The Reparation Commission shall as soon as possible draw up an account showing, as at 1st September, 1924, for each Power entitled to a share in the reparation payments of Germany, but not including the United States of America.

a) The net receipts of that Power on reparation account as at 1st September, 1924, which shall be calculated by deducting from its total gross receipts as valued for the purpose of Interallied distribution, the credits due to it in respect of Spa coal advances, of costs of Armies of Occupation (excluding the arrears as at 1st May, 1921, provided for in Article 21), costs of Commissions of Control not paid in German currency, profits on exchange, and of any other approved claims such as the claims referred to in Article 8 A) of this Agreement;

b) The amount that Power should have received had the total net reparation receipts of all the Powers been distributed in accordance with the Spa percentages.

By deducting from the amount due to each Power its actual debit, the Reparation Commission will determine the arrears due to that Power or the excess payments due from that Power as at 1st September, 1924.

B) A similar calculation shall be made by the Reparation Commission on the 1st September in each succeeding year.

C) For the purpose of the above calculations the figures relating to Belgium shall be included on the same footing as those relating to other Powers but, save as provided elsewhere in this Agreement, Belgium shall be free of any obligation to repay reparation receipts obtained before 1st September 1924.

Belgium shall, however, if the case arises, be required to account with interest for any excess of reparation receipts obtained by her after 1st September 1924, over her due proportion, as laid down elsewhere in this Agreement, of the total receipts effectively debited to all the Powers after that date. In the contrary case Belgium will be regarded as having a claim in respect of arrears.

D) The provisions of the second paragraph of Article 7 of the Agreement of 11th March 1922 relating to the debits to be entered in the account to be drawn up under Article 235 of the Treaty in respect of coal received by Italy before 1st May 1921, shall apply also to the debits for coal received by Italy between 1st May 1921 and 31st December 1922.

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ARTICLE 20.

Recovery of Arrears.

Except as otherwise provided for in this Agreement :

(A) The excess receipts of any Power as fixed at the end of each year under Article 19 shall be repaid by the deduction of a certain percentage from the share of that Power in each succeeding annuity until the debt is extinguished with interest at 5%, provided that no repayments under this sub-section shall be required out of the annuities for the years commencing 1st September 1924 and 1st September 1925.

(B) In the case of Italy and the S. H. S. [Serb-Croat-Slovene] State this deduction shall be fixed at 10%. In the case of other countries the deduction shall be calculated by the Reparation Commission on a similar basis.

(C) The repayments made by the Debtor Powers shall be distributed between the Powers in credit to the Reparation Pool in proportion to their respective arrears.

ARTICLE 21.

Costs of the Armies of Occupation to 1st May 1921.

The arrears due to France and Great Britain on account of pre-1st May 1921 Army Costs shall be excluded from the general account of arrears and shall be discharged by a special allotment out of the Dawes annuities (ranking immediately after the charge in favour of U. S. Army Costs) of the following amounts namely :

1st year	15	million	gold	marks.
2nd year	20	—	—	—
3rd year	25	—	—	—
4th year	30	—	—	—

and thereafter an annuity of 30 million gold marks till the arrears are extinguished.

This allotment shall be divided between France and Great Britain in the proportions France 57%, Great Britain 43%. The allotment shall be taken in deliveries in kind during the first two years of the Dawes Plan and thereafter may be transferred either in deliveries in kind or cash. This arrangement will not affect the distribution of any cash receipts now in the hands of the Reparation Commission available for the liquidation of Army Costs arrears, which receipts will be dealt with in accordance with Article 8 of the Agreement of 11th March 1922 and credited against the capital arrears. Further, the annuity above provided for will retain a prior charge

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up to 25% of its amount on any cash receipts not arising out of the Dawes Plan which may accrue to the Reparation Commission in the future on account of Germany.

CHAPTER V.—MISCELLANEOUS QUESTIONS.

ARTICLE 22.

Payment by Czechoslovakia for Deliveries in Kind.

The sums due by Czechoslovakia to the Reparation Commission in respect of the deliveries in kind received by her from Germany and Hungary since 1st May 1921, shall be placed in a suspense account and carry interest at 5% from the 1st September, 1924.

ARTICLE 23.

Bulgarian Payments.

Without prejudice to any question of principle, the payments made or to be made up to 31st December 1926, by Bulgaria under the Protocol of Sofia dated 21st March 1923, will be distributed between the Allied Powers in the proportions laid down in Article 2 of the Spa Protocol. The Allied Governments will agree together as to the method of distribution of these payments to be adopted after 31st December 1926.

ARTICLE 24.

Properties ceded to the Free City of Danzig.

The Allied Governments give full powers to their respective representatives on the Reparation Commission to settle all questions connected with the debt due by the Free City of Danzig in respect of the value of the public properties ceded to the Free City by Germany, including such adjustments of the payments to be made by the Free City as may be necessitated by its financial situation.

ARTICLE 25.

Recommendations with regard to Distribution of Payments throughout the year

The Finance Ministers draw the attention of the Reparation Commission to the fact that the operation of the Dawes Plan would be greatly facilitated if the Agent General for Reparation Payments could so arrange that the annual payments to be made during the operation of the Dawes Plan may be distributed throughout the course of each year, and they request the Reparation Commission and the Agent General to consider what steps can be taken to secure

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this result, which is of particular importance during the second and third years of the Plan.

With a view to accomplishing this result the Allied Governments, so far as they are concerned, authorise the Reparation Commission and the Agent General for Reparation Payments in cooperation with the Trustees for Railway Bonds and Industrial Debentures to take all action that may be necessary to arrange the due dates of the payments to be made on the Railway and Industrial Bonds so as to provide for a gradual and even flow of payments throughout each annuity year.

Furthermore, the Finance Ministers authorise the Reparation Commission to make arrangements, so far as may be practicable without prejudicing the requirements of other Powers, to enable the Portuguese Government to obtain during the earlier months of the second year of the Dawes Plan (within the limit of its share in the second annuity) the sums necessary to complete certain outstanding orders for deliveries in kind of special importance to it.

ARTICLE 26.

Interpretation and Arbitration.

This Agreement shall be transmitted to the Reparation Commission, and the Commission will be requested to give effect thereto and to adjust the payments during the remainder of the year to 31st August 1925, and during subsequent years, so that the total receipts of each Allied Power during each year shall not exceed its share under this Agreement. The Reparation Commission shall have authority by unanimous resolution to interpret the provisions of the Agreement, in so far as the Allied Powers are concerned. If any difference or dispute shall arise on the Reparation Commission or between the Allied Powers in respect of the interpretation of any provisions of this Agreement or as to anything to be done hereunder whether by the Commission or otherwise, the same shall be referred to the arbitration of a single arbitrator to be agreed unanimously by the members of the Reparation Commission, or, failing agreement, to be appointed by the President for the time being of the Permanent Court of International Justice.

Any difference or dispute that may arise with the United States of America regarding the interpretation of this Agreement affecting American claims or the rights of the United States of America under this Agreement shall be referred to an arbitrator to be agreed upon between the United States of America and the Reparation Commission acting unanimously.

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ARTICLE 27.

Reservation as to the Rights and Obligations of Germany.

The provisions of the present Arrangement concluded between the Powers interested in reparations do not prejudice any rights or obligations of Germany under the Treaties, Conventions and Arrangements at present in force.

THE PRESENT AGREEMENT, done in English and French in a Single Copy will be deposited in the Archives of the Government of the French Republic which will supply certified copies thereof to each of the Signatory Powers.

In the interpretation of this Agreement, the English and French texts shall be both authentic.

PARIS, *January 14th, 1925.*

CLEMENTEL.

G. THEUNIS.

WINSTON S. CHURCHILL.

MYRON T. HERRICK.

FRANK B. KELLOGG.

JAMES A. LOGAN JR.

ALBERTO DE' STEFANI.

K. ISHII.

L. M. DE SOUZA DANTAS.

EM. J. TSOUDEROS.

J. MROZOWSKI.

J. KARSNICKI.

ANTONIO DA FONSECA.

VINTILA BRATIANO.

N. TITULESCU.

STOYADINOVITCH.

STEFAN OSUSKY.

11a. Agreement Regulating the Amounts To Be Allocated Out of the Second Dawes Annuity for the Armies of Occupation in the Rhineland, the Inter-Allied Rhineland High Commission, and the Inter-Allied Military Commission of Control in Germany, Signed at Paris, September 21, 1925¹

Signed at Paris September 21, 1925; effective for parties from date of signature

ARTICLE 1

ARMIES OF OCCUPATION

The provisions of paragraphs A, B, C, D of Article 2 of the Financial Agreement of the 14th January, 1925, relative to the

¹ File 462.00 R 296/1211 and 462.00 R 29/4172; *Foreign Relations*, 1925, II, 163.

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costs of the armies of occupation shall remain in force during the second year of the Dawes Plan.

One-twelfth of the credits therein provided for shall be allocated monthly.

The Allied Governments and the Government of the United States of America will discuss before the 1st September, 1926, under the conditions laid down in paragraph E of the above-mentioned Article, the arrangements for army costs in the future.

Nevertheless, if during the course of the second Dawes year the Allied Governments decide to evacuate or modify any of the zones of occupation, this discussion will take place within the two months following such evacuation or modification.

ARTICLE 2

INTER-ALLIED RHINELAND HIGH COMMISSION

The maximum charge for the Inter-Allied Rhineland High Commission (including deliveries under Articles 8 to 12 of the Rhineland Agreement) shall not exceed 9,000,000 gold marks (to be taken in foreign currency or in German currency as required) during the second year of the Dawes Plan, this sum being allocated between the French, British and Belgian Commissariats as follows:—

French High Commissariat	5,580,000
British High Commissariat	1,440,000
Belgian High Commissariat	1,980,000

This provision is only to be drawn upon as and to the extent required, and at the end of every three months the Inter-Allied Rhineland High Commission shall transmit to the Reparation Commission a certified statement of the expenditure actually incurred by each Delegation in the execution of its duties under the Rhineland Agreement.

A similar statement covering the expenditure of the first Dawes year will be transmitted to the Reparation Commission as soon as possible after the 31st August, 1925.

Any savings at the end of the year will be paid into the common reparation fund for distribution in accordance with the provisions of the Financial Agreement of the 14th January, 1925, to the Powers having the right under that Agreement to participate in the receipts from Germany on account of the Dawes annuities available for distribution as reparations.

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The Allied Governments and the Government of the United States of America will discuss before the 1st September, 1926, the arrangements for the costs of the Inter-Allied Rhineland High Commission in the future.

Nevertheless, if during the course of the second Dawes year the Allied Governments decide to evacuate or modify any of the zones of occupation, this discussion will take place within the two months following such evacuation or modification.

ARTICLE 3

INTER-ALLIED MILITARY COMMISSION OF CONTROL

The charge of the Military Commission of Control shall not exceed a maximum of 6,800,000 gold marks (to be taken in German currency) in the second year of the Dawes Plan.

This provision is only to be drawn upon as and to the extent required, and in the event of the Governments deciding upon any modification of the functions of the commission a fresh estimate of its expenditure shall be at once drawn up.

At the end of every three months the Conference of Ambassadors will transmit to the Reparation Commission a certified statement of the expenditure incurred by the Inter-Allied Commission of Control.

A similar statement covering the expenditure of the first Dawes year will be transmitted to the Reparation Commission as soon as possible after the 31st August, 1925.

This figure does not include the commission's expenses in national currencies, which shall continue to be paid by the Governments concerned, the amounts so paid being credited to their respective accounts by the Reparation Commission.

Any savings at the end of the year will be paid into the common reparation fund for distribution in accordance with the provisions of the Financial Agreement of the 14th January, 1925, to the Powers having the right under that Agreement to participate in the receipts from Germany on account of the Dawes Annuities available for distribution as reparations.

The present Agreement, done in English and French in a single copy, will be deposited in the archives of the Government of the French Republic, which will supply certified copies thereof to each of the Signatory Powers.

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In the interpretation of this Agreement, the English and French texts shall be both authentic.

PARIS, *September 21, 1925.*

MAUCLÈRE
ROBERT PERIER
RALPH W. S. HILL
BASIL KEMBALL COOK
CORSI
SHIZUO YAMAJI
L. M. DE SOUZA DANTAS

LÉON V. MELAS
J. MROZOWSKI
J. BARRETO
AL. ZEUCEANU
DR. PLOJ
STEFAN OSUSKY

11b. Arrangement between the Government of the United States of America and the German Government, Effected by an Exchange of Notes, Berlin, December 8, 1926; Approved by the Reparation Commission, January 14, 1927

The German Government has the honour to affirm that the conversations which have now been concluded between the German Government and the Government of the United States of America for the purpose of realizing the $2\frac{1}{4}$ percent share of the United States in payments under the Experts' Plan have resulted in mutual understanding on the following points:

(1) The German Government promises that it will do everything in its power in order that the Government of the United States will receive each year its $2\frac{1}{4}$ percent share of the annuities under the Experts' Plan. For this purpose the German Government will, for the financing of the deliveries in kind and services to be made or rendered to the United States, prevail upon German firms to deposit each month out of the dollar credits arising from the said deliveries and services a sum in dollars the amount of which, as more explicitly stated in paragraph 3, shall be fixed at the beginning of each month. The deposit will be made through the agency of the Reichsbank to the credit of the Agent General for Reparation Payments with the Federal Bank in New York.

(2) The Government of the United States will make a continuing arrangement so that the Agent General for Reparation Payments

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will pay to the German firms the Reichsmark equivalent—immediately upon receipt of the cable report from the Federal Reserve Bank that the transfer has been made—in Berlin at the average Berlin rate for cable transfers on the day on which the dollars were transferred. The Government of the United States will furthermore take steps to the end that the Agent General for Reparation Payments will inform the Reich Finance Ministry not later than the first of each month of the sum to be paid by the German firms during that month.

(3) It is hereby agreed that the present procedure is not applicable to that part of the share of the Government of the United States in the annuities under the Experts' Plan set aside to meet the claim for arrears of army costs or that part which is otherwise covered in any manner through cash transfers.

The total amount accruing to the United States according to this arrangement during the period from September first, 1926, to the coming into force of the present arrangement, will be distributed over the remainder of the year in equal instalments. In general the amounts are to be divided in approximately equal monthly parts.

(4) The present arrangement may be terminated by either of the two parties not earlier than June first, 1927, effective September 1, 1927, or in subsequent years annually on and for the same dates in the respective year.

(5) When the Government of the United States has informed the German Government that the Agent General has received the necessary authority to proceed in the sense of this understanding, both Governments will make the necessary arrangements for its execution.

Note

This arrangement exists in two forms, as an exchange of notes between the German Ministry for Foreign Affairs (Köpke) and the Ambassador of the United States at Berlin (Schurman) on December 8, 1926 (file 462.00 R 296/1688, enclosures Nos. 4 and 5) and as an arrangement between the two governments submitted to the Reparation Commission as annex 3041 C (amended text) and approved by the commission retroactively on January 14, 1927 (file 462.00 R 296/1701 and 462.00 R 296/1711). The exchange of notes was in German and English without translations; the arrangement was in English.

The Transfer Committee on December 1, 1926 (file 462.00 R 296/1682) confirmed an arrangement by which the Agent General

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Note—Continued

for Reparation Payments paid to I. G. Farbenindustrie, A.G., Deutsches Kalisyndikat, Hamburg-Amerika Linie and Norddeutscher Lloyd a total sum of 10,000,000 gold marks out of the accumulated share of the United States in consideration of their surrendering the equivalent in dollars to the United States.

***11c. Agreement by the Allied and Associated Powers Regulating Amounts to be Allocated for Certain Purposes from the Dawes Annuities*¹**

Done at Paris, January 13, 1927; subsequently signed for the United States February 1, 1927; for Brazil by February 25, 1927; for Poland March 24, 1927; in effect for respective parties from date of signature

The Governments of Belgium, the United States of America, France, Great Britain, Italy, Japan, Brazil, Greece, Poland, Portugal, Roumania, the Serb-Croat-Slovene State and Czechoslovakia, respectively represented by the under-signed have agreed as follows.

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regulating the amounts to be allocated out of the Annuities of the Experts' Plan for the Armies of Occupation, the Rhineland High Commission and the Military Commission of Control for the period 1st April 1926 to 10th January 1930.

ARTICLE 1

Armies of Occupation.

I.—For the period 1st April 1926 to 10th January 1930 or until a modification in the zones of military occupation, the amounts to be admitted as a prior charge on the Annuities of the Experts' Plan in respect of the total costs of the Armies of Occupation inclusive of the costs of supplies and services of all kinds under the Rhineland Agreement shall be calculated on a yearly basis of 141,000,000 gold marks divided as follows:—

¹ File 462.00 R 29/828-1224; *Foreign Relations*, 1927, II, 724.

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French Army	100,000,000	gold marks
British Army	25,000,000	“ “
Belgian Army	16,000,000	“ “

These figures correspond to the following effective strengths:

French Army	60,000
British Army	7,900
Belgian Army	8,900

and constitute maximum amounts.

II.—For the period from the 1st April to the 31st August 1926 and thereafter at six-monthly intervals the allocation to each occupying Power shall be fixed within the limits of its maximum allocation and at the choice of the Power concerned,

a) either in accordance with the proportion between the actual effective strength during the period in question and the basic strength above, or

b) as regards costs other than those of supplies and services under Articles 8–12 of the Rhineland Agreement by application of the provisions of paragraphs I and IV of Article I of the Financial Agreement of the 11th March 1922, and as regards costs of supplies and services under Articles 8–12 of the Rhineland Agreement on the basis of the final debits in respect of such supplies and services.

III.—For the Application of formula *a)* the Power concerned will furnish certified statements of average monthly strengths.

For the application of formula *b)* the Power concerned will furnish in accordance with the rules now in force for the application of the Agreement of the 11th March 1922, certified statements of effective strengths and of average monthly costs.

IV.—Supplies and services furnished under Articles 8–12 of the Rhineland Agreement before the 1st April 1926 will continue to be brought to account as provided for in the Agreement of the 21st September 1925.

V.—Provisional allocations shall be fixed on the basis of the maximum figures in paragraph I for the period 1st April to 31st August 1926 and for the first six months of the third Annuity year.

Thereafter the provisional allocations shall be fixed by unanimous decision of the Reparation Commission. The Commission will in principle determine the allocations by the application of formula *a)*. Nevertheless in the event of an increase in the retail prices in one of the countries interested between the period 1st April–31st August 1926 and the period under consideration, the Commission will apply a coefficient of increase to the figure obtained by the

APPENDIX

application of formula *a*) which shall take as exact account as possible of the effects of the increase in retail prices.

The necessary adjustments between the provisional allocations and the amounts actually due shall be made as soon as they are known.

ARTICLE 2

Interallied Rhineland High Commission.

The maximum annual charge for the Interallied Rhineland High Commission, inclusive of the costs of supplies and services of all kinds under the Rhineland Agreement, shall not exceed 3,335,000 gold marks (to be taken in foreign currency or in German currency as required) as from the 1st April, 1926, this sum being allocated between the French, British and Belgian High Commissariats as follows:

French High Commissariat	1,535,000 g.m.
British High Commissariat	900,000 “
Belgian High Commissariat	900,000 “

Not more than 5/12ths of the annual amounts above mentioned shall be allowed in respect of the period April to August 1926 inclusive.

This provision is only to be drawn upon as and to the extent required, and at the end of every six months the Interallied Rhineland High Commission will transmit to the Reparation Commission a certified statement of the expenditure actually incurred by each High Commissariat in the execution of its duties under the Rhineland Agreement.

Any savings at the end of each year will be paid into the Common Reparation fund for distribution in accordance with the provisions of the Financial Agreement of the 14th January 1925 to the Powers having the right under that Agreement to participate in the receipts from Germany on account of the Annuities of the Experts' Plan available for distribution as reparation.

In addition to the above amounts the Allied and Associated Governments interested will at the request of the High Commission, place at its disposal out of the Annuity an amount not exceeding the savings made by it during the first year of the Experts' Plan (in round figures 550,000 gold marks) to meet, in so far as they may be justified, any outstanding claims presented by the German Government in respect of Article 6 of the Rhineland Agreement for the period 1st September 1924–31st August 1925.

The provisions of the present Article will remain in force until

REPARATION: THE HAGUE SETTLEMENT

the 10th January 1930, or until a modification in the present zones of occupation.

ARTICLE 3

Interallied Military Commission of Control.

The provisions of Article 3 of the Agreement of the 21st September 1925 are extended until the end of the third year of the Experts' Plan. Nevertheless, for this third year the maximum fixed by the first paragraph of the above Article is reduced to 350,000 gold marks a month.

THE PRESENT AGREEMENT, done in English and French in a Single Copy will be deposited in the Archives of the Government of the French Republic which will supply certified copies thereof to each of the Signatory Powers.

In the interpretation of this Agreement, the English and French texts shall be both authentic.

MAUCLÈRE

GUTT

R. W. S. HILL

W. A. GOODCHILD

CORSI

YAMAJI

MONIZ DE ARAGAO

CARAPANOS

FERNANDES

CONDURAKI

DR. PLOJ

STEFAN OSUSKY

PARIS, *January 13th, 1927.*

RELATING TO THE NEW (YOUNG) PLAN

12. Agreement between Germany, Belgium, Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, India, France, Greece, Italy, Japan, Poland, Portugal, Roumania, Czechoslovakia and Yugoslavia, Regarding the Complete and Final Settlement of the Question of Reparations¹

Signed at The Hague, January 20, 1930; in force in virtue of fulfilment of the conditions stipulated in the Final Clause May 17, 1930; in force subsequently to that date by deposit of ratifications

¹ 104 League of Nations Treaty Series, p. 243.

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for other signatories as follows: Yugoslavia, May 31, 1930; Roumania, June 23, 1930; Greece, June 25, 1930; Canada, July 12, 1930; Australia, India, and New Zealand, July 21, 1930; Union of South Africa, July 26, 1930; Poland, April 21, 1931; Portugal, July 11, 1931; Japan, October 29, 1931

THE REPRESENTATIVES OF GERMANY, BELGIUM, FRANCE, GREAT BRITAIN, ITALY AND JAPAN, meeting at Geneva on the 16 September, 1928, expressed their determination to make a complete and final settlement of the question of reparations and, with a view to attaining this object, provided for the constitution of a Committee of Financial Experts.

With this object the Experts met at Paris and their report was made on the 7 June 1929. Approval in principle was given to this report by The Hague Protocol of the 31 August, 1929.

The duly authorised representatives of the Government of the German Reich, the Government of His Majesty the King of the Belgians, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Canada, the Government of the Commonwealth of Australia, the Government of New Zealand, the Government of the Union of South Africa, the Government of India, the Government of the French Republic, the Government of the Greek Republic, the Government of His Majesty the King of Italy, the Government of His Majesty the Emperor of Japan, the Government of the Republic of Poland, the Government of the Republic of Portugal, the Government of His Majesty the King of Roumania, the Government of the Czecho-Slovak Republic and the Government of His Majesty the King of Yugoslavia have reached the following agreement:

ARTICLE I.

The Experts' Plan of the 7 June, 1929, together with this present agreement and the Protocol of the 31 August, 1929¹ (all of which are hereinafter described as the New Plan) is definitely accepted as a complete and final settlement, so far as Germany is concerned, of the financial questions resulting from the War. By their acceptance the Signatory Powers undertake the obligations and acquire the rights resulting for them respectively from the New Plan.

¹ The protocol of Aug. 31, 1929 is not reprinted, since it deals with transitional details which were either temporary or reflected in the present agreement. The adjustment of receipts in favor of Great Britain was the subject of the financial agreement set forth in annex I to the protocol. (132 *British and Foreign State Papers*, p. 403; file 462.00 R 296/3396.)

REPARATION: THE HAGUE SETTLEMENT

The German Government gives the Creditor Powers the solemn undertaking to pay the annuities for which the New Plan provides in accordance with the stipulations contained therein.

ARTICLE II.

As from the date when the New Plan is put into execution as provided in the final clause of this present Agreement, Germany's previous obligation is entirely replaced, except in respect of the German External Loan 1924, by the obligation laid down in the New Plan. The payment in full of the annuities there mentioned, in so far as the same are due to the Creditor Powers, is accepted by those Powers as a final discharge of all the liabilities of Germany still remaining undischarged referred to in Section XI of Part I of the Dawes Plan¹ as interpreted by the decisions of the interpretation Tribunal set up under the London Agreement of the 30 August, 1924.

ARTICLE III.

A. The signatory Governments recognise that the accounts between the Reparation Commission and Germany relating to transactions prior to the period of the Dawes Plan, together with all accounts involving credits to Germany either now or in the future, against the original capital debt are henceforth obsolete and without practical effect and declare them closed in their present condition.

B. (a) In execution of paragraph 143² of the Experts' Report of the 7 June, 1929, on the understanding that the following dec-

¹ The section states that the sums included in the annuities "comprise all amounts for which Germany may be liable to the Allied and Associated Powers for the costs arising out of the war" and that "Germany's liabilities for any particular year are absolutely limited . . . and . . . made inclusive of all possible charges."

² Paragraph 143 reads as follows: "The creditor Governments, under this plan, will be reducing the whole body of their claims arising out of the war or under the treaty of Versailles to a considerable extent. The experts of the creditor countries are aware that past transactions have given or may give rise to claims by Germany, some of which are still unsettled, and, while they are not able to go into the merits of these claims, they consider that the creditor Governments are fully entitled to expect that Germany should waive them in consideration of the consolidation of the creditors' claims at a reduced figure. Any other course would be inconsistent with their intention that, just as the new annuities cover all the claims defined in Part XI of the Dawes Plan, so they should be paid free of deduction in respect of any past transactions. The committee recognizes, however, that this is entirely a matter for the Governments to deal with."

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laration is to be considered as a full compliance with the requirements of that paragraph as to a waiver, Germany declares that she waives every claim as defined by the following list, whether for a payment or for property, which she may have addressed or might hereafter address to the Reparation Commission or to any Creditor Power signatory of the present Agreement for any transaction prior in date to the signature of this Agreement, connected with the World War, the Armistice Conventions, the Treaty of Versailles or any agreements made for their execution:

(1) Claims relating to property or pecuniary rights of prisoners of war in so far as they have not already been settled by special agreements;

(2) Claims seeking to obtain the reimbursement of payments made under paragraph 11 of the Annex to Article 296 of the Treaty of Versailles;

(3) Claims relating to loans issued by the former German Colonies;

(4) Any claims, whether for a payment or for property, which the German Government has presented or might present for its own account other than State claims notified, under the clearing procedure provided for under Articles 296 and 72 of the Treaty of Versailles, by the Creditor to the Debtor Office.

(b) By way of reciprocity the Creditor Powers accept in conformity with the recommendation of paragraph 96¹ of the Experts' Report of the 7 June, 1929, the payment in full of the annuities fixed thereby as a final discharge of all the liabilities of Germany still remaining undischarged and waive every claim additional to

¹ Paragraph 96 reads as follows: "Apart from the foregoing, we recommend that, as from the date of the putting into force of this Plan, Germany's previous obligation shall be entirely replaced by the obligation laid down in this plan, and that the payment in full of the proposed annuities in accordance with this plan should be accepted by the creditor powers as a final discharge of all the liabilities of Germany, still remaining undischarged, referred to in Sec. XI of Part I of the Dawes Plan, as interpreted by the decisions already given by the Interpretation Tribunal set up under the London agreement of August 30, 1924. That tribunal should be retained in existence and any dispute that may arise between Germany, on the one side, and the creditor Governments, or any one of them, or the bank, on the other side, as to the extent of these liabilities or as to any other question of the interpretation or application of this Plan should be referred to it for final decision".

Awards Nos. II and III, January 29, 1927 and May 29, 1928, are referred to in the text. They are conveniently printed in 21 *American Journal of International Law*, p. 344, and 22 *ibid.*, p. 913. For an account of "The Tribunal for the Interpretation of the Dawes Plan" by Sir John Fischer Williams, see *ibid.*, p. 797.

REPARATION: THE HAGUE SETTLEMENT

those annuities, either for a payment or for property, which has been addressed or might be addressed to Germany for any past transaction falling under the same heads of claims as those appearing under (1) to (4) above.

(c) The provisions of the present Article do not affect the execution of agreements later in date than the 10 January, 1920, for the abandonment of the liquidation of German private property, rights or interests or the restitution either of those properties, rights or interests or the proceeds of their liquidation.

C. (a) The Creditor Governments undertake, as from the date of the acceptance of the Experts' Report of the 7 June, 1929, to make no further use of their right to seize, retain and liquidate the property, rights and interests of German nationals or companies controlled by them, in so far as not already liquid or liquidated or finally disposed of, including the rights of the signatory Creditor Powers under Article 306, paragraphs (5), (6) and (7) of the Treaty of Versailles.

(b) The execution of this undertaking will be regulated by special agreements between the German Government and each of the Governments concerned.

(c) The Signatory Governments will use every effort to clear up definitely all outstanding questions relating to the execution of this undertaking within one year after the coming into force of the New Plan.

(d) This undertaking has no application in cases where special settlements have already been made.

D. All or some of the questions mentioned in the present Article as to the waiver of claims and the cessation of liquidation are governed, as between the German Government on the one hand and the following Governments respectively on the other hand, by the Agreements concluded on the following dates, that is to say: Belgium, 13 July, 1929 and 16 January, 1930; Great Britain, 28 December, 1929; Canada 14 January, 1930; Commonwealth of Australia, 17 January 1930; New Zealand, 17 January 1930; France, 31 December, 1929; Italy, 20 January, 1930; Poland, 31 October, 1929.

ARTICLE IV.

From and after the date on which the New Plan comes into force, the Office for Reparation Payments and the organisations in Berlin connected therewith shall be abolished and the relations

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with Germany of the Reparation Commission shall come to an end.

Under the régime of the New Plan only those of the functions of these organisations the maintenance of which is necessitated by the New Plan will continue in existence; these functions will be transferred to the Bank for International Settlements by the "Small Special Committee";¹ the Bank for International Settlements will exercise them within the conditions and limits of the New Plan in conformity with the provisions of its Statutes.

Under the régime of the New Plan the powers of the Creditor Powers in relation to Germany will be determined in accordance with the provisions of the Plan.

In regard hereto the Representatives of the Belgian, British, French, Italian and Japanese Governments and the Representatives of the German Government have made the declarations contained in Annex I.

The other measures necessary in view of the change from the present system to that of the New Plan, are those provided for in Annex II.

ARTICLE V.

The annuities mentioned in the present Agreement include the amounts required for the German External Loan, 1924. These annuities do not include the amounts which the Experts' Plan of the 7. June, 1929, assigns to the United States of America.²

ARTICLE VI.

The Contracting Parties recognise the necessity, with a view to putting into force the New Plan, of the constitution of the Bank for International Settlements. They recognise the corporate existence of the Bank to take effect as soon as it is constituted in accordance with the Statutes annexed to the law incorporating the Bank which is the subject of the Convention concluded with the Government of the Swiss Confederation.³

ARTICLE VII.

The Government of the Reich will deliver to the Bank for International Settlements, as Trustee for the Creditor Powers, the Debt Certificates referred to in Annex III.

¹ A transitional committee provided for by annex V, 2, of the Report, which consisted of two members of the Organization Committees, and representatives of Germany, the Agent General for Reparation Payments, and the Reparation Commission.

² See agreement of June 23, 1930, p. 942.

³ 104 League of Nations Treaty Series, p. 441.

REPARATION: THE HAGUE SETTLEMENT

Further, the German Government guarantees that the German Railway Company (*Deutsche Reichsbahngesellschaft*) will deliver to the Bank for International Settlements the Certificate mentioned in Annex IV.

ARTICLE VIII.

With a view to facilitating the successful working of the New Plan the German Government declares spontaneously that it is firmly determined to make every possible effort to avoid a declaration of postponement and not to have recourse thereto until it has come to the conclusion in good faith that Germany's exchange and economic life may be seriously endangered by the transfer in part or in full of the postponable portion of the annuities. It remains understood that Germany alone has authority to decide whether occasion has arisen for declaring a postponement as provided by the New Plan.

ARTICLE IX.

The German Government undertakes to take the measures necessary for the enactment of the special laws required for the application of the New Plan, that is to say:

(a) The law for the amendment of the Bank Law of the 30 August, 1924, in accordance with Annex V;

(b) The law for the amendment of the law of the Deutsche Reichsbahngesellschaft, in accordance with Annex VI.

These laws may only be amended in the conditions and in accordance with the procedure laid down by Annexes VA and VIA.

The German Government further undertakes to apply the provisions contained in Annexes VII and XI relating to the assignment of the proceeds of certain taxes by way of collateral security for the service of the several parts of the German annuities.

ARTICLE X.

The Contracting Parties will take in their respective territories the measures necessary for securing that the funds and investments of the Bank, resulting from the payments by Germany, shall be freed from all national or local fiscal charges.

The Bank, its property and assets, and also the deposits of other funds entrusted to it, on the territory of, or dependent on the administration of the Parties shall be immune from any disabilities and from any restrictive measures such as censorship, requisition, seizure or confiscation, in time of peace or war, reprisals, prohibition or restriction of export of gold or currency and other similar interferences, restrictions or prohibitions.

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ARTICLE XI.

The Governments of the Creditor Powers have settled the text of a Trust Agreement, appearing in Annex VIII, for the receipt, management and division of the German annuities.

The Bank for International Settlements upon its establishment will be invited to give its adhesion to the Agreement, and the Governments referred to will appoint Delegates with the powers necessary to sign.

The German Government declares that it has been informed of the text of the Agreement.

ARTICLE XII.

The system of deliveries in kind will be governed by the provisions contained in Annex IX hereto and in the second Annex to the Protocol of the 31 August, 1929.

The methods of administering the law of Great Britain entitled "The German Reparation (Recovery) Act 1921" and the levy on German imports into France have been settled by Agreements between the German Government on the one hand, the British and French Governments respectively on the other; the text of these Agreements is set out in Annex X.

ARTICLE XIII.

The German Government confirms all the priorities, securities and rights hitherto created by the benefit of the German External Loan, 1924, and declares that nothing in the New Plan or in consequence of the termination of the Dawes Plan, diminishes or varies the nature and extent of its prior obligations and engagements assumed under the General Bond securing said Loan, all of which are preserved in their integrity. The Governments of the other Signatory Powers similarly confirm and recognise the absolute prior position of the service of the German External Loan, 1924, and declare, in so far as they are concerned, that all the priorities, securities and rights hitherto granted said Loan remain unimpaired including those under the London Protocol dated 30 August, 1924. In particular, but without limiting the foregoing general declarations, the Governments of the German Reich and of the other Signatory Powers recognise that the specific first prior charge for the benefit of the said Loan continues to attach to all payments hereafter to be made by Germany for Reparation or other Treaty costs, including not only the nonpostponable portion of the German annuities to be paid

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into the Annuity Trust Account but also the postponable portion of the German annuities to be paid into the Annuity Trust Account; and the said Powers accordingly agree that the amounts currently required for the service of said Loan shall be paid out of said annuities to or upon the order of the Trustees of said Loan in priority to any other disbursements made therefrom. The Government of the German Reich further accepts and confirms the provisions for the security of the German External Loan, 1924, which are contained in Annex XI, of which the English text is alone authentic.

ARTICLE XIV.

The Creditor Powers recognise that their acceptance of the solemn undertaking of the German Government replaces all controls, special securities, pledges or charges existing at the present time, with the exception of those specially mentioned in Article XIII and in Annexes VI, VII and XI.

ARTICLE XV.

1. Any dispute, whether between the Governments signatory to the present Agreement or between one or more of those Governments and the Bank for International Settlements, as to the interpretation or application of the New Plan shall, subject to the special provisions of Annexes I, Va, VIa and IX be submitted for final decision to an arbitration tribunal of five members appointed for five years, of whom one, who will be the Chairman, shall be a citizen of the United States of America, two shall be nationals of States which were neutral during the late war; the two others shall be respectively a national of Germany and a national of one of the Powers which are creditors of Germany.

For the first period of five years from the date when the New Plan takes effect this Tribunal shall consist of the five members who at present constitute the Arbitration Tribunal established by the Agreement of London of the 30 August, 1924.

2. Vacancies on the Tribunal, whether they result from the expiration of the five-yearly periods or occur during the course of any such period, shall be filled, in the case of a member who is a national of one of the Powers which are creditors of Germany, by the French Government, which will first reach an understanding for this purpose with the Belgian, British, Italian and Japanese Governments; in the case of the member of German nationality, by the German Government; and in the cases of the three other members by the

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six Governments previously mentioned acting in agreement, or in default of their agreement, by the President for the time being of the Permanent Court of International Justice.

3. In any case in which either Germany or the Bank is plaintiff or defendant, if the Chairman of the Tribunal considers, at the request of one or more of the Creditor Governments parties to the proceedings, that the said Government or Governments are principally concerned, he will invite the said Government or Governments to appoint—and in the case of more Governments than one by agreement—a member, who will take the place on the Tribunal of the member appointed by the French Government.

In any case in which, on the occasion of a dispute between two or more Creditor Governments, there is no national of one or more of those Governments among the Members of the Tribunal, that Government or those Governments shall have the right to appoint each a Member who will sit on that occasion. If the Chairman considers that some of the said Governments have a common interest in the dispute, he will invite them to appoint a single member. Whenever, as a result of this provision, the Tribunal is composed of an even number of members, the Chairman shall have a casting vote.

4. Before and without prejudice to a final decision, the Chairman of the Tribunal, or, if he is not available in any case, any other Member appointed by him, shall be entitled, on the request of any Party who makes the application, to make any interlocutory order with a view to preventing any violation of the rights of the Parties.

5. In any proceedings before the Tribunal the Parties shall always be at liberty to agree to submit the point at issue to the Chairman or any one of the Members of the Tribunal chosen as a single arbitrator.

6. Subject to any special provisions which may be made in the Submission—provisions which may not in any event affect the right of intervention of a Third Party—the procedure before the Tribunal or a single arbitrator shall be governed by the rules laid down in Annex XII.

The same rules, subject to the same reservation, shall also apply to any proceedings before this Tribunal for which the Annexes to the present Agreement provide.

7. In the absence of an understanding on the terms of Submission any Party may seize the Tribunal directly by a proceeding *ex parte*, and the Tribunal may decide, even in default of appearance, any question of which it is thus seized.

REPARATION: THE HAGUE SETTLEMENT

8. The Tribunal, or the single arbitrator, may decide the question of their own jurisdiction, provided always that, if the dispute is one between Governments and a question of jurisdiction is raised, it shall, at the request of either Party, be referred to the Permanent Court of International Justice.

9. The present provisions shall be duly accepted by the Bank for the settlement of any dispute which may arise between it and one or more of the signatory Governments as to the interpretation or application of its Statutes or the New Plan.

Final Clause. M. Henri Jaspar, Prime Minister of Belgium, as Chairman of the Hague Conference of 1930, will deliver to each of the signatory Governments a certified copy of the present Agreement (which expression here, and in all places where the context admits, includes the Annexes hereto) immediately after signature. The French and English texts are both, in the absence of special provision to the contrary, authentic, provided that, for the Certificates mentioned in Article VII and the German Laws mentioned in Article IX of the present Agreement the German text, and for the provisions of Annex XI the English text, alone will be authentic.

The present Agreement shall be ratified and the deposit of ratifications shall be made at Paris with the French Government.

The Powers of which the seat of government is outside Europe will be entitled merely to inform the French Government through their diplomatic representatives at Paris that their ratification has been given, in that case they must transmit the instrument of ratification as soon as possible.

The New Plan will come into force and will be considered as having been put into execution on the date on which the Reparation Commission and the Chairman of the Kriegslastenkommission have agreed in reporting:

(1) The ratification of the present Agreement by Germany and the enactment of the German laws in accordance with the relative Annexes.

(2) The ratification of the present Agreement by four of the following Powers, that is to say, Belgium, Great Britain, France, Italy and Japan.

(3) The constitution of the Bank for international Settlements and the acceptance by the Bank of the undertakings by it for which the present Agreement provides, and also its receipt of the Certificate of the German Government and the Certificate of the German Railway Company as provided in Annexes III and IV.

The report of the Reparation Commission shall require a unani-

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mous vote of the members of the Commission as constituted for the purposes of the Treaty of Versailles when a question concerning Germany is under consideration, the Japanese Delegate nevertheless taking part in the discussion and giving his vote.

The report of the Reparation Commission and the Chairman of the Kriegslastenkommission will be notified to all the Powers signatory of the present Agreement.

Provided always that the substitution of the obligations and annuities of the New Plan for those of the Experts' Plan of the 9 April, 1924, shall date from the 1 September, 1929, regard being had to the provisions of The Hague Protocol of the 31 August, 1929, and in Annex II to the present Agreement.

The present Agreement will come into force for each Government other than the four of those mentioned above by name who first ratify on the date of notification or deposit of ratification.

Provided always that any such ratification shall have the same effect as if it had taken place before the report of the Reparation Commission and the Chairman of the Kriegslastenkommission.

The French Government will transmit to all the signatory Governments a certified copy of the procès-verbaux of the deposit.

Done in a single copy at The Hague, the 20th day of January, 1930.

CURTIUS.

WIRTH.

SCHMIDT.

MOLDENHAUER.

HENRI JASPAR.

PAUL HYMANS.

E. FRANCOU.

PHILIP SNOWDEN.

PETER LARKIN.

GRANVILLE RYRIE.

E. TOMS.

PHILIP SNOWDEN.

PHILIP SNOWDEN.

HENRI CHÉRON.

LOUCHEUR.

N. POLITIS.

A. MOSCONI.

A. PIRELLI.

SUVICH.

M. ADATCI.

K. HIROTA.

J. MROZOWSKI.

R. ULRICH.

TOMAZ FERNANDES.

G. G. MIRONESCO.

N. TITULESCO.

J. LUGOSIANO.

AL. ZEUCEANO.

DR. EDUARD BENEŠ.

STEFAN OSUSKY.

DR. V. MARINKOVITCH.

CONST. FOTITCH.

REPARATION: THE HAGUE SETTLEMENT

ANNEX I.

Exchange of Declarations between the Belgian, British, French, Italian and Japanese Governments on the one hand and the German Government on the Other.

THE REPRESENTATIVES OF THE BELGIAN, BRITISH, FRENCH, ITALIAN AND JAPANESE GOVERNMENTS make the following declaration:

The New Plan rests on the principle that the complete and final settlement of the reparation question is of common interest to all the countries which this question concerns and that the Plan requires the collaboration of all these countries. Without mutual good will and confidence the object of the Plan would not be attained.

It is in this sense that the Creditor Governments have in The Hague Agreement of January 1930, accepted the solemn undertaking of the German Government to pay the annuities fixed in accordance with the provisions of the New Plan as the guarantee for the fulfilment of the German Government's obligations. The Creditor Governments are convinced that, even if the execution of the New Plan should give rise to differences of opinion or difficulties, the procedures provided for by the Plan itself would be sufficient to resolve them.

It is for this reason that The Hague Agreement of January 1930 provides that, under the régime of the New Plan, the powers of the Creditor Powers shall be determined by the provisions of the Plan.

There remains, however, a hypothesis outside the scope of the Agreements signed to-day. The Creditor Governments are forced to consider it without thereby wishing to cast doubt on the intentions of the German Government. They regard it as indispensable to take account of the possibility that in the future a German Government, in violation of the solemn obligation contained in The Hague Agreement of January 1930, might commit itself to actions revealing its determination to destroy the New Plan.

It is the duty of the Creditor Governments to declare to the German Government that if such a case arose, imperilling the foundations of their common work, a new situation would be created in regard to which the Creditor Governments must, from the outset, formulate all the reservations to which they are rightfully entitled.

However, even on this extreme hypothesis, the Creditor Govern-

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ments, in the interests of general peace, are prepared, before taking any action, to appeal to an international jurisdiction of incontestable authority to establish and appreciate the facts. The Creditor Power or Powers which might regard themselves as concerned, would therefore submit to the Permanent Court of International Justice the question whether the German Government had committed acts revealing its determination to destroy the New Plan.

Germany should forthwith declare that, in the event of an affirmative decision by the Court, she acknowledges that it is legitimate that, in order to ensure the fulfilment of the obligations of the Debtor Power resulting from the New Plan, the Creditor Power or Powers should resume their full liberty of action.

The Creditor Governments are convinced that such a hypothetical situation will never in fact arise and they feel assured that the German Government shares this conviction. But they consider that they are bound in loyalty and by their duty to their respective countries to make the above declaration in case this hypothetical situation should arise.

II

The representatives of the German Government, on their side, make the following declaration :

The German Government takes note of the above declaration of the Creditor Governments whereby, even if the execution of the New Plan should give rise to differences of opinion or difficulties in regard to the fulfilment of the New Plan, the procedures provided for in the Plan would be sufficient to resolve them.

The German Government take note accordingly that under the régime of the New Plan the powers of the Creditor Powers will be determined in accordance with the provisions of the Plan.

As regards the second part of the declaration and the hypothesis formulated in this declaration, the German Government regrets that such an eventuality, which for its part it regards as impossible, should be contemplated.

Nevertheless, if one or more of the Creditor Powers refer to the Permanent Court of International Justice the question whether acts originating with the German Government reveal its determination to destroy the New Plan, the German Government, in agreement with the Creditor Governments, accepts the proposal that the Permanent Court should decide the question, and declares that it acknowledges that it is legitimate, in the event of an affirmative decision by the Court, that, in order to ensure the fulfilment of the

REPARATION: THE HAGUE SETTLEMENT

financial obligations of the Debtor Power resulting from the New Plan, the Creditor Power or Powers should resume their full liberty of action.

The French, German and English texts of the present Annex are equally authoritative.

CURTIUS.	HENRI CHÉRON.
WIRTH.	LOUCHEUR.
SCHMIDT.	A. MOSCONI.
MOLDENHAUER.	A. PIRELLI.
HENRI JASPAR.	SUVICH.
PAUL HYMANS.	ADATCI.
E. FRANCOU.	K. HIROTA.
PHILIP SNOWDEN.	

The following annexes not reprinted:

- II. Measures of Transition
- III. Debt Certificate of the German Reich
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13. Agreement between Germany and the United States Providing for the Final Discharge of Obligations of Germany to the United States in respect of the Awards of the Mixed Claims Commission, United States and Germany, and the Costs of the United States Army of Occupation¹

Signed definitively at Washington, June 23, 1930; initialed as completed negotiation December 28, 1929; approved by German laws accepting the New (Young) Plan March 26, 1930; authorized by Act of United States Congress approved June 5, 1930; in effect from signing June 23, 1930

AGREEMENT MADE THE 23D DAY OF JUNE, 1930, AT THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, BETWEEN THE GOVERNMENT OF THE GERMAN REICH, HEREINAFTER CALLED GERMANY, PARTY OF THE FIRST PART, AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA, HEREINAFTER CALLED THE UNITED STATES, PARTY OF THE SECOND PART.

WHEREAS Germany is obligated under the provisions of the armistice convention signed November 11, 1918, and of the treaty signed at Berlin, August 25, 1921, to pay to the United States the awards, and interest thereon, entered and to be entered in favor of the United States Government and its nationals by the Mixed Claims Commission, United States and Germany, established in pursuance of the agreement of August 10, 1922;² and

WHEREAS the United States is also entitled to be reimbursed for the costs of its army of occupation; and

WHEREAS Germany having made and the United States having received payments in part satisfaction on account of these two obligations desire to make arrangements for the complete and final discharge of said obligations;

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, it is agreed as follows:

1. *Amounts to be paid*—(a) Germany shall pay and the United States shall accept in full satisfaction of all of Germany's obligations remaining on account of awards, including interest thereon, entered and to be entered by the Mixed Claims Commission, United States and Germany, the sum of 40,800,000 reichsmarks for the period of September 1, 1929, to March 31, 1930, and the sum of 40,800,000 reichsmarks per annum from April 1, 1930, to March 31,

¹ U. S. Treasury Department, *Annual Report of the Secretary*, 1930, p. 341.

² Treaty Series 365; 42 Stat. 2200; *Treaties, Conventions, etc.*, 1910-23, III, 2601.

GERMAN OBLIGATIONS TO THE UNITED STATES

1981. As evidence of this indebtedness, Germany shall issue to the United States at par, as of September 1, 1929, bonds of Germany, the first of which shall be in the principal amount of 40,800,000 reichsmarks, dated September 1, 1929, and maturing March 31, 1930, and each of the others of which shall be in the principal amount of 20,400,000 reichsmarks, dated September 1, 1929, and maturing serially on September 30, 1930, and on each succeeding March 31 and September 30 up to and including March 31, 1981. The obligations of Germany hereinabove set forth in this paragraph shall cease as soon as all of the payments contemplated by the settlement of war claims act of 1928¹ have been completed and the bonds not then matured evidencing such obligations shall be canceled and returned to Germany.

(b) Germany shall pay and the United States shall accept in full reimbursement of the amounts remaining due on account of the costs of the United States army of occupation, the amounts set forth on the several dates fixed in the following schedule:

March 31-	Reichsmark	September 30-	Reichsmark
1930	25,100,000	1930	12,750,000
1931	12,750,000	1931	12,650,000
1932	12,650,000	1932	12,650,000
1933	12,650,000	1933	9,300,000
1934	9,300,000	1934	9,300,000
1935	9,300,000	1935	9,300,000
1936	9,300,000	1936	9,300,000
1937	9,300,000	1937	8,200,000
1938	8,200,000	1938	8,200,000
1939	8,200,000	1939	9,300,000
1940	9,300,000	1940	9,300,000
1941	9,300,000	1941	12,650,000
1942	12,650,000	1942	12,650,000
1943	12,650,000	1943	12,650,000
1944	12,650,000	1944	12,650,000
1945	12,650,000	1945	12,650,000
1946	12,650,000	1946	12,650,000
1947	12,650,000	1947	12,650,000
1948	12,650,000	1948	12,650,000
1949	12,650,000	1949	17,650,000
1950	17,650,000	1950	17,650,000
1951	17,650,000	1951	17,650,000
1952	17,650,000	1952	17,650,000
1953	17,650,000	1953	17,650,000
1954	17,650,000	1954	17,650,000
1955	17,650,000	1955	17,650,000
1956	17,650,000	1956	17,650,000
1957	17,650,000	1957	17,650,000

¹ 45 Stat. 254.

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March 31-	Reichsmark	September 30-	Reichsmark
1958	17,650,000	1958	17,650,000
1959	17,650,000	1959	17,650,000
1960	17,650,000	1960	17,650,000
1961	17,650,000	1961	17,650,000
1962	17,650,000	1962	17,650,000
1963	17,650,000	1963	17,650,000
1964	17,650,000	1964	17,650,000
1965	17,650,000	1965	17,650,000
1966	17,650,000		

As evidence of this indebtedness, Germany shall issue to the United States at par, as of September 1, 1929, bonds of Germany, dated September 1, 1929, and maturing on March 31, 1930, and on each succeeding September 30 and March 31 in the amounts and on the several dates fixed in the preceding schedule.

2. *Form of bonds.*—All bonds issued hereunder to the United States shall be payable to the Government of the United States of America and shall be signed for Germany by the Reichsschuldenverwaltung. The bonds issued for the amounts to be paid under paragraph No. 1 (a) of this agreement shall be issued in 103 pieces with maturities and in denominations corresponding to the payments therein set forth and shall be substantially in the form set forth in Exhibit A hereto annexed ¹ and shall bear no interest, unless payment thereof is postponed pursuant to paragraph No. 5 of this agreement. The bonds issued for the amounts to be paid under paragraph No. 1 (b) of this agreement shall be issued in 73 pieces with maturities and in denominations corresponding to the payments therein set forth and shall be substantially in the form set forth in Exhibit B hereto annexed ¹ and shall bear no interest unless payment thereof is postponed pursuant to paragraph No. 5 of this agreement.

3. *Method of payment.*—All bonds issued hereunder shall be payable both principal and interest, if any, at the Federal Reserve Bank of New York for credit in the general account of the Treasurer of the United States in funds immediately available on the date when payment is due in United States gold coin in an amount in dollars equivalent to the amount due in reichsmarks, at the average of the middle rates prevailing on the Berlin Bourse, during the half monthly period preceding the date of payment. Germany undertakes to have the Reichsbank certify to the Federal Reserve Bank of New York on the date of payment the rate of exchange at which the transfer shall be made. Germany undertakes for the purposes of this agreement that the reichsmark shall have and shall retain

¹ Not here reprinted.

GERMAN OBLIGATIONS TO THE UNITED STATES

its convertibility into gold or devisen as contemplated in section 31 of the present Reichsbank law and that for these purposes the reichsmark shall have and shall retain a mint parity of 1/2790 kilogram of fine gold as defined in the German coinage law of August 30, 1924.

4. *Security*.—The United States hereby agrees to accept the full faith and credit of Germany as the only security and guaranty for the fulfilment of Germany's obligations hereunder.

5. *Postponement of payment*.—Germany, at its option, upon not less than 90 days' advance notice in writing to the United States, may postpone any payment on account of principal falling due as hereinabove provided, to any subsequent September 30 or March 31 not more than two and one-half years distant from its due date, but only on condition that in case Germany shall at any time exercise this option as to any payment of principal, the two payments falling due in the next succeeding twelve months can not be postponed to any date more than two years distant from the date when the first payment therein becomes due unless and until the payments previously postponed shall actually have been made, and the two payments falling due in the second succeeding twelve months can not be postponed to any date more than one year distant from the date when the first payment therein becomes due unless and until the payments previously postponed shall actually have been made, and further payments can not be postponed at all unless and until all payments of principal previously postponed shall actually have been made. All payments provided for under paragraph No. 1 (a) of this agreement so postponed shall bear interest, at the rate of 5 per cent per annum, payable semiannually, and all payments provided for under paragraph No. 1 (b) of this agreement so postponed shall bear interest at the rate of 3½ per cent per annum, payable semiannually.

6. *Payments before maturity*.—Upon not less than 90 days' advance notice in writing to the United States and the approval of the Secretary of the Treasury of the United States, Germany may, on March 31 or September 30 of any year, make advance payments on account of any bonds issued under this agreement and held by the United States. Any such advance payments shall be applied to the principal of such bonds as may be indicated by Germany at the time of the payment.

7. *Exemption from taxation*.—The principal and interest, if any, of all bonds issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues,

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present or future, imposed by or under authority of Germany or any political or local taxing authority within Germany.

8. *Notices.*—Any notice from or by Germany shall be sufficient if delivered to the American Embassy at Berlin or to the Secretary of the Treasury at the Treasury of the United States in Washington. Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, or consent of the United States and shall be sufficient if delivered at the German Embassy at Washington or at the office of the German Ministry of Finance at Berlin. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

9. *Compliance with legal requirements.*—Germany and the United States, each for itself, represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized, and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement have been completed as required by the laws of Germany and of the United States respectively and in conformity therewith.

10. *Counterparts.*—This agreement shall be executed in two counterparts, each of which shall be in the English and German languages, both texts having equal force and each counterpart having the force and effect of an original.

In witness whereof, Germany has caused this agreement to be executed on its behalf by its ambassador extraordinary and plenipotentiary at Washington thereunto duly authorized, and the United States has likewise caused this agreement to be executed on its behalf by the Secretary of the Treasury, with the approval of the President, pursuant to the act of Congress approved June 5, 1930,¹ all on the day and year first above written.

Approved.

HERBERT HOOVER,
President.

THE GERMAN REICH,
By F. VON PRITZWITZ UND GAFFRON,
Ambassador Extraordinary and Plenipotentiary

THE UNITED STATES OF AMERICA,
By A. W. MELLON,
Secretary of the Treasury.

¹ 46 Stat. 500.

GERMAN OBLIGATIONS TO THE UNITED STATES

13a. Notes Exchanged, June 23, 1930, between Germany and the United States Simultaneously with the Execution of the Agreement for the Complete and Final Discharge of the Obligations of Germany to the United States with respect to the Awards Made by the Mixed Claims Commission, United States and Germany, and for the Costs of this Government's Army of Occupation

The German Government (the Government of the United States) has the honor to set forth its understanding of paragraph No. 4 of the agreement executed this day between the United States and Germany in the following sense:

(a) In respect of the acceptance by the United States of the full faith and credit of Germany as the only security and guaranty for the fulfillment of Germany's obligations under the agreement, Germany will be in the same position as the principal debtors of the United States under the debt funding agreements which exist between them and the United States.

(b) Nothing contained therein shall be construed as requiring the United States to release any German property which it now holds other than as heretofore or hereafter authorized by the Congress of the United States.

The German Government (the Government of the United States) also desires to expressly recognize, so far as the agreement executed this day between the United States and Germany is concerned, the prior rights of the holders of the bonds of the German external loan as provided in the general bond securing the loan dated October 10, 1924.

Bonds No. 1 in the amounts of R.M. 40,800,000 and R.M. 25,100,000 to be delivered under paragraphs Nos. 1 (a) and 1 (b) respectively of the agreement executed this day between the United States and Germany have been paid in full and when the bonds to be delivered by Germany under this agreement are received by the United States, bonds No. 1 will be canceled and marked "paid" and returned to the German ambassador at Washington for delivery to the German Government.

The United States has received the sums of R.M. 6,800,000 and the sum of R.M. 4,250,000 on account of the bonds No. 2 to be delivered under paragraphs Nos. 1 (a) and 1 (b) respectively of the agreement executed this day between the United States and Germany. The receipt of these amounts will be evidenced by an

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indorsement by the United States on the bonds on account of which the sums were received.

The agreement executed this day between the United States and Germany is substituted for the direct arrangement providing for the realization by the United States of its $2\frac{1}{4}$ per cent share in German payments under the experts' plan of 1924.¹

¹ See art. 3, agreement of Jan. 14, 1925, p. 906.

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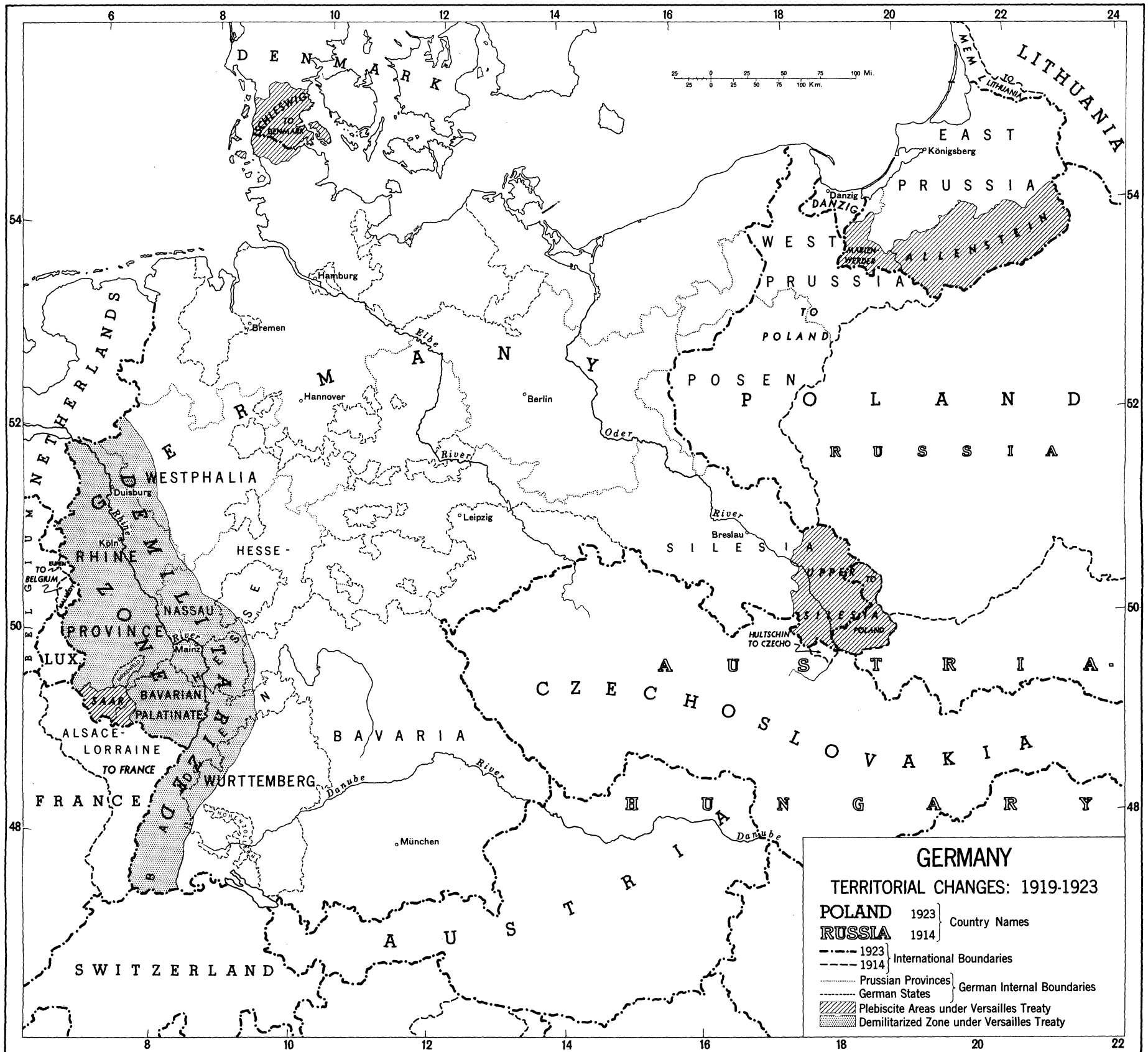
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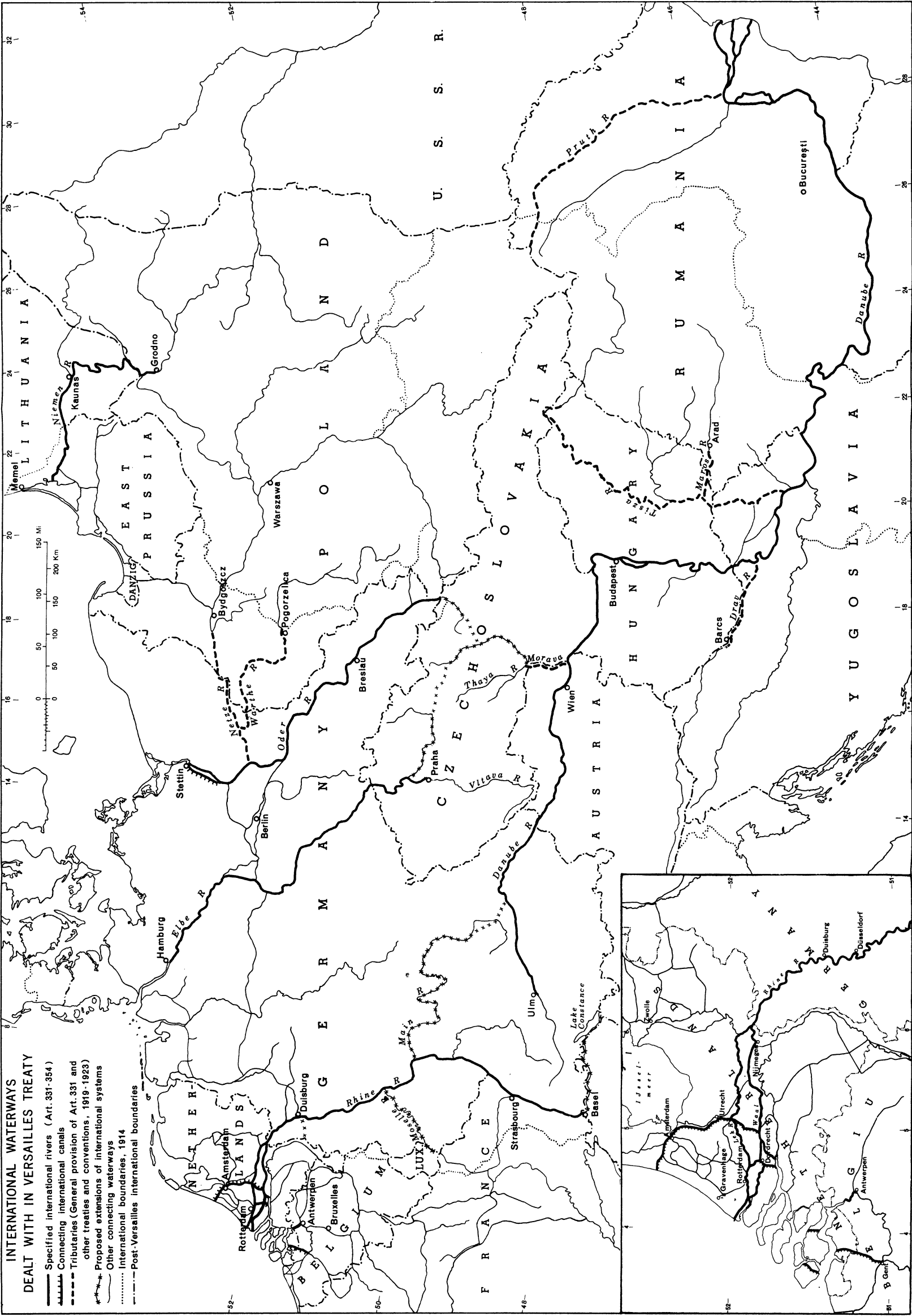
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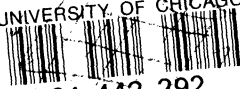








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