Part I

RELATIONS BETWEEN STATES

Première partie

RELATIONS ENTRE ETATS

Section I

SUCCESSION IN RESPECT OF PART OF TERRITORY

Section I

SUCCESSION CONCERNANT UNE PARTIE DE TERRITOIRE

A. Cases before the Second World War

A. Cas antérieurs à la seconde guerre mondiale

1. Cession of the territories of Texas, New Mexico, Arizona and High California, by Mexico to the United States of America, 1848

OBSERVATIONS DU GOUVERNEMENT DU MEXIQUE[1]

Parmi les cas de succession partielle, mais cette fois au détriment très grave du Mexique, il convient de signaler celle qui est intervenue après la guerre entre le Mexique et les Etats-Unis, le premier perdant définitivement au profit de l'agresseur les territoires du Texas, du Nouveau-Mexique, de l'Arizona et de la Haute-Californie. Dans le Traité de Guadelupe Hidalgo (2 février 1848) mettant fin à la guerre, il n'est pas question de biens publics mais, pour ce qui est des biens privés, l'article VIII disposait ce qui suit :

> "Les Mexicains actuellement établis sur des territoires qui appartenaient auparavant au Mexique et qui demeureront à l'avenir dans les territoires assignés aux Etats-Unis par le présent Traité pourront rester là où ils habitent actuellement ou passer à tout moment dans la République mexicaine et conserver dans lesdits territoires les biens qu'ils possèdent, ou bien les aliéner et transférer le produit de la cession où ils l'entendront sans qu'il puisse pour autant être exigé d'eux de contribution, de redevance ou d'impôt d'aucune sorte."

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1 Transmises par le représentant permanent du Mexique auprès de l'Organisation des Nations Unies. Traduction de l'Organisation des Nations Unies.

2. Cession of the Lombardy by Austria to the Kingdom of Sardinia, 1859

OBSERVATIONS FROM THE GOVERNMENT OF ITALY. ITALIAN DIPLOMATIC DOCUMENTS CONCERNING SUCCESSION OF STATES (1861-1867)[1]

Effects regarding the public debt and other pecuniary obligations

In 1861, the Swiss Legation at Turin, invoking article 11 of the Treaty of Zurich whereby the Government of Turin assumed the pecuniary burdens relating to Lombardy, which were previously the responsibility of the Austrian Treasury, applied to the Minister for Foreign Affairs, Ricasoli, for payment of 1,110.55 francs owed since 1858 by the Court of Como to that of the district of Itorsen for the transmittal of a legal document. Ricasoli, maintaining that the obligation of the Italian Government did not extend to charges due to delay in payment and payable before the annexation, rejected the application and wrote as follows to the Minister of Switzerland at Turin, Tourte:

> "I am quite willing to recommend this application to the Minister of Justice so that it may receive the attention due to it. But since this claim, as is clear from the year to which it dates back, and the Treaty you invoke in support of it, still concerns the Austrian Government, it is clear that the Italian Government, which succeeded to it in Lombardy, could not accept for its part the representation you make on the basis of the delay occurring thus far in the payment in question" (*Ricasoli* to *Tourte*, Turin, 20 July 1861, ASE, 436).

3. Cession of the County of Nice and Savoy by the Kingdom of Sardinia to France, 1860

OBSERVATIONS FROM THE GOVERNMENT OF ITALY. ITALIAN DIPLOMATIC DOCUMENTS CONCERNING SUCCESSION OF STATES (1861-1867)[1]

Succession in respect of international rights and obligations

(a) With regard to Switzerland's rights to the neutralization of part of the territory of Savoy ceded by the Kingdom of Sardinia to France in 1860, the Minister for Foreign Affairs, La Marmora, in the general instructions sent to the new Italian Minister at Berne, Caracciolo, noted *inter alia* that

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1 Transmitted by the Permanent Representative of Italy to the United Nations. Translation by the Secretariat of the United Nations.

"The question of the neutralization of the northern part of Savoy is no longer a matter for which Switzerland can call us to account, since its rights were fully reserved by us in the treaty of 24 March 1860, and since we thereby made France the successor, as was our duty, to all obligations pertaining to Savoy in so far as the Swiss Confederation is concerned"[1] (*La Marmora* to *Caracciolo,* Turin, 1 January 1865, ASE, 21).

The question became acute some years later upon the outbreak of the Franco-Prussian War.

In a conversation with the Italian Minister at Berne, Melegari, the President of the Swiss Confederation, Dubs, raised the problem of the weakening effect that the cession of Savoy would, in his opinion, have on the Confederation's territorial position.

On this point Melegari observed that

"In ceding Savoy, Italy had reserved the rights which had been exercised by Switzerland over a large portion of the ceded territories" (*Melegari* to *Visconti Venosta,* Berne, 15 October 1870, ASE, 1433).

See also: *Robilant* to *Ricotti Magnani,* Rome, 10 March 1887, ASE, 1153.

Effects on public property

(b) In 1868, as a result of the acquisition of Savoy, the French Government claimed, from the Italian Government, control over the Church of the Holy Sudarium *(Chiesa del Santo Sudario)* in Rome, on the grounds that the Church belonged to a confraternity whose property had been granted by the Savoyards. Replying to the French arguments in a note to the French Minister at Florence, Malaret, the Minister for Foreign Affairs, Menabrea, noting, first of all that Piedmontese subjects of the Duke of Savoy had, from the outset, been members of the confraternity, went on to state

"In any case, it is also hard to see how Sovereignty, which is one and indivisible, could retain a special territorial legal character in relation to an establishment with which citizens belonging to all the provinces subject to the Dukes of Savoy had been associated for centuries, and which, being situated outside the Kingdom, thus did not belong to any one of these provinces more than to another" (*Menabrea* to *Monterrey,* Florence, 23 July 1869, ASE, 421).

Menabrea then went on to note that, in any case, the confraternity had now been extinct for some time and that, after its extinction, the church had been administered by the representatives of the King of Sardinia in Rome. Now,

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1 Article II of the Treaty of Turin of 24 March 1860 provides as follows:

"It is also understood that his Majesty the King of Sardinia cannot transfer the neutralized parts of Savoy except on the conditions upon which he himself possesses them, and that it will appertain to His Majesty the Emperor of the French to come to an understanding on this subject both with the Powers represented at the Congress of Vienna and with the Swiss Confederation and to give them the guarantees required by the stipulations referred to in this article."

"The Kingdom of Italy being the natural successor to the Kingdom of Sardinia, this fact suffices to put us in a position to reject the claims which any other Government might be inclined to assert in the matter" *(ibidem).*

Effects regarding the public debt and other pecuniary obligations

(c) The French Government had refused to pay the pensions owed to the Oblate Fathers who were living in houses belonging to the Order in the administrative district of Nice. The Minister for Foreign Affairs, Visconti Venosta, in a dispatch to the Minister of Italy at Paris, Nigra, cited, as grounds for disputing that measure, the text of article III of the Convention, signed at Paris on 23 August 1860, concerning the settlement of certain questions arising as a result of the cession of Nice and Savoy to France,[1] going on to observe:

"Which terms, either taken alone or viewed within the entire context of that international agreement can, it seems, only be interpreted to this effect, namely, that the French Government has replaced the Ecclesiastical Fund in law and in fact, as regards both the benefits and obligations, in the territories annexed to the Empire by the Treaty of 24 March 1860, on the basis of the state of affairs existing on 14 June of that year, the date on which possession was taken of those territories" (*Visconti Venosta* to *Nigra,* Turin, 10 August 1864, ASE, 448).[1]

Visconti Venosta then went on to point out that it was not possible under article III of the Convention to investigate the manner in which the religious communities, residing in the ceded territories, had come to be constituted with the membership they had at the time of cession. Besides,

"Even if such an investigation were to be attempted, it would still be quite certain that the concentration in those houses of several religious belonging to other, suppressed, Communities of the same Order had taken place in full conformity with the law of 29 May 1855 and was therefore a legitimately accomplished fact, which must be recognized as such with respect to the territory which has now come under French rule; and that

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1 Article III of the Convention between Sardinia and France, signed at Paris on 23 August 1860 for the purpose of resolving the various issues which arose after Savoy and the administrative district of Nice had been joined to France, and for the purpose of determining the share of those provinces in the public debt of Piedmont, provided as follows:

"Ownership of the assets allocated to the Ecclesiastical Fund under the Sardinian law of 29 May 1855, and which had belonged to Houses of Religious Orders, chapters of collegiate churches or ordinary livings mentioned in that law and established in Savoy or in the District of Nice shall be transferred to France, as from 14 June 1860. As from that same date, the pensions, allowances or revenues payable under that same law to ecclesiastics or religious living communally or separately will become the responsibility of the French Government.

"The charges on the budget of the Apostolic Royal and General Steward's Office (Economato generale e reale apostolico) in favour of ecclesiastical establishments or Incumbents in Savoy or the District of Nice, amounting to a total of fifteen thousand five hundred and ninety lire and fifty-seven centesimi shall cease, as of 14 June 1860, to be payable by the said Steward's Office."

therefore the said religious Communities with all the members they comprised at the time of the 1860 Treaty, thus legally constituted some years before any question of territorial change arose, were part of the legal state of affairs prevailing and naturally had to be recognized and accepted by the Government which, pursuant to the Treaty, succeeded to that of His Majesty" *(ibidem).*

4. Cession of the Venetia and Mantua by Austria to the Kingdom of Italy, 1866[1]

OBSERVATIONS FROM THE GOVERNMENT OF ITALY. ITALIAN DIPLOMATIC DOCUMENTS CONCERNING SUCCESSION OF STATES (1861-1867)[1]

Effects on the citizenship of persons and the nationality of ships

(a) From a circular from the Minister for Foreign Affairs, Visconti Venosta, to the Italian Consuls abroad:

"In as much as, in article 3 of the Peace Treaty signed at Vienna on 3 October last His Majesty the Emperor of Austria has assented to the union of the Venetian provinces and the Province of Mantua with the Kingdom of Italy, the unanimous popular vote and the Royal sanction contained in the Decree of 4 November have made these Provinces an integral part of the Kingdom of Italy.

"This important and happy event calls for special provisions respecting the Italians who were formerly Austrian subjects and respecting the Venetian Seaboard, concerning which it is proper that you should be accurately informed.

"The citizens of the Provinces ceded by Austria under the Treaty of 3 October cease *pleno jure* to be Austrian subjects and become Italian citizens. The Royal Consuls are therefore responsible for providing them with legal papers showing their new nationality, issuing them with an Italian passport in accordance with the regular procedure established by the Laws and Regulations in force. [. . .]

"The procedure prescribed in the Regulations for the implementation of the Consular Law must be followed with regard to the change of flag of the Venetian merchant navy now incorporated into that of the Kingdom of Italy. In authorizing the change of flag you will issue provisional ships papers and withdraw the Austrian clearing papers, which you will forward to the Ministry of the Navy together with the necessary documents and instructions, provided that the Austrian Consul has not himself already withdrawn and does not wish to withdraw the clearing papers of the ships that are changing flag" (*Visconti Venosta* to the *Italian Consular Missions abroad,* Florence, 26 November 1866, *Circolari Esteri,* vol. I, pp. 72-73).

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[1] Transmitted by the Permanent Representative of Italy to the United Nations. Translation by the Secretariat of the United Nations.

(b) A question arose as to whether article XIV of the Peace Treaty of 3 October 1866 with Austria, governing the nationality of the inhabitants of the provinces ceded to Italy, applied not only in the case of persons originating from the ceded provinces (as was specifically provided) but also in cases where only the family as such originated therefrom. The restrictive view was taken by Austria.

On this point the Minister for Foreign Affairs, Campello, in a dispatch to the Italian Consul General at Trieste, Bruno, stated that he did not consider the Austrian view unfounded and commented as follows:

> "Where there is cession of territory between two States, one of these States as a rule relinquishes to the other only what happens to be in that part of the territory which it renounces; nor has the new owner the right to lay claim to that which lies outside that same territory.
>
> "It therefore follows that the mere fact of giving persons originating from the ceded territory, who are living outside that territory, the right to keep the nationality of their country of origin in itself constitutes an actual concession" (*Campello* to *Bruno,* Florence, 13 May 1867, ASE, 623).

See also: *Macciò* to *Visconti Venosta,* Beirut, 2 February 1867, ASE, 862; Opinion of the Council of the Foreign Ministry Legal Department, 31 March 1867, ASE, Cont., 4.

Effects on public property

(c) In the course of preparations for a visit by Victor Emanuel II to Mantua, there had arisen a question concerning the legal status of the palace of Mantua, (*Ricasoli* to *Visconti Venosta,* Florence, 2 November 1866, ASE, 14; and 9 November 1866, ASE, 688). The Minister for Foreign Affairs, Visconti Venosta, noted that if the palace of Mantua, prior to the annexation of Veneto to Italy, belonged to the Austrian Domain

> "Only an agreement reached at the time of the cession of the Veneto and similar to that occurring in the case of the Palazzi di Venezia in Rome and at Constantinople could, in that event, prevent the palace of Mantua from passing to the Royal Domain" (*Visconti Venosta* to *Ricasoli,* Florence, 19 November 1866, ASE, 14).

Since "no reservation" had "been entered on that point at the time of the Vienna negotiations", Visconti Venosta considered that in order to determine the legal status of the palace of Mantua it was crucial to ascertain whether the palace was part of the Austrian Domain or of the private property of the Emperor of Austria. In Visconti Venosta's opinion it would be necessary

> "To desist from any act of possession should the palace of Mantua prove to be the private property of the Emperor of Austria" *(ibidem).*

Consignment to the Successor State of the Public Archives and Consular Archives of the State a quo

(d) After the cession of the Venetian provinces to Italy, the Minister for Foreign Affairs, Visconti Venosta, referring to the part of the archives

concerning Venetian affairs which remained with the Austrian chancelleries, issued the following instructions to the Italian Consuls abroad:

> "You will promptly make arrangements with the Imperial and Royal Consulate of Austria for the delivery of these Archives. You will offer to draw up two original copies of an exact inventory of all the documents and articles delivered to you. One copy of the inventory, signed by you, will remain in the hands of the Austrian consular officer to serve as a receipt, and the other will be sent without delay to this Ministry" (*Visconti Venosta* to the *Italian Consular Missions abroad,* Florence, 26 November 1866, *Circolari Esteri,* vol. I, pp. 72-73).

Effects regarding the public debt and other pecuniary obligations

(e) The public finances of the Veneto (as was previously the case, before the cession of Lombardy, with those of the Lombardo-Veneto), had been subject, prior to 1866, to a system separate from that of the other territories of the Austrian Empire. Austria had maintained, however, that Italy should assume a share of the public debt of the Empire, proportionate to the size of the population of the ceded territory. A similar claim was made with respect to the Kingdom of Sardinia in connexion with the cession of Lombardy, but had not been accepted at the time of the conclusion of the Treaty of Zürich.

A draft treaty between Austria and France, concerning the cession of the Veneto, had made Italy responsible for part of the imperial public debt. The Minister for Foreign Affairs, Visconti Venosta, wrote on the subject to the Minister of Italy at Paris, Nigra, as follows:

> "Article II allocates to Italy that portion of the Austrian public debt pertaining to the Lombardo-Venetian Kingdom, that is, prorated according to the size of the population. It is no doubt in error that, instead of following the unimpeachable precedents of Zürich for the apportionment of the debt, that is, transferring to Italy the remaining two fifths of the Monte Lombardo-Veneto and making it responsible for a proportionate part of the 1854 loan, terms are set forth which, although admissible in the case of a State organized on a different financial footing from Austria, would, on the other hand, place on Venetia a far greater financial burden than that it should bear and which, as regards Lombardy, was rightly taken as the basis in the arrangements of 1859. His Imperial Highness Prince Napoleon told us, in fact, that Italy would have to assume responsibility for the special debt incumbent on Venetia. I have no doubt that the French Government will recognize that we are legally justified and that there is a chance of avoiding interminable disputes in ensuring that the liquidation of the debt will be accomplished this time on the same basis as in the Treaty of Zürich" (*Visconti Venosta* to *Nigra,* Florence, 13 August 1866, ASE, 14).

The problem was dealt with later on in a telegram to Menabrea, the Italian Plenipotentiary for the peace negotiations between Italy and Austria-Hungary:

"The Council of Ministers has discussed the matter of the Venetian debt. The Zürich negotiations clearly show that the claim that the general debt should be shared was then, as it may become today, the cause of lengthy negotiations, and was completely dismissed by France and Sardinia. The 1854 loan was acknowledged only as regards the part especially allocated to Lombardy under the patent and notice [of the] same year.

"The importance currently attached by France and Prussia to the Zürich precedent has to do precisely with the principle that only local or special debts are to be attached to the territorial possession. After 1859, Austria made only one loan shared by provinces, and that was the loan of 1859; we accept with the rest of the Monte Veneto the 30 million coming under this heading, but nothing else" (*Visconti Venosta* to *Menabrea*, Florence, 11 September 1866, h. 0.30, ASE, 76).

The Italian point of view prevailed, in article VI of the Vienna Peace Treaty of 3 October 1866.

See also: *Visconti Venosta* to *Usedom*, Florence, 19 August 1866, ASE, 14; *Visconti Venosta* to *Usedom*, Florence, 22 August 1866, *ibidem; Visconti Venosta* to *Usedom*, Florence, 10 September 1866, *ibidem; Visconti Venosta* to *Nigra, de Barral, Menabrea*, Florence, 12 September 1866, *ibidem; Visconti Venosta* to *Quigini Puliga*, Florence, 12 October 1866, *ibidem*.

(f) In the course of the discussion on the financial Conventions concluded with Austria in pursuance of the 1866 Peace Treaty, the Minister for Finance, Sella, made the following statement to the Chamber:

"There is the case, for example, of some earlier Government taking possession of a piece of land without paying the owner, and there is also said to be the case of an owner not only not being paid, but also having to pay taxes on that land.

"But certainly [. . .] if this owner approached the Italian Government and asked for the return of his land, or at least for payment therefor, the Government cannot reject his request. But let us instead consider the case mentioned by Hon. Fambri and Hon. De Portis, a case which I know very well and which has cost me, although in vain, many words in an attempt to secure payment of such damages; let us take, for example, the case of the requisitions made by the Austrian army. In this connexion we are told: items were taken by that army and were consumed, without payment: You can pay! [. . .]

"In the first case I mentioned, the Italian Government is truly the heir of the Austrian Government because it also inherited the building which was not paid for; I therefore understand that it must pay for or return the item; but in the case of requisitioned items consumed by another party without paying for them, I do not see that the Italian Government can be expected to pay. The two cases are quite different" (A.P., C.D., *Discussioni*, meeting of 7 March 1871, p. 952).

5. Cession of Turkish territories to Greece, 1881

OBSERVATIONS FROM THE GOVERNMENT OF ITALY. ITALIAN DIPLOMATIC DOCUMENTS CONCERNING SUCCESSION OF STATES (1861-1867)[1]

Consignment to the Successor State of the Public Archives and Consular Archives of the State a quo

The Greek Government had informed the Powers mediating in the matter of the cession of territory by Turkey to Greece in 1881 that the Turkish authorities refused to return the archives and other administrative documents relating to the ceded provinces. The Minister for Foreign Affairs, Mancini, wrote on the subject to the Minister of Italy at Athens, Curtopassi, as follows:

> "The right of Greece to regain possession of the documents claimed by it cannot be questioned, because as a rule the archives concerning a province belong to it; and besides, it is hard to see what use it would be to the Porte to keep, to the obvious detriment of private persons, papers and records which are not of a political nature, and deal simply with administrative matters.
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> "I have therefore written to the Royal Ambassador in Constantinople requesting him to associate himself with whatever steps his Colleagues consider appropriate to resolve the matter in dispute" (*Mancini* to *Curtopassi*, Rome, 27 December 1881, ASE, 1164).

6. Cession of the Tarapacá region by Peru to Chile, 1883

OBSERVATIONS FROM THE GOVERNMENT OF ITALY. ITALIAN DIPLOMATIC DOCUMENTS CONCERNING SUCCESSION OF STATES (1861-1867)[1]

Effects regarding the public debt and other pecuniary obligations

(a) After the occupation of the Peruvian territory of Tarapacá, and with a view to its annexation, Chile indicated that it was not prepared to recognize the validity, or at least case the inviolability, of all the certificates issued

1 Transmitted by the Permanent Representative of Italy to the United Nations. Translation by the Secretariat of the United Nations.

earlier by Peru to the former owners of the nitrate mines expropriated in 1875. These certificates guaranteed payment of the price of expropriation and gave special guarantees to the Italian titles (see cases Nos. 294 and 1128). On that subject the Italian Minister for Foreign Affairs, Mancini, in a letter to an interested party, stated that Italy could not have

> "Conceded that, in the event of annexation of that province, that Government [the Chilean Government] could decline to fulfil a formal commitment entered into by the Government whose place it would take" (*Mancini* to *Sada*, Rome, 30 June 1881, ASE, 1196).

When peace negotiations were initiated between Chile and a Peruvian Government formed, in opposition to the central Government, at Arequipa, and in anticipation of the annexation of Tarapacá to Chile, concern was caused by the news of a draft protocol containing the peace terms. For according to the terms of this agreement, Chile recognized only those Peruvian debts relating to the guano and nitrates which, as occupying Power, it had previously recognized by internal provisions such as the Decree of 28 March 1882, or those in the nature of obligations *in rem*. Moreover coverage of the debts was limited to the beds and deposits already under exploitation. On this point the Italian Chargé d'Affaires at Santiago, Magliano, in a report to the Minister for Foreign Affairs, Mancini, noted:

> "It must certainly seem somewhat inequitable that Chile, while leaving Peru in a state of complete ruin and annexing Peruvian territories which contain the greater and better part of Peru's patrimony, should be unwilling to assume any part of the national debt; but according to the letter of the law, inasmuch as *personal* obligations are involved, there are possibly no grounds for a formal complaint.
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> "The situation would be quite different, however, as regards *real* obligations; in that connexion I believe we should take the view that no agreement between the debtor or the third party in possession of the mortgaged item should or could in any way prejudice or affect the rights of the mortgagee" (*Magliano* to *Mancini*, Santiago, 8 July 1883, ASE, 1285).

Mancini, in a dispatch to the Italian Resident at Santiago, Carcano, agreed with the views expressed by Magliano, which had

> "Properly demonstrated the serious nature of the arrangement whereby Chile, while annexing the richest territories of Peru, failed to shoulder any part of the debt" (*Mancini* to *Carcano*, Rome, 28 August 1883, ASE, 1128).

For his part, the Italian Resident at Lima, Viviani, observed in a report to Mancini that:

> "It is an irrefutable fact that the nitrate certificates are an integral part of Peru's internal public debt. They constitute a special, redeemable, and privileged branch of it, guaranteed by a mortgage, renewed whenever the servicing of that debt, assumed by industrial companies, which have some connexion with our Royal Partner-in-Interest, passed from one to the other.
>
> "In view of these circumstances it is clear that the criteria to be applied in the settlement of the dispute are those usually applied with regard to the recognition and apportionment of public debts in cases of territorial annexations, whatever their cause.

"Chile, being the successor to Peru in the administration of the department of Tarapacá, is required to shoulder the obligations legally owed to third parties in respect of acquired territory.

"Now the first of those obligations is precisely the servicing of the public debt deriving from certificates" (*Viviani* to *Mancini*, Lima, 30 September 1883, ASE, 1285).

And he therefore concluded:

"The only just and equitable solution is directly to induce Chile to continue to service that part of the Peruvian public debt constituted by the certificates in question" *(ibidem)*.

On the same subject Carcano reported to the Italian Minister for Foreign Affairs on a discussion held with the Chilean Minister for Foreign Affairs, Aldunate, whom he had told that Italian public opinion—now that the annexation of Tarapacá to Chile had been formally sanctioned by the Peace Treaty of 20 October 1883—was confident

"That Chile would be able to respect the rights of third parties and would ensure that the rights of neutral parties respecting the ceded territory would remain unimpaired" (*Carcano* to *Mancini*, Santiago, 7 November 1883, ASE, 1285).

Carcano further stated that all the neutral States hoped that

"With Peruvian territory diminished, part of the responsibility assumed in the past by Peru would also pass to the country to which the provinces of that State were annexed" *(ibidem)*.

And he concluded:

"Mr. Aldunate replied that he hoped to have the rights of all the Peruvian Creditors guaranteed and fully assured" *(ibidem)*.

Mancini replied to Carcano as follows:

"I approve of the tone you took with Mr. Aldunate, saying that we were confident that the Chilean Government would scrupulously respect the rights of neutral parties" (*Mancini* to *Carcano*, Rome, 28 December 1883, ASE, 1128).

And he also made the following comments concerning the obligations incumbent on the ceding State and on the State to which a territory was ceded:

"The clause included in the Peace Treaty whereby Peru's earlier obligations to neutral parties are confirmed by the Government of General Iglesias, certainly has some value although there can be no doubt, according to the principles of the law of nations, of the obligation incumbent on the Peruvian Government even without that stipulation.

"However we believe that the neutrals are fully entitled to have their claims respected by the Chilean Government as well" *(ibidem)*.

The Italian position was once again strongly reaffirmed by Mancini, in a subsequent dispatch to Carcano; in view of the forthcoming "enforcement" (ratification) of the Peruvian-Chilean Peace Treaty and consequently of the formal completion of the Chilean annexation of Tarapacá, after enumerating the guarantees (mortgages and pledges) attached to the certificates on the basis of Peruvian law, the Minister for Foreign Affairs stated:

"The enumeration of these guarantees amply suffices to demonstrate the positive and inescapable obligations of the Chilean Government towards the holders of nitrate Bonds. Since the Chilean Government has

collected, since the province of Tarapacá was first occupied, the sum of the earnings and dues intended for the servicing of the certificates, and since, furthermore, a peace treaty recognizing its territorial sovereignty over that province is about to become binding, the obligation unconditionally to take over the debt originally contracted by Peru towards the Bond holders will soon, by virtue of universally acknowledged principles, take front rank among the aforementioned obligations; with regard to which obligation, for the time being and pending the exchange of ratifications of the peace treaty between Peru and Chile, we will confine ourselves to reiterating the formal reservations already expressed on various occasions" (*Mancini* to *Carcano,* Rome, 15 January 1884, ASE, 1128).

A considerable portion of this dispatch was communicated in a note sent by Carcano to the new Chilean Minister for Foreign Affairs, Vergara Albano (*Carcano* to *Vergara Albano,* Santiago, 21 June 1884, annexed to *Carcano* to *Mancini,* Santiago, 23 June 1884, ASE, 1285).

Italy emphasized the incompatibility with international law of article 8 of the Chilean-Peruvian Peace Treaty—not yet ratified—which read:

"Apart [. . .] from the obligations which the Government of Chile has spontaneously accepted in the Supreme Decree of 28 March 1882, governing the ownership of the Tarapacá nitrate deposits, the said Government of Chile recognizes no credits of any kind affecting the new territories which it is acquiring under this treaty, whatever their nature or origin" (MARTENS, *Nouveau recueil général de traités,* s. II, vol. X, Göttingen, Librairie Dieterich, 1885-86, p. 193).

In fact Italy was inclined

"To demonstrate the inadequacy and illegality of the Decree of 18 March 1882; but if the Treaty was not amended, and if the pledge to the holders of nitrate bonds on all the fiscal proceeds from the nitrate, which had previously been guaranteed to them, were not maintained, it is certain that the sale of the nitrate deposits would never suffice to cover the debts owed to this category of creditor" (*Mancini* to *Menabrea,* Rome, 14 February 1884, ASE, 1151).

The sanie views were expressed in an idential note to be submitted to Lima and Santiago by France and Italy, protesting against the provisions of the peace treaty which impaired the rights of third parties and seeking their amendment. Concerning those provisions the view was expressed

"That they entail serious departures from the generally accepted rules on such matters and from the arrangements freely entered into between Peru and its various creditors. The aforesaid clauses, in fact, are designed to sanction the cession of territories in favour of one of the Contracting Parties, while releasing those territories from the obligations now incumbent upon them towards third parties [. . .] they take no account of the property constituting the special or collective pledge to Peru's creditors and which, in varying forms and degrees, cover all the mineral, guano or nitrate resources that have been discovered or remain to be discovered in the soil of the ceded provinces". (draft note from the *Governments of Italy and France* to the *Governments of Chile and Peru,* annexed to *Menabrea* to *Mancini,* Paris, 11 February 1884, ASE, 1323).

Chile replied with a note from the Minister for Foreign Affairs dated

5 June 1884 (annexed to *Carcano* to *Mancini,* Santiago, 9 June 1884, ASE, 1285).

The full substitution of Peru by Chile was again emphasized by Mancini in a dispatch to the Deputy at Italian Legation in Lima, Pappalepore, stating that

> "The fact that the financial commitments modified by certain clauses in the treaty are represented by bearer bonds does not in any way diminish the right of the aliens holding such securities to seek fulfilment of the obligation which they represent and to invoke the protection of their Governments against provisions *contra just gentium* used in an attempt to subdue their claims.
>
> "For if the fortunes of war have gone against Peru and it has had to submit to the sacrifices imposed on it by the victor, it is curious to contend that these should be borne by neutral third parties; and, in particular, in so far as our interests are concerned, the cession to Chile of the province of Tarapacá can only imply, according to international law, the transfer of territorial sovereignty and cannot affect the status of property in the ceded territory and release the immovable property situated therein from the mortgage liens by which they are legally bound" (*Mancini* to *Pappalepore,* Rome, 17 April 1884, ASE, 1196).

When asked for an opinion on the long-standing dispute, the Council of the Italian Foreign Ministry Legal Department, at a meeting on 6 July 1884, stated:

> "The Chilean Government, whether as occupier or as continuer, as a result of the peace treaty, of the juridical person of Peru and of the administration of its fiscal properties in the province of Tarapacá, is required to recognize the privileges and the mortgages established by Peru over such properties and their products in favour of the creditors holding nitrate certificates, and consequently it must either completely relinquish all fiscal proceeds of any kind deriving directly or indirectly from that industry—until those certificates are met and including the sums already collected (or at least one quarter of them)—or it must itself undertake, with respect to the certificates still in circulation, the servicing of interests and amortization, not excluding the payment of arrears" (Opinion of the Council of the Foreign Ministry Legal Department, 6 July 1884, ASE, Cont., 5).

The Council thus reaffirmed that the Chilean Decree of 28 March 1882 failed to conform to these criteria and proposed, as a solution, the conversion "into Chilean public debt of the sum acknowledged to be owed to the holders of nitrate certificates corresponding to the nitrate works not yet paid for" *(ibidem).*

The opinion of the Council of the Foreign Ministry Legal Department appears to be accepted in some policy statements by the Italian Minister for Foreign Affairs (*Mancini* to *Blanc,* Rome, 6 August 1884, ASE, 1214; *Mancini* to *Carcano,* Rome, 23 August 1884, ASE, 1128; *Mancini* to *Carcano,* Rome, 21 May 1885, *ibidem; Malvano* to *Carcano,* Rome, 23 July 1885, *ibidem*).

A Chilean note of 18 May 1885, in reply to the Italian note of 21 June 1884 mentioned above, officially expressed the Chilean point of view. The main contents of the note were summarized in a dispatch to Carcano from

the Director General of Political and Administrative Affairs of the Ministry of Foreign Affairs, Malvano:

> "(1) The Santiago Cabinet denies that it has any obligation respecting two particular categories of nitrate certificates: the Watson Certificates and the Toco Certificates[1] (since Peru had used the money derived from them, respectively to build railways and to purchase nitrate mines in Bolivia and not to pay for the Tarapacá nitrate mines; (2) the Santiago Cabinet seemed not disinclined to admit its obligation for the nitrate certificates which it declares to be the only ones legitimately issued, that is, the ones used to pay for the Tarapacá nitrate mines; (3) the Santiago Cabinet in any case declines to agree to diplomatic intervention by the powers, and wishes the question to be referred to the competent Chilean courts" (*Malvano* to *Carcano,* Rome, 23 July 1885, ASE, 1128).

The Chilean position was, however, commented on by Malvano to the effect that the Italian Government

> "For its part had no choice but fully to uphold and defend the claims of the holders of nitrate certificates although, on the other hand, it could not have any objection if an amicable arrangement were to come about between the holders and the Chilean Government" *(ibidem).*

Malvano then specified:

> "With regard to the certificates which the Chilean Government recognizes as being legitimately issued (and these constitute the majority of those now in circulation) it can now be said, after the Chilean note of 18 May, there is no longer any substantial conflict; however, even if it is admitted that the Act of 4 February 1879 is without legal value (as Chile maintains) for want of regular promulgation, the hypothecary nature of these certificates is established by virtue of the other earlier documents, and accordingly Chile, in substituting Peru with respect to the province of Tarapacá, in passive rights as well as active rights, cannot refuse to accept full responsibility for them. Indeed, how could Chile recognize its debt and at the same time claim that the creditor should have recourse to the courts to secure payment? This would be a new and unexampled precedent between States concerned for their own prestige. Nor is there any need for a judicial proceeding proper to distinguish from among the other certificates those which Chile declares to be the only legitimate ones, as it is easy, for an operation of that kind, to conceive of far more simple and expeditious means" *(ibidem).*

That Chile had succeeded to Peru was also affirmed by the new Minister for Foreign Affairs, Robilant, in a dispatch to the Italian Resident at Lima, De Gubernatis, observing that:

> "The action taken with respect to the Tarapacá nitrate mines by the Peruvian Domain (action which is to be still to be considered as a disguised form of forced expropriation) was *Government action,* responsibility for which has now passed from the old to the new ruler of the province, from Peru to Chile" (*Robilant* to *De Gubernatis,* Rome, 15 July 1886, ASE, 1196).

A settlement of the dispute was finally achieved, partly as a result of the dispatch of a special Italian mission. The relevant part of Robilant's

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1 See case *(c)* p. 18.

instructions to Fè d'Ostiani, who was sent on the special mission to Chile, read as follows:

"I. The mission entrusted to Count Fè d'Ostiani has to do with two separate matters: (1) the question of the nitrate certificates [. . .].

"II. We believe, and we feel that we have amply demonstrated, that the nitrate bondholders are entitled to full payment of the debt owed to them and that the Chilean Government, having succeeded to the active and passive rights of Peru in the province of Tarapacá, where the pledges for that special debt are situated, cannot reasonably refuse to discharge that debt. The Santiago Cabinet, for its part, has never, by and large, disputed its obligation which was, in fact, expressly and publicly acknowledged by a Chilean minister as soon as the National Assembly met after the victorious war; but it would like to limit it, whether by the exclusion of certain blocks (Watson certificates and Toco certificates) or by a substantial reduction in the capital and interest [. . . .].

"III. Since Chile, on the whole, admits its obligation to meet the debt originally contracted by Peru to the nitrate bondholders, it is hard to see (eliminating all questions of form or procedure) how it can expect to delay or limit the fulfilment of that obligation. Hence, we have been obliged, and still are obliged, fully to uphold the claim of the nitrate bondholders, who instituted their action with the demand that Chile should pay neither more nor less than what Peru would have paid if nothing had happened to interfere with the progress of the financial operation" (*Robilant* to *Fè d'Ostiani,* Rome, 3 June 1886, ASE, 21). An accommodation was finally reached between the Chilean Government and the parties concerned, whereby the nitrate securities were converted into securities of the Chilean public debt in a manner advantageous to the private interested parties (*Robilant* to *Blanc,* Rome, 3 November 1886, ASE, 1215; *Magliano* to *Robilant,* Santiago, 19 November 1886, ASE, 1286; *Fè d'Ostiani* to *Robilant,* Santiago, 3 December 1886, ASE, 1287; *Robilant* to *Magliano,* Rome, 5 January 1887, ASE, 1129). This accommodation—with a few amendments favourable to Chile, to the effect that Chile would accept only the certificates pertaining to specific and existing nitrate works—was formalized in a Protocol of 15 February 1887 (*Magliano* to *Robilant,* Santiago, 23 February 1887, ASE, 1287).

(b) Peru had established, as security for certain bonds of its public debt, a general mortgage on guano. In addition to that, on the basis of special contracts, it had granted certain companies formed by groups of bondholders the exclusive right to export guano to particular countries and to use the proceeds of the sales to satisfy their debt claims against the State. One of the companies concerned was the Guano Consignee Company for the United States of America, which was also made up of Italian citizens.

In 1880 the region of Tarapacá, in which the guano was extracted, was occupied by Chile; and, subsequently, as a result of the Chilean-Peruvian Peace Treaty of 20 October 1883, the region came under Chilean sovereignty.

Referring to the draft Chilean-Peruvian Peace Treaty made known in the spring of 1883, in which Chile, also with respect to the guano, only assumed part of the obligations incumbent on Peru with respect to private parties, the

Italian Chargé d'Affaires at Santiago, Magliano, wrote as follows to the Minister for Foreign Affairs, Mancini:

> "It must certainly seem somewhat inequitable that Chile, while leaving Peru in a state of complete ruin, and annexing Peruvian territories which contain the greater and better part of Peru's patrimony, should be unwilling to assume any part of the national debt; but according to the letter of the law, in as much as *personal* obligations are involved, there are possibly no grounds for a formal complaint.
>
> "The situation would be quite different, however, as regards *real* obligations; in that respect I believe we should take the view that no agreement between the debtor or the third party in possession of the mortgaged item should or could in any way prejudice or affect the rights of the mortgagee" (*Magliano* to *Mancini*, Santiago, 8 July 1883, ASE, 1285).

After the signing of the Peace Treaty, the Minister for Foreign Affairs, in a dispatch to the Italian Resident at Santiago, Carcano, specifying the rights to which the Guano Consignee Company for the United States of America was entitled, considered that Chile should

> "Be conscious of its duty scrupulously to satisfy all the claims of the neutral parties, in so far as they may concern the territories in which it ceases to be a mere occupier and becomes a cessionary, and to assume there the exercise of all sovereign powers" (*Mancini* to *Carcano*, Rome, 9 January 1884, ASE, 1128).

See also: *Magliano* to *Mancini*, Santiago, 25 December 1881, ASE, 1284.

(c) After the annexation of the Peruvian territory of Tarapacá by Chile (see cases Nos. 292 and 1128), it was objected by that State that the nitrate certificates issued by Peru were of various kinds. Besides those truly representing the price of the sale to the Peruvian State—a price which was not paid by the latter—of land and nitrate works, there were certificates not corresponding to nitrate mines actually in existence *(folletos)*, as well as others (bonds) representing debts of the Peruvian State to meet expenses for the construction of railways in various parts of the country (Watson certificates) and others pertaining to the purchase by Peru of Bolivian nitrate mines (Toco certificates). All these certificates were, according to Chile, different from the nitrate certificates and did not relate to property situated within the territory of Tarapacá and therefore merely constituted certificates of indebtedness concerning only Peru. It was added, moreover, that many of these certificates were illegal even by standards of Peruvian law (*Vergara Albano* to *Carcano*, Santiago, 17 May 1885, annexed to *Carcano* to *Mancini*, Santiago, 26 May 1885, ASE, 1286). In that connexion, the Italian Minister for Foreign Affairs, Robilant, in a dispatch to the Resident at Santiago, Carcano, maintained, with regard to the Toco certificates, that

> "It is impossible not to acknowledge that there is a considerable difference in legal status between the two categories of mortgage bonds on the Tarapacá nitrate mines. Without reiterating the considerations that emerge from the previous correspondence, suffice it to mention that the operation effected by the Peruvian Government with regard to the Tarapacá nitrate mines, was an act of territorial sovereignty, while the acquisition of the Toco nitrate mines, in Bolivian territory, was merely of

a commercial and industrial nature" (*Robilant* to *Carcano*, Rome, 3 April 1886, ASE, 1128).

The distinction was emphasized in a dispatch from Robilant to the Italian Resident at Lima, De Gubernatis, in which he said he doubted

> "That the Chilean Domain which was the holder, by transaction, of part of the Toco nitrate mines, was to be regarded as *owing* the price of all these nitrate mines to the former sellers, or their assigns, whereas it is clear that at most it could be considered as third party in possession" (*Robilant* to *De Gubernatis*, Rome, 15 July 1886, ASE, 1196).[1]

7. Territories ceded by Germany, 1919:

(i) *Renunciation of rights and title over Moresnet, Eupen and Malmédy in favour of Belgium*

TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY. SIGNED AT VERSAILLES, ON 28 JUNE 1919[2]

PART III. POLITICAL CLAUSES FOR EUROPE

SECTION I. BELGIUM

Article 32

Germany recognises 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 Liége to Aix-la-Chapelle; the road will belong to Belgium where it bounds this territory.

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.

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1 Concerning the settlement of these questions, largely involving a concession to the Chilean claims, see also: *Magliano* to *Robilant*, Santiago, 23 February 1887, ASE, 1287; *De Gubernatis* to *Robilant*, Lima, 28 May 1886, ASE, 1389.

2 *British and Foreign State Papers*, 1919, vol. CXII, p. 1 *et seq.* Came into force on 10 January 1920.

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.

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.

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.

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.

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.

(ii) *Restoration of Alsace-Lorraine to France*

TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY. SIGNED AT VERSAILLES, ON 28 JUNE 1919[1]

PART III. POLITICAL CLAUSES FOR EUROPE

SECTION V. ALSACE-LORRAINE

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 delimination of the frontiers before 1871 shall be restored.

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 date 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.

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1 *British and Foreign State Papers*, 1919, vol. CXII, p. 1 *et seq.* Came into force on 10 January 1920.

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.

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.

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 belonging 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.

Article 58

A special Convention will determine the conditions for repayment in marks of the exceptional war expenditure advanced during the course of the way 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.

Article 59

The French Government will collect for its own account the Imperial taxes, duties and dues of every kind leviable in the territories referred to in Article 51 and not collected at the time of the Armistice of November 11, 1918.

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 62

The German Government undertakes to bear the expense of all civil and military pensions which had been earned in Alsace-Lorraine on the 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.

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 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, waterworks, gasworks, 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.

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 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.

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.

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 will preserve full and entire enjoyment of those rights on German territory.

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:

(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 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.

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.

ANNEX

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.

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.

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.

(iii) *Renunciation of rights and title over Silesian territories in favour of Czechoslovakia*

TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY. SIGNED AT VERSAILLES, ON 28 JUNE 1919[1]

PART III. POLITICAL CLAUSES FOR EUROPE

SECTION VII. CZECHO-SLOVAK STATE

Article 81

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognises 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 recognises the frontiers of this State as determined by the Principal Allied and Associated Powers and the other interested States.

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.

Article 83

Germany renounces in favour of the Czecho-Slovak State all rights and title over the portion of Silesian territory defined as follows:

Article 84

German nationals habitually resident in any of the territories recognised 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 recognised 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.

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1 *British and Foreign State Papers*, 1919, vol. CXII, p. 1 *et seq.* Came into force on 10 January 1920.

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 movable 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.

(iv) *Renunciation of rights and title over territories in favour of Poland*

TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY. SIGNED AT VERSAILLES, ON 28 JUNE 1919[1]

PART III. POLITICAL CLAUSES FOR EUROPE

SECTION VIII. POLAND

Article 87

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognises 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.

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1 *British and Foreign State Papers*, 1919, vol. CXII, p. 1 *et seq.* Came into force on 10 January 1920.

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.

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:

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.

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 liquidation 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.

(v) *Restoration of Schleswig to Denmark*

TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY. SIGNED AT VERSAILLES, ON 28 JUNE 1919[1]

1 *British and Foreign State Papers*, 1919, vol. CXII, p. 1 *et seq.* Came into force on 10 January 1920.

PART III. POLITICAL CLAUSES FOR EUROPE

SECTION XII. SCHLESWIG

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 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.

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, 1861.

(vi) *Common provisions*

TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY. SIGNED AT VERSAILLES, ON 28 JUNE 1919[1]

PART IX. FINANCIAL CLAUSES

Article 254

The Powers to which German territory is ceded shall, subject to the qualifications made in Article 255, undertake to pay:

(i) 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;

(ii) 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.

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

1 *British and Foreign State Papers*, 1919, vol. CXII, p. 1 *et seq.* Came into force on 10 January 1920.

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.

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 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.

(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.

(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.

(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.

(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.

(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.

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.

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.

Article 263

Germany gives a guarantee to the Brazilian Government that all sums representing the sale of coffee belonging to the State of Sao Paolo 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 Paolo at the proper time, guarantees also that the reimbursement shall be effected at the rate of exchange of the day of the deposit.

Article 311

The inhabitants of territories separated from Germany by virtue of the present Treaty shall, notwithstanding this separation and 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 recognised 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.

PART X. ECONOMIC CLAUSES

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 a 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.

8. Renunciation of rights and title over territories by Bulgaria in favour of Serb-Croat-Slovene State,[1] Greece and the Principal Allied and Associated Powers, 1919

TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND BULGARIA. SIGNED AT NEUILLY-SUR-SEINE, ON 27 NOVEMBER 1919[2]

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1 The Serb-Croat-Slovene State (named Yugoslavia in 1929) was formed after the First World War by Serbia, Montenegro and territories of the former Austro-Hungarian Monarchy.

2 *British and Foreign State Papers*, 1919, vol. CXII, p. 781 *et seq.*

PART III. POLITICAL CLAUSES

SECTION I. SERB-CROAT-SLOVENE STATE

36. Bulgaria, in conformity with the action already taken by the Allied and Associated Powers, recognises the Serb-Croat-Slovene State.

37. Bulgaria renounces in favour of the Serb-Croat-Slovene State all rights and title over the territories of the Bulgarian Monarchy situated outside the frontiers of Bulgaria as laid down in Article 27, Part II (Frontiers of Bulgaria), and recognised by the present Treaty, or by any Treaties concluded for the purpose of completing the present settlement, as forming part of the Serb-Croat-Slovene State.

38. A Commission consisting of seven members, five nominated by the Principal Allied and Associated Powers, one by the Serb-Croat-Slovene State, and one by Bulgaria, 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 (1), Part II (Frontiers of Bulgaria).

39. Bulgarian nationals habitually resident in the territories assigned to the Serb-Croat-Slovene State will acquire Serb-Croat-Slovene nationality *ipso facto* and will lose their Bulgarian nationality. Bulgarian nationals, however, who became resident in these territories after the 1st January, 1913, will not acquire Serb-Croat-Slovene nationality without a permit from the Serb-Croat-Slovene State.

40. Within a period of two years from the coming into force of the present Treaty, Bulgarian nationals over 18 years of age and habitually resident in the territories which are assigned to the Serb-Croat-Slovene State in accordance with the present Treaty will be entitled to opt for their former nationality. Serb-Croat-Slovenes over 18 years of age who are Bulgarian nationals and habitually resident in Bulgaria will have a similar right to opt for Serb-Croat-Slovene 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 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 their right to opt. 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.

Within the same period Serb-Croat-Slovenes who are Bulgarian 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 Serb-Croat-Slovene nationality and lose their Bulgarian nationality by complying with the requirements laid down by the Serb-Croat-Slovene State.

41. The proportion and nature of the financial obligations of Bulgaria which the Serb-Croat-Slovene State will have to assume on account of the territory placed under its sovereignty will be determined in accordance with Article 141, Part VIII (Financial Clauses), of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

SECTION II. GREECE

42. Bulgaria renounces in favour of Greece all rights and title over the territories of the Bulgarian Monarchy situated outside the frontiers of Bulgaria as laid down in Article 27, Part II (Frontiers of Bulgaria), and recognised by the present Treaty, or by any Treaties concluded for the purpose of completing the present settlement, as forming part of Greece.

43. A Commission consisting of seven members, five nominated by the Principal Allied and Associated Powers, one by Greece, and one by Bulgaria, will be appointed fifteen days after the coming into force of the present Treaty to trace on the spot the frontier line described in Article 27 (2), Part II (Frontiers of Bulgaria), of the present Treaty.

44. Bulgarian nationals habitually resident in the territories assigned to Greece will obtain Greek nationality *ipso facto* and will lose their Bulgarian nationality.

Bulgarian nationals, however, who became resident in these territories after the 1st January, 1913, will not acquire Greek nationality without a permit from Greece.

45. Within a period of two years from the coming into force of the present Treaty, Bulgarian nationals over 18 years of age and habitually resident in the territories assigned to Greece in accordance with the present Treaty will be entitled to opt for Bulgarian 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 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 their right to opt. They may carry with them their movable property of every description. No export or import duties will be imposed upon them in connection with the removal of such property.

46. Greece accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.

Greece further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment for the commerce of other nations.

47. The proportion and nature of the financial obligations of Bulgaria which Greece will have to assume on account of the territory placed under her sovereignty will be determined in accordance with Article 141, Part VIII (Financial Clauses), of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

SECTION III. THRACE

48. Bulgaria renounces in favour of the Principal Allied and Associated Powers all rights and title over the territories in Thrace which belonged to the Bulgarian Monarchy and which, being situated outside the new frontiers of Bulgaria, as described in Article 27 (3), Part II (Frontiers of Bulgaria), have not been at present assigned to any State.

Bulgaria 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.

The Principal Allied and Associated Powers undertake to ensure the economic outlets of Bulgaria to the Ægean Sea.

The conditions of this guarantee will be fixed at a later date.

PART VIII. FINANCIAL CLAUSES

131. Bulgaria engages to pay towards the charge for the service of the external pre-war Ottoman Public Debt, both in respect of territory ceded by Turkey under the Treaty of Constantinople, 1913, for the period during which such territory was under Bulgarian sovereignty, and in respect of territory the cession of which is confirmed by the present Treaty. Such sums as may be determined hereafter by a Commission to be appointed for the purpose of determining to what extent the cession of Ottoman territory will involve the obligation to contribute to that debt.

135. The priority of the charges established by Articles 132, 133 and 134 of this Part shall be as follows:

(i) The cost of military occupation as defined by Article 133.

(ii) The service of such part of the external pre-war Ottoman Public Debt as may be attributed to Bulgaria under the present Treaty or any Treaties or Agreements supplementary thereto in respect of the cession to Bulgaria of territory formerly belonging to the Ottoman Empire.

(iii) The cost of reparation as prescribed by the present Treaty or any Treaties or Agreements supplementary thereto.

138. All rights created and all securities specifically assigned in connection with loans contracted or guaranteed by the Bulgarian Government which were actually contracted or guaranteed before the 1st August, 1914, are maintained in force without any modification.

139. If, in accordance with Articles 235 and 260 of the Treaty of Peace with Germany, signed on the 28th June, 1919, and the corresponding Articles in the Treaties with Austria and Hungary, all rights, interests and securities held by any German, Austrian or Hungarian national under the contracts and agreements regulating the loan contracted by Bulgaria in Germany in July 1914, are taken over by the Reparation Commission, the Bulgarian Government undertakes to do everything in its power to facilitate this transfer. The Bulgarian Government likewise undertakes to hand over to the Reparation Commission within six months from the coming into force of the present Treaty all such rights, interests and securities held by Bulgarian

nationals under the contracts and agreements regulating the said loan. The rights, interests and securities held by Bulgarian nationals will be valued by the Reparation Commission, and their value will be credited to Bulgaria on account of the sums due for reparation, and Bulgaria shall be responsible for indemnifying her nationals so dispossessed.

Notwithstanding anything in the preceding Article, the Reparation Commission shall have full power, in the event of the transfer to it of the interests mentioned above, to modify the terms of the contracts and agreements regulating the loan, or to make any other arrangements connected therewith which it shall deem necessary, provided that (1) the rights under the contracts and agreements of any persons interested therein other than German, Austrian, Hungarian or Bulgarian nationals, and (2) the rights of the holders of Bulgarian Treasury bills issued in France in 1912 and 1913 to be reimbursed out of the proceeds of the next financial operation undertaken by Bulgaria, are not prejudiced thereby. By agreement with the parties concerned, the claims referred to above may be paid off either in cash or in an agreed amount of the bonds of the loan.

Any arrangement with regard to the loan and the contracts and agreements connected therewith shall be made after consultation with the Inter-Allied Commission, and the Inter-Allied Commission shall act as agent of the Reparation Commission in any matters connected with the loan, if the Reparation Commission so decides.

140. Nothing in the provisions of this Part shall prejudice in any manner charges or mortgages lawfully effected in favour of the Allied and Associated Powers or their nationals respectively, before the date at which a state of war existed between Bulgaria and the Allied or Associated Powers concerned, by the Government of Bulgaria or by Bulgarian nationals on assets in their ownership at that date, except in so far as variations of such charges or mortgages are specifically provided for under the terms of the present Treaty or any Treaties or Agreements supplementary thereto.

141. Any Power to which Bulgarian territory is ceded in accordance with the present Treaty undertakes to pay a contribution towards the charge for the Bulgarian Public Debt as it stood on the 11th October, 1915, including the share of the Ottoman Public Debt attaching to Bulgaria in accordance with the principles laid down in Article 134.

The Reparation Commission, acting through the Inter-Allied Commission, will fix the amount of the Bulgarian Public Debt on the 11th October, 1915, taking into account only such portion of the debt contracted after the 1st August, 1914, as was not employed by Bulgaria in preparing the war of aggression.

The portion of the Bulgarian Public Debt for which each State is to assume responsibility will be such as the Principal Allied and Associated Powers, acting through the Inter-Allied Commission, may determine to be equitable, having regard to the ratio between the revenues of the ceded territory and the total revenues of Bulgaria for the average of the three complete financial years next before the Balkan War of 1912.

142. Any Power to which Bulgarian territory is ceded in accordance with the present Treaty shall acquire all property and possessions situated within such territory belonging to the Bulgarian Government, and the value of such property and possessions so acquired shall be fixed by the Reparation

Commission and placed by it to the credit of Bulgaria (or of Turkey in the case of property and possessions ceded to Bulgaria under the Treaty of Constantinople, 1913), and to the debit of the Power acquiring such property or possessions.

For the purposes of this Article the property and possessions of the Bulgarian Government shall be deemed to include all the property of the Crown.

143. Bulgaria renounces any benefit disclosed by the Treaties of Bucharest and Brest-Litovsk, 1918, and by the Treaties supplementary thereto, and undertakes to transfer either to Roumania or to the Principal Allied and Associated Powers, as the case may be, any monetary instruments, specie, securities and negotiable instruments or goods which she may have received under the aforesaid Treaties.

Any sums of money and all securities, instruments and goods, of whatsoever nature, to be paid, delivered or 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.

144. The Bulgarian Government undertakes to refrain from preventing or impeding such acquisition by the German, Austrian, Hungarian or Turkish Governments of any rights and interests of German, Austrian, Hungarian or Turkish nationals in public utility undertakings or concessions operating in Bulgaria as may be required by the Reparation Commission under the terms of the Treaties of Peace between Germany, Austria, Hungary and Turkey and the Allied and Associated Powers.

145. Bulgaria undertakes to transfer to the Reparation Commission any claims which she or Bulgarian nationals who acted on her behalf may have to payment or reparation by Germany, Austria, Hungary or Turkey, or their nationals, particularly any claims which may arise now or hereafter in the fulfilment of undertakings made between Bulgaria and those Powers during the war.

Any sums which the Reparation Commission may recover in respect of such claims shall be transferred to the credit of Bulgaria on account of the sums due for reparation.

146. Any monetary obligation arising out of the present Treaty shall be understood to be expressed in terms of gold, and shall, unless some other arrangement is specifically provided for in any particular case under the terms of this Treaty or any Treaty or Agreement supplementary thereto, 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 purposes 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 the 1st January, 1914.

PART IX. ECONOMIC CLAUSES

SECTION VIII. SPECIAL PROVISIONS RELATING TO TRANSFERRED TERRITORY

196. Of the individuals and juridical persons previously nationals of Bulgaria those who acquire *ipso facto* under the present Treaty the nationality of an Allied or Associated Power are designated in the provisions which follow by the expression "former Bulgarian nationals," the remainder being designated by the expression "Bulgarian nationals."

197. The Bulgarian Government shall without delay restore to former Bulgarian nationals their property, rights and interests situated in Bulgarian territory. The said property, rights and interests shall be restored free of any charge or tax established or increased since the 29th September, 1918.

The amount of taxes and imposts on capital which have been levied or increased on the property, rights and interests of former Bulgarian nationals since the 29th September, 1918, or which shall be levied or increased until restitution in accordance with the provisions of the present Treaty, or, in the case of property, rights and interests which have not been subjected to exceptional measures of war, until three months from the coming into force of the present Treaty, shall be returned to the owners.

The property, rights and interests restored shall not be subject to any tax levied in respect of any other property or any other business owned by the same person after such property had been removed from Bulgaria, or such business had ceased to be carried on therein.

If taxes of any kind have been paid in anticipation in respect of property, rights and interests removed from Bulgaria, the proportion of such taxes paid for any period subsequent to the removal of the property, rights and interests in question shall be returned to the owners.

Legacies, donations and funds given or established in Bulgaria for the benefit of former Bulgarian nationals shall be placed by Bulgaria, so far as the funds in question are in her territory, at the disposition of the Allied or Associated Power of which the persons in question are now nationals, in the condition in which these funds were on the 20th September, 1915, taking account of payments properly made for the purpose of the trust.

198. All contracts between former Bulgarian nationals of the one part and Bulgaria or Bulgarian nationals of the other part, which were made before the 29th September, 1918, and which were in force at that date, shall be maintained.

Nevertheless, any contract of which the Government of the Allied or Associated Power whose nationality the former Bulgarian national who is a party to the contract has acquired shall notify the cancellation, made in the general interest, to Bulgaria within a period of six months from 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.

The cancellation above referred to shall not be made in any case where the Bulgarian national who is a party to the contract shall have received permission to reside in the territory transferred to the Allied or Associated Power concerned.

199. If the annulment provided for in Article 52 would cause one of the parties substantial prejudice, the Mixed Arbitral Tribunal provided for by

Section VI of this Part shall be empowered to grant to the prejudiced party compensation calculated solely on the capital employed, without taking account of the loss of profits.

200. With regard to prescriptions, limitations and forfeitures in territory transferred from Bulgaria, the provisions of Articles 183 and 184 shall be applied with substitution for the expression "outbreak of war" of the expression "date, which shall be fixed by administrative decision of each Allied or Associated Power, at which relations between the parties became impossible in fact or in law," and for the expression "duration of the war" of the expression "period between the date above indicated and that of the coming into force of the present Treaty."

201. Bulgaria undertakes to recognise, so far as she may be concerned, any Agreement or Convention which has been or shall be made between the Allied and Associated Powers for the purpose of safeguarding the rights and interests of the nationals of these Powers interested in companies or associations constituted according to the laws of Bulgaria, which exercise any activities whatever in the transferred territories. She undertakes to facilitate all measures of transfer, to restore all documents or securities, to furnish all information, and generally to accomplish all acts or formalities appertaining to the said Agreements or Conventions.

202. The settlement of questions relating to debts contracted before the 29th September, 1918, between Bulgaria or Bulgarian nationals resident in Bulgaria of the one part and former Bulgarian nationals resident in the transferred territories of the other part, shall be effected in accordance with the provisions of Article 176 and the Annex thereto, the expression "before the war" being replaced by the expression "before the date, which shall be fixed by administrative decision of each Allied or Associated Party at which relations between the parties became impossible by fact or in law."

If the debts were expressed in Bulgarian currency they shall be paid in that currency; if the debt was expressed in any currency other than Bulgarian, it shall be paid in the currency stipulated.

[*Note:* Paragraph 203 of this Treaty is *mutatis mutandis* similar to article 312 of the Treaty of Peace of Versailles, reproduced *supra* p. 37.]

PART XI. PORTS, WATERWAYS AND RAILWAYS

CHAPTER III. TRANSFER OF RAILWAY LINES

242. Subject to any special provisions concerning the transfer of ports, waterways and railways situated in the territory transferred under the present Treaty, and to the financial conditions relating to the concessionnaires and the pensioning of the personnel, the transfer 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) Commissions of experts designated by the Allied and Associated Powers, on which Bulgaria shall be represented, shall fix the proportion of the

stock existing on the system to be handed over. These Commissions shall have regard to the amount of the material registered on these lines in the last inventory before the 29th September, 1918, to the length of track (sidings included), and the nature and amount of the traffic. These Commissions shall also specify the locomotives, carriages and waggons 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 Bulgarian workshops.

(3) Stocks of stores, fittings and plant shall be handed over under the same conditions as the rolling-stock.

243. The establishment of all the new frontier stations between Bulgaria and the contiguous Allied and Associated States, as well as the working of the lines between these stations, shall be settled by Agreements concluded between the railway administrations concerned. If the railway administrations are unable to come to an agreement the question shall be decided by Commissions of experts constituted as above.

9. Renunciation of rights and title over territories by Turkey in favour of Greece, Italy, etc., 1923.

TRAITE DE PAIX ENTRE L'EMPIRE BRITANNIQUE, LA FRANCE, L'ITALIE, LE JAPON, LA GRECE, LA ROUMANIE, L'ETAT SERBE-CROATE-SLOVENE, D'UNE PART, ET LA TURQUIE, D'AUTRE PART. SIGNE A LAUSANNE, LE 24 JUILLET 1923[1]

PARTIE I. – CLAUSES POLITIQUES

SECTION I

1. Clauses territoriales

Article 18. – La Turquie est libérée de tous engagements et obligations à l'égard des emprunts ottomans garantis sur le tribut d'Egypte, savoir les emprunts de 1855, 1891 et 1894. Les payements annuels effectués par l'Egypte pour le service de ces trois emprunts constituant aujourd'hui une partie du service de la Dette publique égyptienne, l'Egypte est libérée de toutes autres obligations en ce qui concerne la Dette publique ottomane.

Article 19. – Des stipulations ultérieures, à intervenir dans des conditions à déterminer entre les Puissances intéressées, régleront les questions naissant de la reconnaissance de l'Etat égyptien, auquel ne s'appliquent pas les dispositions du présent Traité relatives aux territoires détachés de la Turquie en vertu dudit Traité.

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1 Société des Nations, *Recueil des Traités*, vol. 28, p. 12 *et seq.*

Article 20. – La Turquie déclare reconnaître l'annexion de Chypre proclamée par le Gouvernement britannique le 5 novembre 1914.

Article 21. – Les ressortissants turcs établis dans l'île de Chypre à la date du 5 novembre 1914 acquerront, dans les conditions de la loi locale, la nationalité britannique, et perdront de ce chef la nationalité turque. Toutefois, ils auront la faculté, pendant une période de deux ans à dater de la mise en vigueur du présent Traité, d'opter pour la nationalité turque; dans ce cas, ils devront quitter l'île de Chypre dans les douze mois qui suivront l'exercice du droit d'option.

Les ressortissants tures, établis dans l'île de Chypre à la date de la mise en vigueur du présent Traité, et qui, à cette date, auront acquis ou seront en voie d'acquérir la nationalité britannique sur demande faite dans les conditions de la loi locale, perdront également de ce chef la nationalité turque.

Il demeure entendu que le Gouvernement de Chypre aura la faculté de refuser la nationalité britannique aux personnes qui avaient acquis, sans le consentement du Gouvernement turc, une nationalité autre que la nationalité turque.

Article 22. – Sans préjudice des dispositions générales de l'article 27, la Turquie déclare reconnaître l'abolition définitive de tous droits et privilèges de quelque nature que ce soit, dont elle jouissait en Libye en vertu du Traité[4] de Lausanne du 18 octobre 1912 et des Actes y relatifs.

2. *Dispositions spéciales*

Article 29. – Les Marocains ressortissants français et les Tunisiens seront à tous égards soumis, en Turquie, au même régime que les autres ressortissants français.

Les ressortissants libyens seront à tous égards soumis, en Turquie, au même régime que les autres ressortissants italiens.

Les dispositions du présent article ne préjugent pas la nationalité des personnes originaires de Tunisie, de Libye et du Maroc établies en Turquie.

Réciproquement, les ressortissants turcs bénéficieront, dans les pays dont les habitants jouissent des dispositions des alinéas 1 et 2, du même régime qu'en France et en Italie respectivement.

Le régime auquel seront soumises en Turquie les marchandises en provenance ou à destination des pays dont les habitants jouissent des dispositions de l'alinéa 1, et, réciproquement, le régime auquel seront soumises dans lesdits pays les marchandises en provenance ou à destination de la Turquie, seront déterminés d'accord entre le Gouvernement français et le Gouvernement turc.

SECTION II. – NATIONALITE

Article 30. – Les ressortissants turcs établis sur les territoires qui, en vertu des dispositions du présent Traité, sont détachés de la Turquie, deviendront, de plein droit et dans les conditions de la législation locale, ressortissants de l'Etat auquel le territoire est transféré.

Article 31. – Les personnes âgées de plus de 18 ans, perdant leur nationalité turque et acquérant de plein droit une nouvelle nationalité en

vertu de l'article 30, auront la faculté, pendant une période de deux ans à dater de la mise en vigueur du présent Traité, d'opter pour la nationalité turque.

Article 32. – Les personnes, âgées de plus de 18 ans, qui sont établies sur un territoire détaché de la Turquie en conformité du présent Traité, et qui y diffèrent, par la race, de la majorité de la population dudit territoire, pourront, dans le délai de deux ans à dater de la mise en vigueur du présent Traité, opter pour la nationalité d'un des Etats où la majorité de la population est de la même race que la personne exerçant le droit d'option, et sous réserve du consentement de cet Etat.

Article 33. – Les personnes avant exercé de droit d'option, conformément aux dispositions des articles 31 et 32, devront, dans les douze mois qui suivront, transporter leur domicile dans l'Etat en faveur duquel elles auront opté.

Elles seront libres de conserver les biens immobiliers qu'elles possèdent sur le territoire de l'autre Etat où elles auraient eu leur domicile antérieurement à leur option.

Elles pourront emporter leurs biens meubles de toute nature. Il ne leur sera imposé, de ce fait, ancun droit ou taxe, soit de sortie, soit d'entrée.

Article 34. – Sous réserve des accords qui pourraient être nécessaires entre les Gouvernements exerçant l'autorité dans les pays détachés de la Turquie et les Gouvernements des pays où ils sont établis, les ressortissants turcs, âgés de plus de 18 ans, originaires d'un territoire détaché de la Turquie en vertu du présent Traité, et qui, au moment de la mise en vigueur de celui-ci, sont établis à l'étranger, pourront opter pour la nationalité en vigueur dans le territoire dont ils sont originaires, s'ils se rattachent par leur race à la majorité de la population de ce territoire, et si le Gouvernement y exerçant l'autorité y consent. Ce droit d'option devra être exercé dans le délai de deux ans à dater de la mise en vigueur du présent Traité.

Article 35. – Les Puissances contractantes s'engagent à n'apporter aucune entrave à l'exercice du droit d'option prévu par le présent Traité ou par les Traités de paix conclus avec l'Allemagne, l'Autriche, la Bulgarie on la Hongrie, ou par un Traité conclu par lesdites Puissances autres que la Turquie, ou l'une d'elles, avec la Russie, ou entre elles-mêmes, et permettant aux intéressés d'acquérir toute autre nationalité qui leur serait ouverte.

Article 36. – Les femmes mariées suivront la condition de leurs maris et les enfants âgés de moins de 18 ans suivront la condition de leurs parents pour tout ce qui concerne l'application des dispositions de la présente section.

PARTIE II. – CLAUSES FINANCIERES

SECTION I. – DETTE PUBLIQUE OTTOMANE

Article 46. – La Dette publique ottomane, telle qu'elle est définie dans le tableau annexé à la présente session, sera répartie dans les conditions stipulées dans la présente section entre la Turquie, les Etats en faveur desquels des territoires ont été détachés de l'Empire ottoman à la suite des guerres balkaniques de 1912-1913, les Etats auxquels les îles visées par les articles 12 et 15 du présent Traité et le territoire visé par le dernier alinéa du présent

article ont été attribués : et enfin les Etats nouvellement créés sur les territoires asiatiques détachés de l'Empire ottoman en vertu du présent Traité. Tous les Etats indiqués ci-dessus devront, en outre, participer dans les conditions indiquées dans la présente section aux charges annuelles afférentes au service de la Dette publique ottomane à partir des dates prévues par l'article 53.

A compter des dates fixées par l'article 53, la Turquie ne pourra en aucune façon être rendue responsable des parts contributives mises à la charge des autres Etats.

Le territoire de Thrace qui, au 1er août 1914, était sous la souveraineté ottomane et qui se trouve en dehors des limites de la Turquie fixées par l'article 2 du présent Traité sera, en ce qui concerne la répartition de la Dette publique ottomane, considéré comme détaché de l'Empire ottoman en vertu dudit Traité.

Article 47. – Le Conseil de la Dette publique ottomane devra, dans le délai de trois mois à dater de la mise en vigueur du présent Traité, déterminer sur les bases établies par les articles 50 et 51 le montant des annuités afférentes aux emprunts visés à la partie A du tableau annexé à la présente section et incombant à chacun des Etats intéressés et leur notifier ce montant.

Ces Etats auront la faculté d'envoyer à Constantinople des délégués pour suivre à cet égard les travaux du Conseil de la Dette publique ottomane.

Le Conseil de la Dette remplira les fonctions qui sont prévues par l'article 134 du Traité de paix du 27 novembre 1919 avec la Bulgarie.

Tous différends pouvant surgir entre les parties intéressées relativement à l'application des principes formulés dans le présent article seront déférés, un mois au plus tard après la notification prévue à l'alinéa premier, à un arbitre que le Conseil de la Société des Nations sera prié de désigner et qui devra statuer dans un délai maximum de trois mois. Les honoraires de l'arbitre seront fixés par le Conseil de la Société des Nations et mis, ainsi que les autres frais d'arbitrage, à la charge des parties intéressées. Les décisions de l'arbitre seront souveraines. Le renvoi audit arbitre ne suspendra pas le payement des annuités.

Article 48. – Les Etats autres que la Turquie entre lesquels la Dette publique ottomane, telle qu'elle est définie dans la partie A du tableau annexé à la présente section, sera répartie devront, dans le délai de trois mois à compter du jour où la notification leur aura été faite aux termes de l'article 47 de la part qui leur incombe respectivement dans les charges annuelles visées audit article, donner au Conseil de la Dette des gages suffisants pour garantir le payement de leur part. Dans le cas où ces gages n'auraient pas été constitués dans le délai sus-indiqué, ou en cas de divergence sur la convenance des gages constitués, il pourra être fait appel au Conseil de la Société des Nations par tout Gouvernement signataire du présent Traité.

Le Conseil de la Société des Nations pourra confier aux organisations financières internationales existant dans les pays autres que la Turquie entre lesquels la Dette est répartie la perception des revenus donnés en gage. Les décisions du Conseil de la Société des Nations seront souveraines.

Article 49. – Dans le délai d'un mois à compter du jour où il aura été procédé à la détermination définitive, conformément aux stipulations de l'article 47, du montant des annuités incombant à chacun des Etats intéressés, une commission sera réunie à Paris en vue de fixer les modalités de la

répartition du capital nominal de la Dette publique ottomane, telle qu'elle est définie dans la partie A du tableau annexé à la présente section. Cette répartition devra être faite d'après les proportions adoptées pour le partage des annuités et en tenant compte des stipulations des conventions d'emprunt ainsi que des dispositions de la présente section.

La Commission prévue à l'alinéa 1er sera composée d'un représentant du Gouvernement turc, d'un représentant du Conseil de la Dette publique ottomane, d'un représentant de la dette autre que la Dette unifiée et les lots turcs, ainsi que du représentant que chacun des Etats intéressés aura la faculté de désigner. Toutes questions sur lesquelles la Commission ne pourrait arriver à un accord seront déférées à l'arbitre prévu par l'article 47, alinéa 4.

Au cas où la Turquie déciderait de créer de nouveaux titres en représentation de sa part, la répartition du capital de la Dette sera faite, en premier lieu, en ce qui concerne la Turquie, par un comité composé du représentant du Gouvernement turc, du représentant du Conseil de la Dette publique ottomane et du représentant de la dette autre que la Dette unifiée et les lots turcs. Les titres nouvellement créés seront remis à la Commission, qui en assurera la délivrance aux porteurs dans des conditions constatant la libération de la Turquie ainsi que le droit des porteurs à l'égard des autres Etats auxquels incombe une part de la Dette publique ottomane. Les titres émis en représentation de la part de chaque Etat dans la Dette publique ottomane seront exempts sur le territoire des Hautes Parties contractantes de tous droits de timbre ou autres taxes qui résulteraient de cette émission.

Le payement des annuités incombant à chacun des Etats intéressés ne pourra pas être différé par suite des dispositions du présent article relatives à la répartition du capital nominal.

Article 50. – La répartition des charges annuelles visées à l'article 47 et celle du capital nominal de la Dette publique ottomane, dont il est fait mention à l'article 49, seront effectuées de la manière suivante :

1° Les emprunts antérieurs au 17 octobre 1912 et les charges y afférentes seront répartis entre l'Empire ottoman tel qu'il existait à la suite des guerres balkaniques de 1912-1913, les Etats balkaniques en faveur desquels un territoire a été détaché de l'Empire ottoman à la suite desdites guerres, et les Etats auxquels les îles visées aux articles 12 et 15 du présent Traité ont été attribuées : il sera tenu compte des changements territoriaux intervenus depuis la mise en vigueur des traités qui ont mis fin à ces guerres, ou des traités postérieurs.

2° Le solde des emprunts restant à la charge de l'Empire ottoman après cette première répartition et le solde des annuités y afférentes, augmentés des emprunts contractés par ledit empire entre le 17 octobre 1912 et le 1er novembre 1914, ainsi que des annuités y afférentes, seront répartis entre la Turquie, les Etats nouvellement créés en Asie en faveur desquels un territoire a été détaché de l'Empire ottoman en vertu du présent Traité, et l'Etat auquel le territoire visé au dernier alinéa de l'article 46 dudit Traité a été attribué.

La répartition du capital se fera pour chaque emprunt sur le montant du capital existant à la date de la mise en vigueur du présent Traité.

Article 51. – Le montant incombant à chaque Etat intéressé dans les charges annuelles de la Dette publique ottomane par suite de la répartition prévue à l'article 50, sera déterminé comme il suit.

1° En ce qui concerne la répartition prévue au paragraphe 1° de l'article 50, il sera d'abord procédé à la fixation de la part incombant à l'ensemble des îles visées aux articles 12 et 15 et les territoires détachés de l'Empire ottoman à la suite des guerres balkaniques. Le montant de cette part devra être, par rapport à la somme totale des annuités à répartir d'après les dispositions du paragraphe 1° de l'article 50, dans la même proportion que le revenu moyen total des îles et des territoires susmentionnés, pris en commun, par rapport au revenu moyen total de l'Empire ottoman pendant les années financières 1910-1911 et 1911-1912, y compris le produit des surtaxes douanières établies en 1907.

Le montant ainsi déterminé sera ensuite réparti entre les Etats auxquels ont été attribués les territoires visés dans l'alinéa précédent et la part qui, de ce fait, incombera à chacun de ces Etats devra être, par rapport au montant total réparti entre eux, dans la même proportion que le revenu moyen du territoire attribué à chaque Etat par rapport au revenu moyen total pendant les années financières 1910-1911 et 1911-1912 de l'ensemble des territoires détachés de l'Empire ottoman à la suite des guerres balkaniques et des îles visées aux articles 12 et 15. Dans le calcul des revenus prévus par le présent alinéa, il ne sera pas tenu compte des recettes des douanes.

2° En ce qui concerne les territoires détachés de l'Empire ottoman en vertu du présent Traité, y compris le territoire visé au dernier alinéa de l'article 46, le montant de la part incombant à chaque Etat intéressé devra être, par rapport à la somme totale des annuités à répartir d'après les dispositions du paragraphe 2° de l'article 50, dans la même proportion que le revenu moyen du territoire détaché par rapport au revenu moyen total de l'Empire ottoman pendant les années financières 1910-1911 et 1911-1912 (y compris le produit des surtaxes douanières établies en 1907), diminué de l'appoint des territoires et îles visés au paragraphe 1°

Article 52. – Les avances prévues à la partie B du tableau annexé à la présente section, seront réparties, entre la Turquie et les autres Etats visés à l'article 46, dans les conditions suivantes :

1° En ce qui concerne les avances prévues au tableau qui existaient au 17 octobre 1912, le montant du capital non remboursé, s'il en existe, à la date de la mise en vigueur du présent Traité, ainsi que les intérêts échus depuis les dates mentionnées au premier alinéa de l'article 53 et les remboursements effectués depuis ces dates, seront répartis d'après les dispositions prévues par le paragraphe 1° de l'article 50 et par le paragraphe 1° de l'article 51.

2° En ce qui concerne les sommes incombant à l'Empire ottoman par suite de cette première répartition et les avances prévues au Tableau qui ont été contractées par ledit Empire entre le 17 octobre 1912 et le 1er novembre 1914, le montant du capital non remboursé, s'il en existe, à la date de la mise en vigueur du présent Traité, ainsi que les intérêts échus depuis le 1er mars 1920 et les remboursements effectués depuis ladite date, seront répartis d'après les dispositions prévues par le paragraphe 2° de l'article 50 et le paragraphe 2° de l'article 51.

Le Conseil de la Dette publique ottomane devra, dans le délai de trois mois à compter de la mise en vigueur du présent Traité, déterminer le montant de la part de ces avances incombant à chacun des Etats intéressés et leur notifier ce montant.

Les sommes mises à la charge des Etats autres que la Turquie seront versées par lesdits Etats au Conseil de la Dette et seront payées par ce dernier aux créanciers ou portées par lui au crédit du Gouvernement turc jusqu'à concurrence des sommes payées par la Turquie soit comme intérêts, soit comme remboursements pour le compte desdits Etats.

Les versements prévus à l'alinéa précédent auront lieu au moyen de cinq annuités égales à compter de la mise en vigueur du présent Traité. La part desdits payements qui devra être versée aux créanciers de l'Empire ottoman, portera les intérêts stipulés dans les contrats d'avances; la part qui revient au Gouvernement turc sera versée sans intérêts.

Article 53. – Les annuités des emprunts de la Dette publique ottomane, telle qu'elle est définie à la partie A du tableau annexé à la présente section, dues par les Etats en faveur desquels un territoire a été détaché de l'Empire ottoman à la suite des guerres balkaniques, seront exigibles à dater de la mise en vigueur des Traités qui ont consacré le transfert de ces territoires auxdits Etats. En ce qui concerne les îles visées à l'article 12, l'annuité sera exigible à partir du 1er/14 novembre 1913, et, en ce qui concerne les îles visées à l'article 15, l'annuité sera exigible à partir du 17 octobre 1912.

Les annuités dues par les Etats nouvellement créés sur les territoires asiatiques détachés de l'Empire ottoman en vertu du présent Traité et par l'Etat auquel le territoire visé au dernier alinéa de l'article 46 a été attribué, seront exigibles à dater du 1er mars 1920.

Article 54. – Les Bons du Trésor de 1911, 1912 et 1913, énumérés dans la partie A du tableau annexé à la présente section, seront, dans le délai de dix ans à compter des dates de remboursement fixées par les contrats, remboursés avec les intérêts stipulés.

Article 55. – Les Etats visés à l'article 46, y compris la Turquie, verseront au Conseil de la Dette publique ottomane le montant des annuités afférentes à la part de la Dette publique ottomane, telle qu'elle est définie à la partie A du tableau annexé à la présente section, et qui, leur incombant et devenues exigibles à partir des dates fixées à l'article 53, sont restées en souffrance. Ce payement sera effectué sans intérêts au moyen de vingt annuités égales à compter de la mise en vigueur du présent Traité.

Le montant des annuités versées par les Etats autres que la Turquie au Conseil de la Dette sera porté, par ce dernier, jusqu'à concurrence des sommes payées par la Turquie pour le compte desdits Etats, en déduction des sommes arriérées dont la Turquie se trouverait encore redevable.

Article 56. – Le Conseil d'administration de la Dette publique ottomane ne comprendra plus de délégués des porteurs allemands, autrichiens et hongrois.

Article 57. – Sur le territoire des Hautes Parties contractantes, les délais de présentation de coupons d'intérêts afférents aux emprunts et avances de la Dette publique ottomane et des emprunts ottomans de 1855, 1891 et 1894 gagés sur le tribut d'Egypte, et les délais de présentation des titres desdits emprunts sortis au tirage en vue de leur remboursement, seront considérés comme ayant été suspendus depuis le 29 octobre 1914 jusqu'à l'expiration de trois mois après la mise en vigueur du présent Traité.

SECTION II. – CLAUSES DIVERSES

Article 58.

La Turquie renonce en faveur des autres Parties contractantes (à l'exception de la Grèce) à tout droit sur les sommes en or transférées par l'Allemagne et l'Autriche en vertu de l'article 259-1° du Traité de Paix du 28 juin 1919 avec l'Allemagne et de l'article 210-1° du Traité de Paix du 10 septembre 1919 avec l'Autriche.

Sont annulées toutes obligations de payement mises à la charge du Conseil d'administration de la Dette publique ottomane tant par la Convention du 20 juin 1331 (3 juillet 1915) relative aux bons de monnaie turcs de la première émission, que par le texte porté au verso de ces bons.

La Turquie convient également de ne pas demander au Gouvernement britannique ni à ses ressortissants la restitution des sommes payées pour les bâtiments de guerre qui avaient été commandés en Angleterre par le Gouvernement ottoman et qui ont été réquisitionnés par le Gouvernement britannique en 1914; elle renonce à toute réclamation de ce chef.

Article 60. – Les Etats en faveur desquels un territoire a été ou est détaché de l'Empire ottoman, soit à la suite des guerres balkaniques, soit par le présent Traité, acquerront gratuitement tous biens et propriétés de l'Empire ottoman situés dans ce territoire.

Il est entendu que les biens et propriétés dont les iradés du 26 août 1324 (8 septembre 1908), du 20 avril 1325 (2 mai 1909) ont ordonné le transfert de la Liste civile à l'Etat ainsi que ceux qui, au 30 octobre 1918, étaient administrés par la Liste civile au profit d'un service public, sont compris parmi les biens et propriétés visés à l'alinéa précédent, lesdits Etats étant subrogés à l'Empire ottoman en ce qui concerne ces biens et propriétés, les vakoufs constitués sur ces biens devant être respectés.

Le litige surgi entre le Gouvernement hellénique et le Gouvernement turc relativement aux biens et propriétés passés de la Liste civile à l'Etat et situés sur les territoires de l'ancien Empire ottoman transférés à la Grèce, soit à la suite des guerres balkaniques, soit postérieurement, sera soumis, selon un compromis à conclure, à un tribunal arbitral à La Haye, conformément au Protocole spécial n° 2 attaché au Traité d'Athènes du 1/14 novembre 1913.

Les dispositions du présent article ne modifieront pas la nature juridique des biens et propriétés inscrits au nom de la Liste civile ou administrés par elle et non visés aux alinéas 2 et 3 du présent article.

Article 61. – Les bénéficiaires de pensions civiles et militaires turques devenus, en vertu du présent Traité, ressortissants d'un Etat autre que la Turquie, ne pourront exercer du chef de leurs pensions aucun recours contre le Gouvernement turc.

Article 62. – La Turquie reconnaît le transfert de toutes les créances que l'Allemagne, l'Autriche, la Bulgarie et la Hongrie possèdent contre elle, conformément à l'Article 261 du Traité de Paix conclu à Versailles le 28 juin 1919 avec l'Allemagne et aux articles correspondants des Traités de Paix du 10 septembre 1919 avec l'Autriche, du 27 novembre 1919 avec la Bulgarie et du 4 juin 1920 avec la Hongrie.

Les autres Puissances contractantes conviennent de libérer la Turquie des dettes qui lui incombent de ce chef.

Les créances que la Turquie possède contre l'Allemagne, l'Autriche, la Bulgarie et Hongrie sont également transférées auxdites Puissances contractantes.

Article 63. – Le Gouvernement turc, d'accord avec les autres Puissances contractantes, déclare libérer le Gouvernement allemand des obligations contractées par celui-ci pendant la guerre d'accepter des billets émis par le Gouvernement turc à un taux de change déterminé, en payement de marchandises à exporter d'Allemagne en Turquie après la guerre.

PARTIE III. – CLAUSES ECONOMIQUES

Article 64. – Dans la présente Partie, l'expression "Puissances alliées" s'entend des Puissances contractantes autres que la Turquie : les termes "ressortissants alliés" comprennent les personnes physiques, les sociétés, associations et établissements, ressortissant aux Puissances contractantes autres que la Turquie, ou à un Etat ou territoire sous le protectorat d'une desdites Puissances.

Les dispositions de la présente Partie relatives aux "ressortissants alliés" profiteront aux personnes qui, sans avoir la nationalité des Puissances alliées, ont, en raison de la protection dont elles étaient, en fait, l'objet de la part de ces Puissances, reçu des autorités ottomanes le même traitement que les ressortissants alliés et ont, de ce chef, subi des dommages.

SECTION I. – BIENS, DROITS ET INTERETS

Article 65. – Les biens, droits et intérêts, qui existent encore et pourront être identifiés sur les territoires restés turcs à la date de la mise en vigueur du présent Traité, et qui appartiennent à des personnes étant, au 29 octobre 1914, ressortissants alliés, seront immédiatement restitués aux ayants droit, dans l'état où ils se trouvent.

Réciproquement, les biens, droits et intérêts, qui existent encore et pourront être identifiés sur les territoires placés sous la souveraineté ou le protectorat des Puissances alliées au 29 octobre 1914, ou sur des territoires détachés de l'Empire ottoman à la suite des guerres balkaniques et placés aujourd'hui sous la souveraineté desdites Puissances, et qui appartiennent à des ressortissants turcs, seront immédiatement restitués aux ayants droit, dans l'état où ils se trouvent. Il en sera de même des biens, droits et intérêts qui appartiennent à des ressortissants turcs sur les territoires détachés de l'Empire ottoman en vertu du présent Traité et qui auraient été l'objet de liquidations ou autres mesures exceptionnelles quelconques de la part des autorités des Puissances alliées.

Tous biens, droits et intérêts, qui sont situés sur un territoire détaché de l'Empire ottoman en vertu du présent Traité et qui, après avoir été l'objet d'une mesure exceptionnelle de guerre par le Gouvernement ottoman, sont actuellement entre les mains de la Puissance contractante exerçant l'autorité sur ledit territoire, et qui peuvent être identifiés, seront restitués à leur légitime propriétaire, dans l'état où ils se trouvent. Il sera de même des biens immobiliers qui auraient été liquidés par la Puissance contractante exerçant

l'autorité sur ledit territoire. Toutes autres revendications entre particuliers seront soumises à la juridiction compétente locale.

Article 66. – Pour l'exécution des dispositions de l'article 65, alinéas 1 et 2, les Hautes Parties contractantes remettrent, par la procédure la plus rapide, les ayants droit en la possession de leurs biens, droits et intérêts, libres des charges ou servitudes dont ceux-ci auraient été grevés sans le consentement desdits ayants droit. Il appartiendra au Gouvernement de la Puissance effectuant la restitution, de pourvoir à l'indemnisation des tiers qui auraient acquis directement ou indirectement dudit Gouvernement et qui se trouveraient lésés par cette restitution. Les différends pouvant s'élever au sujet de cette indemnisation seront de la compétence des tribunaux de droit commun.

Dans tous les autres cas, il appartiendra aux tiers lésés d'agir contre qui de droit pour être indemnisés.

A cet effet, tous actes de disposition ou autres mesures exceptionnelles de guerre auxquelles les Hautes Parties contractantes auraient procédé à l'égard des biens, droits et intérêts ennemis, seront immédiatement levés et arrêtés s'il s'agit d'une liquidation non encore terminée. Les propriétaires réclamants recevront satisfaction par la restitution immédiate de leurs biens, droits et intérêts, dès que ceux-ci auront été identifiés.

Au cas où, à la date de la signature du présent Traité, les biens, droits et intérêts, dont la restitution est prévue par l'article 65, se trouveraient avoir été liquidés par les autorités de l'une des Hautes Parties contractantes, celle-ci se trouvera libérée de l'obligation de restituer lesdits biens, droits et intérêts par le payement à leur propriétaire du produit de la liquidation. Au cas où, sur la demande du propriétaire, le Tribunal arbitral mixte prévu à la section V estimerait que la liquidation n'a pas été effectuée dans des conditions assurant la réalisation d'un juste prix, il pourra, à défaut d'accord entre les parties, augmenter le produit de la liquidation de telle somme qu'il jugera équitable. Lesdits biens, droits et intérêts seront restitués si le payement n'est pas effectué dans un délai de deux mois à compter de l'accord avec le propriétaire ou de la décision du Tribunal arbitral mixte visé ci-dessus.

Article 67. – La Grèce, la Roumanie, l'Etat serbe-croate-slovène, d'une part, et la Turquie, d'autre part, s'engagent à faciliter réciproquement, tant par des mesures administratives appropriées que par la livraison de tous documents y afférents, la recherche sur leur territoire et la restitution des objets mobiliers de toutes sortes enlevés, saisis ou séquestrés par leurs armées et leurs administrations sur le territoire de la Turquie ou respectivement sur le territoire de la Grèce, de la Roumanie et de l'Etat serbe-croate-slovène et qui se trouvent actuellement sur ce territoire.

La recherche et la restitution s'effectueront aussi pour les objets susvisés saisis ou séquestrés par les armées et administrations allemandes, austro-hongroises ou bulgares, sur le territoire de la Grèce, de la Roumanie ou de l'Etat serbe-croate-slovène, et qui auraient été attribués à la Turquie ou à ses ressortissants, ainsi que pour les objets saisis ou séquestrés par les armées grecques, roumaines ou serbes sur le territoire de la Turquie et qui auraient été attribués à la Grèce, à la Roumanie ou à l'Etat serbe-croate-slovène ou à leurs ressortissants.

Les requêtes afférentes à ces recherches et restitutions seront présentées dans un délai de six mois à dater de la mise en vigueur du présent Traité.

Article 70. – Les demandes fondées sur les articles 65, 66 et 69 devront être introduites auprès des autorités compétentes dans le délai de six mois, et, à défaut d'accord, auprès du Tribunal arbitral mixte dans le délai de douze mois à partir de la mise en vigueur du présent Traité.

Article 71. – L'Empire britannique, la France, l'Italie, la Roumanie et l'Etat serbe-croate-slovène, ou leurs ressortissants, ayant introduit des réclamations ou actions auprès du Gouvernement ottoman au sujet de leurs biens, droits et intérêts antérieurement au 29 octobre 1914, les dispositions de la présente section ne porteront point préjudice à ces réclamations ou actions. Il en sera de même des réclamations ou actions introduites auprès des Gouvernements britannique, français, italien, roumain et serbe-croate-slovène par le Gouvernement ottoman ou ses ressortissants. Ces réclamations ou actions seront poursuivies auprès du Gouvernement turc et auprès des autres Gouvernements visés au présent article dans les mêmes conditions, tout en tenant compte de l'abolition des Capitulations.

Article 72. – Dans les territoires demeurant turcs en vertu du présent Traité, les biens, droits et intérêts appartenant à l'Allemagne, à l'Autriche, à la Hongrie et à la Bulgarie ou à leurs ressortissants qui auraient fait l'objet, avant la mise en vigueur du présent Traité, de saisie ou d'occupation de la part des Gouvernements alliés, demeureront en la possession de ces derniers jusqu'à la conclusion d'arrangements à intervenir entre ces Gouvernements et les Gouvernements allemand, autrichien, hongrois et bulgare ou leurs ressortissants intéressés. Si ces biens, droits et intérêts ont fait l'objet de liquidations, ces liquidations sont confirmées.

Dans les territoires détachés de la Turquie en vertu du présent Traité, les Gouvernements y exerçant l'autorité pourront, dans le délai d'un an à dater de la mise en vigueur du présent Traité, liquider les biens, droits et intérêts appartenant à l'Allemagne, à l'Autriche, à la Hongrie et à la Bulgarie ou à leurs ressortissants.

Le produit des liquidations, qu'elles aient été déjà ou non effectuées, sera versé à la Commission des réparations établie par le Traité de Paix conclu avec l'Etat intéressé si les biens liquidés sont la propriété de l'Etat allemand, autrichien, hongrois ou bulgare. Il sera versé directement aux propriétaires si les biens liquidés sont une propriété privée.

Les dispositions du présent article ne s'appliquent pas aux sociétés anonymes ottomanes.

Le Gouvernement turc ne sera en aucune manière responsable des mesures visées par le présent article.

SECTION IV. – PROPRIETE INDUSTRIELLE, LITTERAIRE OU ARTISTIQUE

Article 90. – Les habitants des territoires détachés de la Turquie en vertu du présent Traité conserveront, nonobstant cette séparation et le changement de nationalité qui en résultera, la pleine et entière jouissance en Turquie de tous les droits de propriété industrielle et de propriété littéraire et artistique, dont ils étaient titulaires, suivant la législation ottomane, au moment de ce transfert.

Les droits de propriété industrielle, littéraire et artistique en vigueur sur les territoires détachés de la Turquie en vertu du présent Traité au moment de cette séparation ou qui seront rétablis ou restaurés par l'application de l'article 86, seront reconnus par l'Etat auquel sera transféré ledit territoire et demeureront en vigueur sur ce territoire pour la durée qui leur sera accordée suivant la législation ottomane.

PARTIE V. – CAUSES DIVERSES

3. *Dispositions générales*

Article 137. – Sauf stipulations contraires entre les Hautes Parties contractantes, les décisions prises ou les ordres donnés depuis le 30 octobre 1918 jusqu'à la mise en vigueur du présent Traité, par ou d'accord avec les autorités des Puissances ayant occupé Constantinople et concernant les biens, droits et intérêts de leurs ressortissants, des étrangers ou des ressortissants turcs et les rapports des uns et des autres avec les autorités de la Turquie, seront réputés acquis et ne pourront donner lieu à aucune réclamation contre ces puissances ou leurs autorités.

Toutes autres réclamations en raison d'un préjudice subi par suite des décisions ou ordres ci-dessus visés, seront soumis au Tribunal arbitral mixte.

Article 138. – En matière judiciaire seront réputés acquis, sans préjudice des dispositions des paragraphes IV et VI de la Déclaration en date de ce jour relative à l'amnistie, les décisions et ordres rendus en Turquie, depuis le 30 octobre 1918 jusqu'à la mise en vigueur du présent Traité, par tous juges, tribunaux ou autorités des Puissances ayant occupé Constantinople, ainsi que par la Commission judiciaire mixte provisoire constituée le 8 décembre 1921, ensemble des mesures d'exécution.

Toutefois, dans le cas où une réclamation serait présentée par un particulier en réparation d'un préjudice subi par lui au profit d'un autre particulier en raison d'une décision judiciaire émanant en matière civile d'un tribunal militaire ou de police, cette réclamation sera soumise à l'examen du Tribunal arbitral mixte, qui pourra, s'il y a lieu, imposer le payement d'une indemnité et même ordonner une restitution.

Article 139. – Les archives, registres, plans, titres et autres documents de toute nature qui, concernant les administrations civiles, judiciaires ou financières ou l'administration des vakoufs et se trouvant en Turquie, intéressent exclusivement le gouvernement d'un territoire détaché de l'Empire ottoman et réciproquement ceux qui, se trouvant sur un territoire détaché de l'Empire ottoman, intéressent exclusivement le Gouvernement turc, seront réciproquement remis de part et d'autre.

Les archives, registres, plans, titres et autres documents ci-dessus visés, dans lesquels le gouvernement détenteur se considère comme également intéressé, pourront être conservés par lui, à charge d'en donner, sur demande, au gouvernement intéressé les photographies ou les copies certifiées conformes.

Les archives, registres, plans, titres et autres documents qui auraient été enlevés soit de la Turquie, soit des territoires détachés, seront réciproquement

restitués en original, en tant qu'ils concernent exclusivement les territoires d'où ils auraient été emportés.

Les frais occasionnés par ces opérations seront à la charge du gouvernement requérant.

Les dispositions précédentes s'appliquent dans les mêmes conditions aux registres concernant la propriété foncière ou les vakoufs dans les districts de l'ancien Empire ottoman transférés à la Grèce postérieurement à 1912.

B. Cases after the Second World War

B. Cas postérieurs à la seconde guerre mondiale

1. Cession of territories by Italy to France, Yugoslavia and Greece, 1947

(a) TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND ITALY. SIGNED AT PARIS, ON 10 FEBRUARY, 1947[1]

PART I. TERRITORIAL CLAUSES

SECTION II. FRANCE (SPECIAL CLAUSES)

Article 6

Italy hereby cedes to France in full sovereignty the former Italian territory situated on the French side of the Franco-Italian frontier defined in Article 2.

Article 7

The Italian Government shall hand over to the French Government all archives, historical and administrative, prior to 1860, which concern the territory ceded to France under the Treaty of March 24, 1860, and the Convention of August 23, 1860.

SECTION IV. PEOPLE'S FEDERAL REPUBLIC OF YUGOSLAVIA (SPECIAL CLAUSES)

Article 11

1. Italy hereby cedes to Yugoslavia in full sovereignty the territory situated between the new frontiers of Yugoslavia as defined in Articles 3 and

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1 United Nations, *Treaty Series*, vol. 49, p. 3 *et seq.* Came into force on 15 September 1947.

22 and the Italo-Yugoslav frontier as it existed on January I, 1938, as well as the commune of Zara and all islands and adjacent islets lying within the following areas:

2. Italy hereby cedes to Yugoslavia in full sovereignty the island of Pelagosa and the adjacent islets.

Article 12

1. Italy shall restore to Yugoslavia all objects of artistic, historical, scientific, educational or religious character (including all deeds, manuscripts, documents and bibliographical material) as well as administrative archives (files, registers, plans and documents of any kind) which, as the result of the Italian occupation, were removed between November 4, 1918, and March 2, 1924, from the territories ceded to Yugoslavia under the treaties signed in Rapallo on November 12, 1920, and in Rome on January 27, 1924. Italy shall also restore all objects belonging to those territories and falling into the above categories, removed by the Italian Armistice Mission which operated in Vienna after the first World War.

2. Italy shall deliver to Yugoslavia all objects having juridically the character of public property and coming within the categories in paragraph 1 of the present Article, removed since November 4, 1918, from the territory which under the present Treaty is ceded to Yugoslavia, and those connected with the said territory which Italy received from Austria or Hungary under the Peace Treaties signed in St. Germain on September 10, 1919, and in the Trianon on June 4, 1920, and under the convention between Austria and Italy, signed in Vienna on May 4, 1920.

3. If, in particular cases, Italy is unable to restore or hand over to Yugoslavia the objects coming under paragraphs 1 and 2 of this Article, Italy shall hand over to Yugoslavia objects of the same kind as, and of approximately equivalent value to, the objects removed, in so far as such objects are obtainable in Italy.

SECTION V. GREECE (SPECIAL CLAUSE)

Article 14

1. Italy hereby cedes to Greece in full sovereignty the Dodecanese Islands indicated hereafter, namely Stampalia (Astropalia), Rhodes (Rhodos), Calki (Kharki), Scarpanto, Casos (Casso), Piscopis (Tilos), Misiros (Nisyros), Calimnos (Kalymnos), Leros, Patmos, Lipsos (Lipso), Simi (Symi), Cos (Kos) and Castellorizo, as well as the adjacent islets.

PART II. POLITICAL CLAUSES

SECTION II. NATIONALITY, CIVIL AND POLITICAL RIGHTS

Article 19

1. Italian citizens who were domiciled on June 10, 1940, in territory transferred by Italy to another State under the present Treaty, and their children born after that date, shall, except as provided in the following paragraph, become citizens with full civil and political rights of the State to which the territory is transferred, in accordance with legislation to that effect to be introduced by that State within three months from the coming into force of the present Treaty. Upon becoming citizens of the State concerned they shall lose their Italian citizenship.

The Government of the State to which the territory is transferred shall, by appropriate legislation within three months from the coming into force of the present Treaty, provide that all persons referred to in paragraph I over the age of eighteen years (or married persons whether under or over that age) whose customary language is Italian, shall be entitled to opt for Italian citizenship within a period of one year from the coming into force of the present Treaty. Any person so opting shall retain Italian citizenship and shall not be considered to have acquired the citizenship of the State to which the territory is transferred. The option of the husband shall not constitute an option of the part of the wife. Option on the part of the father, or, if the father is not alive, on the part of the mother, shall, however, automatically include all unmarried children under the age of eighteen years.

3. The State to which the territory is transferred may require those who take advantage of the option to move to Italy within a year from the date when the option was exercised.

Article 20

1. Within a period of one year from the coming into force of the present Treaty, Italian citizens over 18 years of age (or married persons whether under or over that age), whose customary language is one of the Yugoslav languages (Serb, Croat or Slovene), and who are domiciled on Italian territory may, upon filing a request with a Yugoslav diplomatic or consular representative in Italy, acquire Yugoslav nationality if the Yugoslav authorities accept their request.

2. In such cases, the Yugoslav Government will communicate to the Italian Government through the diplomatic channel lists of the persons who have thus acquired Yugoslav nationality. The persons mentioned in such lists will lose their Italian nationality on the date of such official communication.

3. The Italian Government may require such persons to transfer their residence to Yugoslavia within a period of one year from the date of such official communication.

4. For the purposes of this Article, the rules relating to the effect of options on wives and on children, set forth in Article 19, paragraph 2, shall apply.

5. The provisions of Annex XIV, paragraph 10 of the present Treaty, applying to the transfer of properties belonging to persons who opt for Italian nationality, shall equally apply to the transfer of properties belonging to persons who opt for Yugoslav nationality under this Article.

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ANNEX XIV

ECONOMIC AND FINANCIAL PROVISIONS RELATING TO CEDED TERRITORIES

1. The Successor State shall receive, without payment, Italian State and para-statal property within territory ceded to it under the present Treaty, as well as all relevant archives and documents of an administrative character or historical value concerning the territory in question, or relating to property transferred under this paragraph.

The following are considered as State or para-statal property for the purposes of this Annex: movable and immovable property of the Italian State, of local authorities and of public institutions and publicly owned companies and associations, as well as movable and immovable property formerly belonging to the Fascist Party or its auxiliary organizations.

2. All transfers effected after September 3, 1943, of Italian State and para-statal property as defined in paragraph 1 above shall be deemed null and void. This provision shall not, however, extend to lawful acts relating to current operations of State and para-statal agencies in so far as they concern the sale, within normal limits, of goods ordinarily produced or sold by them in the execution of normal commercial arrangements or in the normal course of governmental administrative activities.

3. Italian submarine cables connecting points in ceded territory, or connecting a point in ceded territory with a point in other territory of the Successor State, shall be deemed to be Italian property in the ceded territory, despite the fact that lengths of these cables may lie outside territorial waters. Italian submarine cables connecting a point in ceded territory with a point outside the jurisdiction of the Successor State shall be deemed to be Italian property in ceded territory so far as concerns the terminal facilities and the lengths of cables lying within territorial waters of the ceded territory.

4. The Italian Government shall transfer to the Successor State all objects of artistic, historical or archaeological value belonging to the cultural heritage of the ceded territory, which, while that territory was under Italian control, were removed therefrom without payment and are held by the Italian Government or by Italian public institutions.

5. The Successor State shall make arrangements for the conversion into its own currency of Italian currency held within the ceded territory by the persons continuing to reside in the said territory or by juridical persons continuing to carry on business there. Full proof of the source of the funds to be converted may be required from their holders.

6. The Government of the Successor State shall be exempt from the payment of the Italian public debt, but will assume the obligations of the Italian State towards holders who continue to reside in the ceded territory, or who, being juridical persons, retain their *siège social* or principal place of business there, in so far as these obligations correspond to that portion of this debt which has been issued prior to June 10, 1940, and is attributable to public works and civil administrative services of benefit to the said territory but not attributable directly or indirectly to military purposes.

Full proof of the source of such holdings may be required from the holders.

The Successor State and Italy shall conclude arrangements to determine the portion of the Italian public debt referred to in this paragraph and the methods for giving effect to these provisions.

7. Special arrangements shall be concluded between the Successor State and Italy to govern the conditions under which the obligations of Italian public or private social insurance organizations towards the inhabitants of the ceded territory, and a proportionate part of the reserves accumulated by the said organizations, shall be transferred to similar organizations in the Successor State.

Similar arrangements shall also be concluded between the Successor State and Italy to govern the obligations of public and private social insurance organizations whose *siège social* is in the ceded territory, with regard to policy holders or subscribers residing in Italy.

8. Italy shall continue to be liable for the payment of civil or military pensions earned, as of the coming into force of the present Treaty, for service under the Italian State, municipal or other local government authorities, by persons who under the Treaty acquire the nationality of the Successor State, including pension rights not yet matured. Arrangements shall be concluded between the Successor State and Italy providing for the method by which this liability shall be discharged.

9. The property, rights and interests of Italian nationals permanently resident in the ceded territories at the coming into force of the present Treaty shall, provided they have been lawfully acquired, be respected on a basis of equality with the rights of nationals of the Successor State.

The property, rights and interests within the ceded territories of other Italian nationals and also of Italian juridical persons, provided they have been lawfully acquired, shall be subject only to such legislation as may be enacted from time to time regarding the property of foreign nationals and juridical persons generally.

Such property, rights and interests shall not be subject to retention or liquidation under the provisions of Article 79 of the present Treaty, but shall be restored to their owners freed from any measures of this kind and from any other measure of transfer, compulsory administration or sequestration taken between September 3, 1943, and the coming into force of the present Treaty.

10. Persons who opt for Italian nationality and move to Italy shall be permitted, after the settlement of any debts or taxes due from them in ceded territory, to take with them their movable property and transfer their funds, provided such property and funds were lawfully acquired. No export or import duties will be imposed in connection with the moving of such property. Further, they shall be permitted to sell their movable and immovable property under the same conditions as nationals of the Successor State.

The removal of property to Italy will be effected under conditions and within the limits agreed upon between the Successor State and Italy. The conditions and the time periods of the transfer of the funds, including the proceeds of sales, shall likewise be agreed.

11. The property, rights and interests of former Italian nationals, resident in the ceded territories, who become nationals of another State under the present Treaty, existing in Italy at the coming into force of the Treaty, shall be respected by Italy in the same measure as the property, rights and interests of United Nations nationals generally.

Such persons are authorized to effect the transfer and the liquidation of their property, rights and interests under the same conditions as may be established under paragraph 10 above.

12. Companies incorporated under Italian law and having *siège social* in the ceded territory, which wish to remove *siège social* to Italy, shall likewise be dealt with under the provisions of paragraph 10 above, provided that more than fifty per cent of the capital of the company is owned by persons usually resident outside the ceded territory, or by persons who opt for Italian nationality under the present Treaty and who move to Italy, and provided also that the greater part of the activity of the company is carried on outside the ceded territory.

13. Debts owed by persons in Italy to persons in the ceded territory or by persons in the ceded territory to persons in Italy shall not be affected by the cession. Italy and the Successor State undertake to facilitate the settlement of such obligations. As used in this paragraph, the term "persons" includes juridical persons.

14. The property in ceded territory of any of the United Nations and its nationals, if not already freed from Italian measures of sequestration or control and returned to its owner, shall be returned in the condition in which it now exists.

(b) ACCORD ENTRE LA REPUBLIQUE ITALIENNE ET LA REPUBLIQUE POPULAIRE FEDERATIVE DE YOUGOSLAVIE, CONCERNANT LA REPARTITION DES ARCHIVES ET DES DOCUMENTS D'ORDRE ADMINISTRATIF OU D'INTERET HISTORIQUE SE RAPPORTANT AUX TERRITORIES CEDES AUX TERMES DU TRAITE DE PAIX, AVEC ANNEXE ET ECHANGES DE NOTES. SIGNE A ROME, LE 23 DECEMBRE 1950[1]

Le Gouvernement de la République italienne et le Gouvernement de la République populaire fédérative de Yougoslavie, dans le but de régler la répartition des archives et des documents d'ordre administratif ou d'intérêt historique se rapportant aux territoires cédés aux termes du Traité de Paix, sont convenus de ce qui suit :

Article 1

Le Gouvernement italien remettra au Gouvernement yougoslave toutes les archives et tous les documents d'ordre administratif ou d'intérêt historique, visés au paragraphe 1 de l'Annexe XIV au Traité de Paix, qui se trouvent ou qui rentreront en la possession de l'Etat italien, des collectivités publiques locales des établissements publics et des sociétés et associations de propriété publique.

Dans le cas où le matériel en question ne se trouverait pas en Italie, le Gouvernement italien s'efforcera de le recouvrer et de le remettre au Gouvernement yougoslave.

Article 2

Sont visés sous la dénomination d'archives et documents d'ordre administratif aussi bien les actes de l'administration centrale que ceux des administrations publiques locales.

Sont particulièrement considérés comme ayant trait aux territoires cédés aux termes de l'Annexe XIV, paragraphe 1 :

– les actes relatifs au territoire proprement dit et les actes relatifs aux biens cédés aux termes du paragraphe susdit, tels que registres, cartes et plans cadastraux; plans, dessins, projets, statistiques et autres documents similaires des administrations techniques, concernant entre autres les travaux publics, les chemins de fer, les mines, les eaux publiques, les ports et les chantiers maritimes;

– les actes intéressant soit l'ensemble, soit une catégorie de la population, tels que : actes de l'état civil, statistiques, registres ou autres preuves documentaires des diplômes d'instruction, ou des certificats d'aptitude à l'exercice de certaines professions;

– les actes concernant certaines catégories de biens, de situations ou de rapports juridiques privés, tels que : actes notariés; dossiers judiciaires, y compris les dépôts judiciaires en argent et autres valeurs, pourvu qu'il s'agisse de biens situés dans les territoires cédés ou de personnes y domiciliées, ainsi

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1 Nations Unies, *Recueil des Traités*, vol. 171, p. 291. Entré en vigueur le 23 décembre 1950.

que les dossiers judiciaires concernant la procédure criminelle relevant des autorités judiciaires qui étaient compétentes pour les territoires cédés et visant les personnes ayant leur résidence effective dans ces mêmes territoires, à l'exception des dossiers concernant les crimes pour lesquels l'extradition n'est pas admise.

Sous la dénomination d'archives et documents historiques sont visés, outre le matériel d'archives d'intérêt historique proprement dit, les documents, les actes, les plans et les projets concernant les monuments d'intérêt historique et culturel.

Article 3

En vue de l'exécution du présent Accord, il est constitué une Commission mixte, composée, pour chaque partie, de trois membres, lesquels pourront s'adjoindre des experts chaque fois qu'ils le jugeront nécessaire.

Article 6

Les cadastres, les livres fonciers, les registres d'état civil, les registres des impôts, les actes et documents concernant l'établissement et la perception des impôts et des taxes, les plans et élaborats des administrations techniques et le matériel que la Commission jugera d'intérêt commun pour les deux Parties ainsi que le matériel que la Commission jugera indivisible, seront attribués à celle des deux Parties qui, d'après l'avis de la Commission, sera la plus intéressée à la possession des documents en question, selon l'extension du territoire ou le nombre des personnes, des institutions ou des sociétés auxquelles ces documents se rapportent. Dans ce cas, l'autre Partie en recevra une copie qui lui sera remise par la Partie détenant l'original.

Au cas où il existerait plus d'un original, la remise d'un seul de ces originaux sera considérée suffisante.

Article 7

La remise des archives et documents sera faite dans le plus bref délai possible.

En particulier, le Gouvernement italien prendra toutes les mesures nécessaires afin de récupérer et de remettre au Gouvernement yougoslave, dans le plus court délai, le matériel indiqué à l'Annexe au présent Accord.

Le Gouvernement italien communiquera au Gouvernement yougoslave le résultat de ces recherches, ainsi que les lieux où les documents en question se trouvent déposés, dans un court délai, et, si possible, dans les trois mois à partir du jour de l'entrée en vigueur du présent Accord; toutefois, le matériel mentionné au point 1 de l'Annexe sera remis au Gouvernement de la R.P.F. de Yougoslavie dans le plus court délai, à savoir immédiatement après la décision de la Commission mixte.

En ce qui concerne les documents visés aux points 4, 7 et 8 de l'Annexe se référant aux constructions, installations, travaux, etc., non exécutés, le Gouvernement italien examinera pour chaque cas, dans l'esprit le plus large et sur la demande du Gouvernement yougoslave, la possibilité de céder ces documents, ou d'en faciliter la vente, s'il s'agit de la propriété de particuliers.

Article 8

Le transfert du matériel sera exempt de toute espèce d'impôt ou de taxe.

Chacune des deux Parties contractantes assumera les frais de transport du matériel en question sur son territoire.

Article 9

Le Gouvernement italien s'engage à conserver tout le matériel jusqu'à la livraison définitive et à n'en faire aucun triage avant d'en avoir informé le Gouvernement de la R.P.F. de Yougoslavie; seulement si, dans le délai de trois mois après la date de cette communication, le Gouvernement yougoslave ne s'y oppose pas, on pourra procéder au triage en question.

ANNEXE

MATERIEL VISE A L'ARTICLE 7

1. Cadastres, livres fonciers et registres de l'état civil des territoires cédés.
2. Dossiers judiciaires des anciennes prétures d'Ajdovscina (Aidusina), de Kanal (Canale), de Kobarid (Caporetto), de Sezana (Sesana), d'Ilirska Bistrica (Villa del Nevoso), d'Idrija (Idria), de Cerkno (Cerchina).
3. Documents techniques concernant les routes et les chemins de fer.
4. Copie des statistiques du trafic des marchandises et des voyageurs; documents relatifs à la construction et reconstruction des ports, y compris tous les projets, dessins, etc., ainsi que tous les documents se rapportant aux constructions maritimes existantes (chantiers, usines, magasins, phares, etc.) et à la construction des navires affectés d'une façon permanente au service des ports des territoires cédés.
5. Archives techniques et documents concernant les centrales électriques, les câbles à haute tension et les stations de transformation des territoires cédés.
6. Cartes topographiques, profils, projets et dessins des mines; extraits des livres des mines concernant les droits minétaires, ainsi que tout autre matériel éventuel concernant les mines dans les territoires cédés.
7. Plans, élaborats et autre matériel concernant les industries, existant sur les territoires cédés.
8. Statistiques, documentation hydrographique et documentation concernant les installations hydrauliques existant dans les territoires cédés.
9. Statistiques et documentation concernant l'agriculture dans les territoires cédés y compris les archives et les livres du haras de Lipica (Lipizza).
10. Archives, plans et statistiques des forêts.
11. Plans détaillés du câble international de 45 km entrant en territoire yougoslave près de Kobarid (Caporetto) et en sortant près de Predil.
12. Matériel d'archives d'intérêt historique concernant les territoires cédés se trouvant près la Bibliothèque provinciale de Gorizia.

ECHANGE DE NOTES

I

J'ai l'honneur de porter à votre connaissance que le Gouvernement de la R.P.F. de Yougoslavie a décidé d'accueillir favorablement le désir exprimé par le Gouvernement de la République italienne, à savoir que les organes yougoslaves compétents délivrent selon une procédure rapide les différents documents qui pourraient être nécessaires aux

personnes jadis domiciliées dans les territoires cédés à la Yougoslavie et actuellement résidant en Italie.

Par conséquent, lesdites personnes pourront demander et obtenir ces documents directement des organes yougoslaves compétents, sans aucun frais de légalisation. Le Gouvernement de la R.P.F. de Yougoslavie prendra les mesures nécessaires afin que ses organes délivrent les documents dont il s'agit dans le plus court délai.

En outre, le Gouvernement yougoslave remettra au Gouvernement italien :

1) les extraits des listes se trouvant dans les bureaux de l'état civil des communes de Fiume, Pola et Zara et se rapportant aux personnes qui ont acquis la nationalité italienne aux termes des traités de Saint-Germain, Rappallo et Nettuno, et qui résident actuellement en Italie;

2) les actes concernant les contribuables qui avaient précédemment leur résidence dans les territoires cédés, ou étaient inscrits dans les rôles de ces mêmes territoires, et qui se sont maintenant établis en Italie et y ont élu nouveau dommicile : en particulier, les actes visant les contributions directes (sauf les impôts fonciers), les taxes et les contributions indirectes sur les affaires, et, pour ces dernières, les articles des états des recettes publiques *(articoli dei campioni)* concernant toutes dettes envers le trésor public en cours de vérification ou de perception, demeurés en la possession des bureaux de vérification des territoires cédés.

Les actes susmentionnés pourront être remis en original chaque fois qu'ils ne présenteraient plus d'intérêt pour la Yougoslavie;

3) les dossiers personnels des fonctionnaires et employés (aussi bien titulaires qu'auxiliaires) de l'administration centrale et des administrations locales ou autonomes italiennes, qui étaient précédemment en service dans les territoires cédés et se trouvent actuellement en Italie;

4) les duplicata, pour autant qu'ils existent, ou bien des copies photographiques (dont les frais seraient à charge de l'Italie) des registres d'état civil (naissance, décès, mariages, nationalité, etc.) des villes de Fiume, Pola et Zara.

Il est entendu que le matériel mentionné aux numéros I à 3 sera remis à l'Italie pour autant qu'il n'aurait pas été détruit par suite d'opérations de guerre.

La présente lettre, ainsi que la réponse de V. E., forme partie intégrante de l'Accord, que nous venons de signer, concernant la répartition des archives.

II

J'ai l'honneur d'accuser réception de la lettre de V. E. en date d'aujourd'hui rédigée dans les termes suivants :

[Voir note I.]

J'ai l'honneur de déclarer à V. E. que le Gouvernement italien est d'accord sur ce qui précède.

Je vous prie d'agréer, Monsieur le Ministre, l'assurance de ma haute considération.

(c) ACCORD ENTRE LA REPUBLIQUE ITALIENNE ET LA REPUBLIQUE POPULAIRE FEDERATIVE DE YOUGOSLAVIE PORTANT LE REGLEMENT DEFINITIF DE TOUTES LES OBLIGATIONS RECIPROQUES DE CARACTERE ECONOMIQUE ET FINANCIER DECOULANT DU TRAITE DE PAIX ET DES ACCORDS SUCCESSIFS, AVEC ECHANGE DE LETTRES. SIGNE A BELGRADE, LE 18 DECEMBRE 1954[1]

1 Nations Unies, *Recueil des Traités*, vol. 284, p. 239. Entré en vigueur le 10 février 1956.

Article 1

PENSIONS CIVILES ET MILITAIRES, PAR. 8 DE L'ANNEXE XIV AU TRAITE DE PAIX

Les organisations compétentes yougoslaves assumeront, à partir du 15 septembre 1947, et dans le cadre des dispositions de la législation yougoslave, le service des pensions civiles et militaires envers les personnes visées au par. 8 de l'Annexe XIV au Traité de Paix, les droits à pensions non encore échus y inclus.

Le service des pensions civiles et militaires, y inclus les droits à pensions non encore échus, envers les personnes qui, ayant usé leur droit d'option, ont transféré leur résidence dans le territoire de la Partie contractante pour la nationalité de laquelle ils ont opté, sera, dans le cadre des dispositions de sa législation, à la charge de cette partie contractante.

Aucune obligation de paiement entre les parties contractantes ou leurs institutions ne pourra résulter du fait de l'application du présent article ou du fait des paiements des pensions civiles ou militaires que l'une des parties contractantes avait effectués avant l'entrée en vigueur du présent accord aux personnes ayant opté pour la nationalité de l'autre Partie contractante.

Par conséquent, l'obligation de l'Italie au paiement des pensions civiles et militaires prévue au par. 8 de l'Annexe XIV au Traité de Paix (par. 2 de l'annexe B à l'Accord du 23 décembre 1950), compte tenu du versement déjà fait par le Gouvernement italien en conformité avec l'article 2 de l'Accord du 23 décembre 1950, est considérée comme définitivement réglée.

Article 2

BIENS ITALIENS ET QUESTIONS Y RELATIVES

Sont considérées comme définitivement réglées les indemnités dues par le Gouvernement yougoslave à titre de :

1) Tous les biens, droits et intérêts, les participations directes ou indirectes comprises, situés dans le territoire yougoslave d'avant-guerre ou sur le territoire cédé et ayant appartenu à des personnes physiques ou morales italiennes, qui ont été soumis à la nationalisation, à la réforme agraire, à toute autre mesure de caractère général affectant la propriété ou aux mesures visées à l'article 7 de l'Accord du 23 mai 1949.

Comme personnes physiques italiennes aux fins du présent Accord seront considérées toutes les personnes physiques qui, jusqu'à l'entrée en vigueur du Traité de Paix, avaient la nationalité italienne, et après cette date n'ont pas acquis la nationalité yougoslave ou dont l'égalité en droits et devoirs avec les nationaux yougoslaves n'est pas reconnue par la législation yougoslave.

Comme personnes morales italiennes seront considérées, aux fins du présent Accord, toutes les personnes morales de droit italien qui, jusqu'à l'entrée en vigueur du Traité de Paix, n'avaient pas leur siège social sur le territoire cédé ainsi que celles qui, après l'entrée en vigueur dudit Traité, ont transféré leur siège social hors dudit territoire.

2) *a)* Tous les biens, droits et intérêts situés sur le territoire yougoslave et appartenant à des personnes dont l'option pour la nationalité italienne a été reconnue par les deux Gouvernements ou sera reconnue en application de

la lettre A annexée au présent Accord, quelle que soit la situation juridique de tels biens, droits et intérêts;

b) Toutefois, la question, si les biens libres suités sur le territoire yougoslave et appartenant à des personnes dont l'option pour la nationalité italienne a été reconnue par les deux Gouvernements et pour lesquels les propriétaires n'ont pas présenté jusqu'au 5 octobre 1954 la déclaration de vente *(dichiarazione di vendita)* sont couverts par la lettre *a)* du présent paragraphe, sera réglée par un accord ultérieur entre les deux Gouvernements.

Le statut actuel de la propriété des biens mentionnés dans la lettre *b)* du présent paragraphe ne pourra pas être modifiée jusqu'à la conclusion de cet accord ultérieur.

Il est entendu que le paiement et l'utilisation du montant de 30 millions de dollars stipulé à l'article 11 du présent accord ne pourront être liés d'aucune façon au règlement de la question des biens visés à la lettre *b)* du présent paragraphe.

Le Gouvernement italien s'engage de communiquer au Gouvernement yougoslave le 5 février 1955 au plus tard la liste de tous les optants ayant fait la déclaration de vente pour tous leurs biens en Yougoslavie ainsi que de leurs biens. Selon les renseignements dont dispose la Délégation italienne les déclarations de vente des optants auraient été faites dans 4 900 cas.

3) Tous les biens, droits et intérêts non couverts par les dispositions des par. 1 et 2 du présent article mais qui ont été portés par le Gouvernement italien ou par la Délégation italienne à la Commission mixte yougoslavo-italienne instituée en vertu de l'Accord du 23 mai 1949 devant ladite Commission mixte, à l'exception de ceux pour lesquels la Commission mixte a, d'un commun accord, trouvé qu'ils ne tombent pas sous le coup de l'Accord de Beograd du 23 mai 1949.

Tous les biens, droits et intérêts visés par le présent article deviennent en vertu du présent Accord propriété de la République populaire fédérative de Yougoslavie pour autant qu'ils ne le sont pas devenus en vertu d'un titre antérieur. Les biens italiens non couverts par le présent article jouiront du traitement accordé par la législation yougoslave.

Le Gouvernement italien ne soutiendra pas les demandes en indemnisation éventuelles des personnes dont l'option pour la nationalité italienne ne sera pas reconnue par les deux Gouvernements, même si ces personnes deviennent ultérieurement citoyens italiens.

Le présent article règle en totalité toutes les questions visées aux par. 4, 5, 6 et 7 de l'annexe B à l'accord du 23 décembre 1950.

Les questions relatives aux biens liquidés en application de l'article 79 du Traité de Paix, sont réglées par l'article 3 du présent Accord.

Comme base de calcul pour l'indemnité à payer aux intéressés, le montant global de la valeur des biens visés au présent article est provisoirement fixé au chiffre de 72 millions de dollars.

Article 4

BANQUES, CAISSES D'EPARGNE, ETC.

En relation avec les mesures de nationalisation prises par le Gouvernement de la République populaire fédérative de Yougoslavie, envers les établisse-

ments sous-indiqués, les questions financières relatives aux banques, aux caisses d'épargne et à tous les autres instituts de crédit, sur le territoire cédé, sont réglées de la manière suivante :

1) le Gouvernement italien, à son nom et au nom des banques, des caisses d'épargne, des caisses postales italiennes et de tous les instituts italiens de crédit, cède au Gouvernement yougoslave tous les crédits, les droits et les intérêts que les mêmes instituts réclament envers des personnes physiques et morales résidant ou ayant leur siège sur le territoire de la République populaire fédérative de Yougoslavie;

Le Gouvernement yougoslave s'engage à payer les dettes et les obligations des instituts susdits, y compris les obligations envers l'ancien personnel, à l'égard des personnes physiques et morales résidant ou ayant leur siège sur le territoire de la République populaire fédérative de Yougoslavie;

2) le Gouvernement yougoslave cède au Gouvernement italien à son nom et au nom des banques, des caisses d'épargne, et de tous les instituts de crédit sur le territoire cédé, tous les crédits, les droits et les intérêts que les mêmes instituts réclament envers des personnes physiques et morales résidant ou ayant leur siège sur le territoire de la République italienne;

Le Gouvernement italien s'engage à payer les dettes et les obligations des instituts susdits, y compris les obligations envers l'ancien personnel à l'égard des personnes physiques et morales résidant ou ayant leur siège sur le territoire de la République Italienne;

3) le même règlement est appliqué aux dépôts en garde ou à titre de garantie aux dépôts en numéraire, aux dépôts des titres ou d'autres valeurs;

4) le présent Accord règle les créances, les dettes, les droits et les intérêts, les dépôts en garde ou à titre de garantie et tout autre droit et avoir qui existaient au moment auquel les autorités du Gouvernement yougoslave, civiles ou militaires ou bien les autorités populaires locales ont pris possession des instituts susdits ou de leurs succursales ou bien en ont dirigé l'activité;

5) le présent Accord s'applique aussi aux instituts en liquidation et il règle toutes les questions relatives aux banques, aux caisses d'épargnes, aux caisses postales et à tout autre institut de crédit, dont au paragraphe 9 de l'Annexe B à l'Accord du 23 décembre 1950 y compris les avoirs éventuels que les mêmes instituts possèdent envers des personnes physiques ou morales ou instituts existant en Italie, avec la cession réciproque expresse aux Gouvernements respectifs de tous les droits, actions en justice et réclamations envers les instituts mêmes.

6) les deux Gouvernements échangeront tous les documents et les informations ainsi que les extraits de comptabilité et les documents nécessaires aux fins de l'exécution du présent Accord.

Article 5

CREANCES PRIVEES

Les créances des personnes physiques et morales italiennes envers des personnes physiques et morales yougoslaves et vice versa (par. 11 de l'Annexe B à l'Accord du 23 décembre 1950) sont considérées comme compensées dans les rapports entre les deux Gouvernements.

Elles seront réglées de la manière suivante :

1) le Gouvernement italien s'engage à régler les créances des ressortissants italiens envers les ressortissants yougoslaves ayant pris naissance jusqu'au 15 septembre 1947 pour autant que les créanciers italiens auraient obtenu le paiement de leurs créances par les débiteurs yougoslaves. Les débiteurs yougoslaves se libéreront de leurs dettes en déposant les montants dus sur un compte qui sera établi à cet effet auprès de la Banque nationale de la République populaire fédérative de Yougoslavie;

2) le Gouvernement yougoslave s'engage à régler les créances des ressortissants yougoslaves envers les ressortissants italiens ayant pris naissance jusqu'au 15 septembre 1947 pour autant que les créanciers yougoslaves auraient obtenu le paiement de leurs créances par les débiteurs italiens. Les débiteurs italiens se libéreront de leurs dettes en déposant les montants dus sur un compte qui sera établi à cet effet auprès de l'institution qui sera désignée ultérieurement par le Gouvernement italien;

3) les sommes versées sur les comptes susdits deviendront la propriété des Gouvernements respectifs comme compensation de leur obligation prise dans les alinéas précédents pour régler les créanciers ressortissants de leur pays;

4) les deux Gouvernements échangeront tous les renseignements dont ils disposent afin de rendre possible le paiement et l'encaissement des créances et dettes visées dans le présent article. Les créanciers pourront en outre employer pour la reconnaissance de leurs créances tous les moyens accordés par la législation de l'Etat territorial;

5) toutes les participations des personnes physiques et morales italiennes dans les personnes morales ayant leur siège sur le territoire yougoslave sont liquidées et réglées par l'article 2 du présent Accord.

Article 6

COMPTES SPECIAUX

Sont considérés réglés et compensés par le présent Accord les soldes à la date de ce jour du "Compte spécial en lires" et du "Compte spécial en dinars" prévus à l'article 1 de l'Accord entre la République populaire fédérative de Yougoslavie et la République italienne concernant le transfert des fonds des optants paraphé à Beograd le 30 août 1948 et signé à Rome le 23 décembre 1950.

Le Gouvernement italien payera la contre-valeur des sommes versées dans le "Compte spécial en dinars" aux ayants droit en Italie selon les modalités établies entre les deux Gouvernements.

La Banque nationale de la République populaire fédérative de Yougoslavie mettra les montants en dinars des comptes spéciaux dont au premier alinéa à la disposition du Gouvernement yougoslave.

Le Gouvernement italien remboursera à l' "Ufficio Italiano dei Cambi" les montants en lires des comptes spéciaux susdits.

Par le règlement prévu ci-dessus, les comptes spéciaux susindiqués sont à considérer définitivement clos.

Article 7

QUESTIONS FERROVIAIRES ET POSTALES

1. Sont considérées comme définitivement réglées par le présent Accord :

a) toutes les obligations réciproques existant avant la guerre entre les Administrations postales yougoslave et italienne ainsi qu'entre les Chemins de fer yougoslaves et les Chemins de fer de l'Etat italien y compris les créances envers les Chemins de fer yougoslaves découlant de l'arrangement du 6 juillet 1950 entre les Chemins de fer yougoslaves et les Chemins de fer de l'Etat italien relatifs aux tarifs ferroviaires spéciaux;

b) l'obligation du Gouvernement italien de restituer les wagons et voitures enlevés pendant la guerre du territoire yougoslave (art. 75 du Traité de Paix);

c) les questions de la répartition du matériel roulant prévue au par. 18 de l'Annexe XIV au Traité de Paix.

2. Le Gouvernement italien, au nom des Chemins de fer de l'Etat italien, reconnait aux Chemins de fer yougoslaves la propriété sur tout le matériel roulant de provenance italienne qui se trouvait en possession des Chemins de fer yougoslaves en date du 1er septembre 1947 et n'était pas retourné jusqu'à la signature du présent Accord.

3. Le Gouvernement yougoslave, au nom des Chemins de fer yougoslaves, reconnait aux Chemins de fer de l'Etat italien, la propriété sur tout le matériel roulant de provenance yougoslave qui se trouvait sur le territoire italien en date du 1er septembre 1947 et n'était pas retourné jusqu'à la signature du présent Accord.

4. Jusqu'à la conclusion d'un accord spécial entre les deux administrations de chemins de fer, les Chemins de fer de l'Etat italien continueront, pour assurer le trafic normal sur la ligne Sezana-Rijeka, à fournir l'énergie électrique nécessaire par la sous-station de Poggio Reale-Campagna, aux mêmes conditions de paiements que jusqu'à présent.

Article 8

REPARATIONS ET AUTRES QUESTIONS

Sont également considérées comme définitement réglées les obligations réciproques suivantes :

2) toutes les obligations entre les instituts d'assurance sociale, italiens et yougoslaves, découlant du paragraphe 7 de l'Annexe XIV au Traité de Paix (par. 3 de l'Annexe B à l'Accord du 23 décembre 1950);

Le Gouvernement yougoslave et le Gouvernement italien régleront toutes les questions dérivant de l'application de la présente disposition par un échange de notes qui, quand il aura lieu, sera considéré comme partie intégrante du présent Accord;

3) la répartition de la Dette publique italienne prévue au par. 6 de l'Annexe XIV au Traité de Paix (par. 10 de l'Annexe B à l'Accord du 23 décembre 1950);

Le Gouvernement yougoslave remettra au Gouvernement italien, dans un délai de six mois à partir de l'entrée en vigueur du présent Accord, les titres de la Dette publique italienne se trouvant sur le territoire cédé, y compris les *buoni postali fruttiferi;*

Le Gouvernement italien ne sera pas tenu d'assurer le service des titres de la Dette publique italienne y compris les *buoni postali fruttiferi* dont au paragraphe 6 de l'Annexe XIV au Traité de Paix, qui pourraient être présentés par des personnes physiques qui ont maintenu leur résidence dans le territoire cédé et par des personnes morales qui y ont conservé leur siège social;

4) les créances yougoslaves publiques et privées visées au par. 12 de l'Annexe B à l'Accord du 23 décembre 1950 (l'indemnisation des dommages causés par le bombardement de Bitolj, la dette italienne en Kounes croates, les *vaglia cambiari*, tirées sur la Banque d'Italie par la "Hranilnica Ljubljanske pokrajine" et par les autorités allemandes et se trouvant en possession de la Banque nationale de la République populaire fédérative de Yougoslavie);

La Banque nationale de la République populaire fédérative de Yougoslavie remettra à la Banque d'Italie, pour le compte du Gouvernement italien, les *vaglia cambiari* en question dans un délai de trois mois à partir de l'entrée en vigueur du présent Accord;

5) les comptes de clearing existant jusqu'au 28 novembre 1947, date de la reprise des rapports de paiements;

Les soldes des comptes susdits seront réglés, du côté yougoslave, entre la Banque nationale de la République populaire fédérative de Yougoslavie et le Gouvernement yougoslave et, du côté italien, entre l' "Ufficio Italiano dei Cambi", en sa qualité de liquidateur de l'Istituto Nazionale per i Cambi con l'Estero, et le Gouvernement italien;

6) toutes les questions relatives à la circulation monétaire visées au par. 18 de l'Annexe B à l'Accord du 23 décembre 1950;

7) la répartition de l'outillage des ports, en relation au par. 18 de l'Annexe XIV du Traité de Paix;

8) l'obligation du Gouvernement italien envers le Gouvernement yougoslave au paiement de la somme de 34 760 180 lires italiennes prévue par l'article 10 de l'Accord entre le Gouvernement de la République populaire fédérative de Yougoslavie et le Gouvernement de la République Italienne, signé à Rome le 26 juillet 1954 et concernant l'alimentation en eau de la Commune de Gorizia, conformément à l'Annexe V du Traité de Paix avec l'Italie.

Article 11

Le solde de toutes les créances et dettes réciproques, visées par le présent Accord, est fixé à la somme de 30 millions de dollars USA, en faveur du Gouvernement yougoslave. Le Gouvernement italien s'engage à ne pas lier le paiement de ladite somme au règlement de n'importe quelle réclamation présente ou future. Cette somme sera en outre exempte de tout acte de saisie ou de séquestre.

Le Gouvernement italien mettra ladite somme à la disposition du Gouvernement yougoslave chez l' "Ufficio Italiano dei Cambi", selon les modalités prévues à la lettre "G" annexée au présent Accord.

Article 12

Etant donné que le présent Accord constitue le règlement définitif de toutes les obligations réciproques de caractère économique et financier découlant du Traité de Paix et des Accords successifs, les deux Gouvernements contractants déclarent qu'aucune réclamation ayant les mêmes caractère et origine que les obligations ci-dessus mentionnées, ne pourra plus être présentée et soutenue ni par les deux Gouvernements ni par leurs ressortissants.

Les obligations découlant du Traité de Paix n'ayant pas un caractère économique et financier, notamment l'obligation de l'Italie d'effectuer la restitution d'objets présentant un intérêt artistique, historique ou archéologique, les obligations prévues au par. 9 de l'article 75 du Traité de Paix et par. 4 de l'Annexe XIV audit Traité, les obligations découlant de l'Accord sur la répartition d'archives du 23 décembre 1950, ne sont pas réglées par le présent Accord.

Le présent Accord ne modifie pas la situation juridique des biens visés à la litt. *a)* de l'article II de l'Accord d'Udine du 3 février 1949.

Les biens meubles visés à l'article premier de l'Accord concernant le transfert des biens meubles des optants signé à Beograd le 18 août 1948, appartenant à des optants qui ont gardé jusqu'à présent leur résidence sur le territoire yougoslave ou pour lesquels le délai prévu par l'article premier de l'Accord du 18 août 1948 pour le transfert des biens meubles n'est pas expiré jusqu'aujourd'hui, ne sont pas inclus dans la compensation générale prévue par le présent Accord.

ECHANGE DE LETTRES

I. – *Lettre A*

Président de la délégation yougoslave

Un certain nombre de demandes d'option pour la nationalité italienne, visées aux lettres annexées à l'Accord pour le réglement de certaines questions relatives aux options en date du 23 décembre 1950, n'a pas été jusqu'à présent reconnu par les deux Gouvernements.

Pour faciliter le règlement définitif de la situation des personnes intéressées le Gouvernement yougoslave est prêt à reconnaître les options pour la nationalité italienne visées plus haut, pour lesquelles le Gouvernement italien l'informera jusqu'à la date du 31 mars 1955 qu'il est également prêt à les reconnaître.

Les demandes d'option qui ne seront pas acceptées de cette manière seront considérées comme définitivement rejetées.

La procédure prévue par la présente remplace celle prévue par la lettre annexée à l'Accord pour le règlement de certaines questions relatives aux options en date du 23 décembre 1950.

Il reste entendu que la présente lettre et votre réponse forment partie intégrante de l'Accord portant le règlement de toutes les obligations

réciproques de caractère économique et financier découlant du Traité de Paix et des Accords successifs que nous venons de signer.

II. – *Lettre A*

Président de la délégation italienne

J'ai l'honneur d'accuser réception de votre lettre datée d'aujourd'hui rédigée comme suit :

[Voir lettre I.]

J'ai l'honneur de vous informer que mon Gouvernement est d'accord sur ce qui précède.

III. – *Lettre B*

Président de la délégation yougoslave

Au cours des négociations qui ont eu lieu en vue de la conclusion de l'Accord signé en date d'aujourd'hui, la Délégation italienne a soulevé la question de l'application de l'article 79 du Traité de Paix aux immeubles appartenant au service consulaire italien dans le territoire yougoslave d'avant-guerre.

J'ai l'honneur de vous faire savoir que le Gouvernement yougoslave est disposé à régler cette question au sens du point 6 de l'article 79 du Traité de Paix par le voie diplomatique normale.

IV. – *Lettre B*

Président de la délégation italienne

J'ai l'honneur d'accuser réception de votre lettre datée d'aujourd'hui rédigée comme suit :

[Voir lettre III.]

J'ai l'honneur de vous informer que mon Gouvernement est d'accord sur ce qui précède.

V. – *Lettre C*

Président de la délégation yougoslave

Me référant à l'article 8 point 6 de l'Accord signé aujourd'hui, j'ai l'honneur de vous informer que la Banque nationale de la République populaire fédérative de Yougoslavie fera toutes les recherches nécessaires pour établir le sort définitif des signes monétaires retirés de la circulation.

La Banque nationale de la République populaire fédérative de Yougoslavie ne manquera pas de communiquer aux autorités compétentes italiennes les résultats de ses recherches et le cas échéant de restituer les signes monétaires retirés dont l'existence sur le territoire yougoslave serait constatée.

VI. – *Lettre C*

Président de la délégation italienne

J'ai l'honneur d'accuser réception de votre lettre datée d'aujourd'hui rédigée comme suit :

[Voir lettre V.]

J'ai l'honneur de vous informer que mon Gouvernement est d'accord sur ce qui précède.

VII. – *Lettre D*

Président de la délégation yougoslave

Me référant aux négociations qui ont abouti à l'Accord signé aujourd'hui et notamment à l'article 6 de l'Accord même, j'ai l'honneur de vous proposer que, dans le cas où de nouvelles options seront reconnues par le Gouvernement yougoslave, les fonds liquides des titulaires de ces options tomberont sous la réglementation générale yougoslave en matière de change pour autant que les deux gouvernements n'ont pas conclu des arrangements à ce sujet.

Il reste entendu que la présente lettre et votre réponse forment partie intégrante de l'Accord portant le règlement de toutes les obligations réciproques de caractère économique et financier découlant du Traité de Paix et des Accords successifs que nous venons de signer.

VIII. – *Lettre D*

Président de la délégation italienne

J'ai l'honneur d'accuser réception de votre lettre datée d'aujourd'hui rédigée comme suit :

[Voir lettre VII.]

J'ai l'honneur de vous informer que mon Gouvernement est d'accord sur ce qui précède.

IX. – *Lettre E*

Président de la délégation yougoslave

Me référant à l'article 6 de l'Accord signé aujourd'hui, j'ai l'honneur de vous proposer qu'ils soient également considérés compensés aux termes de l'Accord même les montants versés par les optants italiens jusqu'à la date de ce jour auprès de la Banque nationale de la République populaire fédérative de Yougoslavie – filiale de Rijeka et se trouvant encore en suspens à cause de la documentation insuffisante.

La Banque nationale susdite enverra à l'Ufficio Italiano dei Cambi la liste complète des versements dont ci-dessus en indiquant le montant, le nom et l'adresse des ayants droit et la date de l'opération. Il reste toutefois entendu que, dans le cas où des versements ne sont pas effectués en conformité avec les dispositions de l'Accord du 30 août 1948, les montants en dinars respectifs devront être mis à nouveau à la disposition des personnes qui ont versé ces montants.

Il reste entendu que la présente lettre et votre réponse forment partie intégrante de l'Accord portant le réglement de toutes les obligations réciproques de caractère économique et financier découlant du Traité de Paix et des Accords successifs que nous venons de signer.

X. – *Lettre E*

Président de la délégation italienne

J'ai l'honneur d'accuser réception de votre lettre datée d'aujourd'hui rédigée comme suit :

[Voir lettre IX.]

J'ai l'honneur de vous informer que mon Gouvernement est d'accord sur ce qui précède.

2. Exchange of sectors of their State territories between Poland and the USSR, 1951

AGREEMENT WITH ANNEX BETWEEN THE POLISH REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING THE EXCHANGE OF SECTORS OF THEIR STATE TERRITORIES. SIGNED AT MOSCOW, ON 15 FEBRUARY 1951[1]

The President of the Polish Republic and the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics, with a view to making certain amendments and additions to the Treaty between the Polish Republic

1 United Nations, *Treaty Series*, vol. 432, p. 210. Came into force on 5 June 1951.

and the Union of Soviet Socialist Republics of 16 August 1945[1] concerning the Polish-Soviet State frontier, have resolved to conclude this Agreement.

Article 1

The Union of Soviet Socialist Republics shall cede to the Polish Republic, on a basis of mutual exchange, a sector of State territory in the Drogobychskaya Region with a total area of 480 square kilometres, this sector to be included in the State territory of the Polish Republic, the existing frontier between Poland and the USSR being amended accordingly, in conformity with the annexed description of the frontier and the annexed map on the scale of 1:500,000.

Article 2

In turn, the Polish Republic shall cede to the Union of Soviet Socialist Republics, on a basis of mutual exchange, a sector of State territory in the Lublin voivodship with a total area of 480 square kilometres, this sector to be included in the State territory of the Union of Soviet Socialist Republics, the existing frontier between Poland and the USSR being amended accordingly, in conformity with the annexed description of the frontier[2] and the annexed map on the scale of 1:500,000.

ANNEX

PROTOCOL TO THE AGREEMENT BETWEEN THE POLISH REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS OF 15 FEBRUARY 1951 CONCERNING THE EXCHANGE OF SECTORS OF THEIR STATE TERRITORIES

Article 1

Each Contracting Party shall transfer, without compensation and fully intact, immovable State, co-operative-collective farm, co-operative and other public property, including the equipment of undertakings, railways and communications services, to the Government of the State to which the territory in question is being ceded.

The Contracting Parties shall have the right to remove from the territories to be exchanged movable State, co-operative-collective farm, co-operative and other public property, including spare or unassembled equipment of undertakings, railways and communications services, as well as means of transportation (rolling stock, motor vehicles, carts, draught animals), tractors, combines, other agricultural machinery and cattle.

Article 2

Each Party shall retain the right to remove its frontier installations and equipment.

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1 United Nations, *Treaty Series*, vol. 10, p. 193.

2 *Ibid.*, vol. 432, p. 210. Came into force on 5 June 1951.

Article 3

The value of the immovable property left in the sectors to be exchanged by persons changing their residence shall not be subject to reimbursement by the State in whose territory such property remains.

Article 4

The Parties have agreed that the transfer of the sectors to be exchanged and the resettlement of the population shall be completed by each Party not later than six months from the date of the entry into force of the Agreement.

Article 6

Responsibility for the protection of property left in the sectors to be exchanged shall rest with the authorities of the Party transferring a sector until the actual transfer of that sector.

3. Cession to India of French Territories and Establishments in India, 1951-1956

(a) TREATY OF CESSION OF THE TERRITORY OF THE FREE TOWN OF CHANDERNAGORE (WITH PROTOCOL) BETWEEN INDIA AND FRANCE. SIGNED AT PARIS, ON 2 FEBRUARY 1951[1]

Article I

France transfers to India, in full sovereignty, the territory of the Free Town of Chandernagore.

Article II

French subjects and citizens of the French Union domiciled in the territory of the Free Town of Chandernagore on the day on which the present Treaty comes into force shall become, subject to the provisions of the next succeeding article III, nationals and citizens of India.

Article III

The persons mentioned in the preceding article may, by a written declaration made within six months following the coming into force of the present Treaty, opt for the retention of their nationality.

Article IV

Persons who will have opted for the retention of their nationality in accordance with the provisions of article III of this Treaty and who desire to permanently reside or establish themselves in any French territory outside the

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[1] United Nations, *Treaty Series*, vol. 203, p. 155. Came into force on 9 June 1952.

Free Town of Chandernagore shall, on application to the Government of the Republic of India, be permitted to transfer or remove such or all of their assets and property as they may desire and as may be standing in their names on the date of the coming into force of this Treaty.

Article V

The Government of the French Republic transfers to the Government of the Republic of India all the properties owned by the State and the public bodies lying within the territory of the Free Town of Chandernagore.

Article VI

The Government of the French Republic may retain and remove, in consultation with the Government of the Republic of India, all archives having a general historic interest, and will place at the disposal of the Government of the Republic of India those archives which are of interest to the local administration of Chandernagore.

Article VII

The Government of the Republic of India shall succeed to the rights and obligations resulting from acts done by France for public purposes concerning the administration of the territory of the Free Town of Chandernagore. Financial and monetary issues arising from the transfer of the said territory shall be examined and determined by the Franco-Indian Commission already set up and referred to under the terms of the Protocol annexed to this Treaty.

Article VIII

Judgments and decrees passed before 2nd May 1950 by French judicial authorities having jurisdiction over the territory of the Free Town of Chandernagore and which have become final shall be executed by the appropriate Indian authorities.

Appeals which lie from judgments and decrees passed by the said authorities before 2nd May, 1950, shall, subject to the law of limitation in force immediately before the said day, be filed and disposed of as though the said territory had not been transferred to India.

Judgments and decrees from which appeals are pending on 2nd May, 1950, shall be dealt with by the judicial authorities before whom such appeals are pending.

The provisions of the first paragraph of this article regarding the execution of the judgments and decrees shall apply to the decisions of judicial authorities made under the second and third paragraphs of this article.

Article IX

The Government of the Republic of India shall assist in the continuance of the French cultural heritage in the territory of the Free Town of Chandernagore in accordance with the wishes of the people of the said territory and shall permit the continuance or establishment of cultural services by the Government of the French Republic.

Article X

The Government of the Republic of India shall take necessary measures to permit the law officers who are not government servants and members of the legal and liberal professions at present practising in Chandernagore to pursue their activities without having to acquire additional qualifications or to obtain new diplomas or licenses or to fulfil any other formalities. Such licenses shall be renewed, if necessary, on application.

PROTOCOL

Article I

The currency issued in Pondicherry and circulating in Chandernagore shall be withdrawn and necessary facilities shall be afforded to the holders of such currency to convert it into Indian currency. The French Indian currency thus withdrawn at Chandernagore by the Government of the Republic of India shall be made over to the French Indian authorities who shall take it over against payment of an equivalent value in Indian currency.

Article II

All financial issues arising out of the Treaty of Cession, including those arising out of the closing of the accounts of the autonomous budget of the Free Town of Chandernagore on 2nd May, 1950, shall be examined, and suitable recommendations made to the Governments of the Republic of India and of the French Republic for their settlement, by a Commission consisting of six members, three representing each of the two Governments.

Article III

The Government of the Republic of India shall take over the civil servants and employees of the Free Town of Chandernagore and those of the French Establishments in India who may be serving in Chandernagore on 2nd May 1950.

Provided that:

(1) Such civil servants and employees of the French Establishments in India who opt to retain their nationality and elect, within three months of the coming into force of the Treaty, to serve their original administration shall be permitted to do so, and

(2) Such civil servants and employees of the Free Town of Chandernagore and those of the French Establishments in India whom the Government of the Republic of India does not desire to retain in its service shall be given three months notice of the termination of their services within one month from the date of the coming into force of the Treaty and shall be entitled to be paid fair compensation for the premature termination of their services.

(b) AGREEMENT BETWEEN INDIA AND FRANCE FOR THE SETTLEMENT OF THE QUESTION OF THE FUTURE OF THE FRENCH ESTABLISHMENTS IN INDIA. SIGNED AT NEW DELHI ON THE 21ST OF OCTOBER 1954[1]

Article 1

With effect from November 1st, 1954, the Government of India shall take over the administration of the territory of the French Establishments in India. These Establishments will keep the benefit of the special administrative status which was in force prior to the *de facto* transfer. Any constitutional changes in this status which may be made subsequently shall be made after ascertaining the wishes of the people.

Article 2

The municipal regime in the communes of the Establishments and the regime relating to the Representative Assembly shall be maintained in their present form.

Article 3

The Government of India shall succeed to the rights and obligations resulting from such acts of the French administration as are binding on these Establishments.

Article 4

Questions pertaining to citizenship shall be determined before *de jure* transfer takes place. Both the Governments agree that free choice of nationality shall be allowed.

Article 5

With effect from the date of *de facto* transfer the Government of India shall take in their service all the civil servants and employees of the Establishments, other than those belonging to the metropolitan cadre or to the general cadre of the France d'Outre-Mer Ministry. These civil servants and employees including the members of the public forces shall be entitled to receive from the Government of India the same conditions of service, as respects remuneration, leave, and pension and the same rights as respects disciplinary matter or the tenure of their posts, or similar rights as changed circumstances may permit, as they were entitled to immediately before the date of the *de facto* transfer. They shall not be dismissed or their prospects shall not be damaged on account of any action done in the course of duty prior to the date of the *de facto* transfer.

French civil servants, magistrates and military personnel born in the Establishments or keeping there family links shall be permitted to return freely to the Establishments on leave or on retirement.

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[1] *Indian Yearbook of International Affairs*, 1954, p. 368. Came into effect on 1st November 1954. (See, Rollet Henri, *Liste des engagements bilatéraux et multilatéraux*, Paris, 1973, p. 118).

Article 6

The Government of France shall assume responsibility for payment of such pensions as are supported by the Metropolitan Budget. The Government of India shall assume responsibility for the payment of pensions, allowances and grants supported by the local budget. The system of pensions according to the rules of the various local Retirement Funds shall continue to be in force.

Article 7

Nationals of France and the French Union born in or domiciled in the Establishments on the date of the *de facto* transfer and at present practising their professions therein shall be permitted to carry on their professions in these Establishments without being required to secure additional qualifications, diplomas or permits, or to comply with any new formalities.

Article 8

The administration's charitable institutions and loan offices shall continue to operate under their present status, and shall not be modified in the future without ascertaining the wishes of the people. The present facilities granted to the private charitable institutions shall be maintained.

Article 9

Properties pertaining to worship or in use for cultural purposes shall be in the ownership of the missions or of the institutions entrusted by the French regulations at present in force with the management of those properties.

The Government of India agree to recognise as legal corporate bodies, with all due rights attached to such a qualification, the 'Conseils de fabrique' and the administration boards of the Missions.

Judicial Matters

Article 10

Judicial proceedings instituted prior to the *de facto* transfer shall be continued, until a final decision has been reached, in conformity with the laws and regulations in force at the time of institution of such proceedings.

To this end and up to the final settlement of such proceedings the existing courts in the Establishments shall continue to function. Officers of the Courts shall be law graduates, habitually domiciled in the Establishments, honourably known, and selected after consultation with the Consul General of India before the date of the *de facto* transfer, in accordance with the French regulations governing the designation of temporary judicial officers.

The interested parties shall be entitled, if they so decide by common agreement, to transfer to the competent Indian Courts the said proceedings as well as proceedings which, though already open, are not yet entered with the Registrars of the French Courts, and also proceedings which constitute an ordinary or extraordinary appeal.

Judgments, decrees and orders passed by the French Courts, prior to the *de facto* transfer, which are final or may become so by expiration of the delays of appeal, shall be executed by the competent Indian authorities. Judgments, decrees and orders passed after the date of the *de facto* transfer in conformity with the first paragraph of the present article shall be executed by the competent Indian authorities, irrespective of the Court which exercised the jurisdiction.

Acts or deeds constitutive of rights established prior to the date of the *de facto* transfer in conformity with French law shall retain the value and validity conferred at that time by the same law.

The records of the French Courts shall be preserved in their entirety during a period of twenty years and communication of their contents shall be given to the duly accredited representatives of the French Government wherever they apply for such communication.

Article 11

The records of the Registrars' offices shall be preserved and copies or extracts of the proceedings shall be issued to the parties or the authorities concerned.

The third copies of each of the Registrar's office books of every commune shall be handed over to the French representative on the date of the *de facto* transfer.

As regards records of the year 1954, copies shall be forwarded at the end of the year to the Ministry of French Overseas Territories (Service de l'Etat Civil et des Archives).

The personal judicial records of the Courts' Registries shall be preserved and copies or extracts of these records shall be issued to the French authorities upon their application,

Article 12

The provisions of article 10 of this agreement shall apply to proceedings which the 'Conseil du Contentieux administratif' is competent to deal with.

Temporary magistrates and local civil servants selected in accordance with the principles of the said article shall compose this body.

Economic and Financial Matters

Article 13

Nationals of France and the French Union belonging by birth to the Establishments or domiciled therein on the date of the *de facto* transfer, shall, subject to the laws and regulations in force, enjoy in these Establishments the same freedom of establishment, movement and trade as the other inhabitants of the Establishments.

Article 14

In respect of taxes and duties, other than customs and excise duties, Nationals of France and the French Union belonging by birth to the Establishments or domiciled therein on the date of the *de facto* transfer, shall,

up to the date of the *de jure* transfer, be subjected in regard to their persons, properties and enterprises to the same laws and regulations as are at present in force.

Article 15

All persons or corporate bodies who leave or have already left the Establishments permanently shall be permitted freely to repatriate their capital and properties over a period of ten years from the date of transfer.

Article 16

With effect from the date of the *de facto* transfer, goods exported from a port of the Establishments to France or the French Union or imported through the same ports from France or the French Union shall be accorded most-favoured nation treatment in respect of customs duties and other formalities.

Article 17

All orders placed outside the Establishments and finalised through the grant of a licence by competent authorities in accordance with the laws and regulations in force, prior to the date of the *de facto* transfer, shall be fulfilled and the necessary foreign currency granted, provided that the goods are imported within the period of validity of the relevant licence. The goods shall, however, be liable to customs duty and other taxes normally leviable at Indian ports. The same rule will apply to goods destined for export for which a licence has been granted, and which will be in stock in the Establishments on the date of the *de facto* transfer. Their export shall be permitted without restriction; but they shall become subject to the normal excise or export duty.

Article 18

The Government of India with a view to ensure the normal operation of the textile mills of Pondicherry agree to facilitate the allotment of quotas from Indian sources corresponding to the normal supply requirements of the mills. They will also supply the necessary amount of foreign currency required by the mills to carry out orders passed under previous regulations.

The French Government on their part agree to maintain to the benefit of these mills, for a period of six months with allocation of foreign currency, and under the same conditions as existed prior to the *de facto* transfer, entry into the French Union of the goods produced by the said mills.

Article 19

On the date of the *de facto* transfer local public accounts shall be closed in the Establishments' Treasurer and Paymaster's books.

Article 20

The Government of India shall take the place of the French Government in respect of all credits, debts and deficits of the various accounts in the care

of the local administration. The Government of India shall reimburse to the French Government the amount of Treasury loans and various funds placed by the latter at the disposal of the Establishments with the exception of sums remitted as grants.

Article 21

Stocks built up by the local authorities and paid for out of the Metropolitan Budget or Treasury in order to ensure normal supplies to the population will be repurchased by the Government of India.

Article 22

The French Government will place a power station at the disposal of the Government of India. The conditions of the purchase shall be examined by the competent authorities.

Article 23

The Government of France shall reimburse the Government of India within a period of one year from the date of the *de facto* transfer the equivalent value at par in £ sterling or in Indian Rupees of the currency withdrawn from circulation from the Establishments after the *de facto* transfer.

Cultural Questions

Article 24

The Indian Government agree to the continuation of the existing French institutions of a scientific or cultural character and by agreement between the two Governments to the granting of facilities for the opening of establishments of the same character.

Article 25

The 'College Francais de Pondicherry' shall be maintained in its present premises as a French educational establishment of the second degree with full rights. The French Government shall assume the charge of its functioning as well in respect of the selection and salaries of the staff necessary for management, teaching and discipline as in respect of the organisation of studies, syllabi, and examinations and the charge of its maintenance. The premises shall be the property of the French Government.

Article 26

Private educational institutions at present in existence in the French Establishments shall be allowed to continue and shall preserve the possibility of imparting French education. They shall continue to receive from the local authorities subsidies and other facilities at least equal to those which have been granted up to date.

Article 27

French diplomas and degrees awarded to persons belonging to the French Establishments viz., 'baccalaureat', 'brevet elementaire' 'brevet d'etudies du premier cycle' shall be examined by a joint educational committee set up by the two Governments with a view to establishing their equivalence with diplomas and degrees awarded by Indian universities. Degrees in law and medicine awarded in French Establishments shall be examined similarly.

Article 28

The French Government or French recognised Private Organisations shall be allowed to maintain and to create by agreement between the two Governments in the former French Establishments in India, establishments or institutions devoted either to higher studies leading to diplomas of French language, culture and civilization, or to scientific research or to the spreading of French Culture in the Sciences, Arts, or Fine Arts. The Indian Government shall grant facilities in accordance with their laws and regulations for entry into and residence in India to French scholars officially sent by the French Government for a period of study in India.

Article 29

Studies leading to the local diploma of 'Licence en Droit' shall be continued in Pondicherry until the examination sessions of 1955. Scholarships for the completion of their studies in France shall be granted on request to the students of the Law College in order to prepare their 'Licence en Droit'. Law studies shall be directed by men of law residing in Pondicherry and nominated to the post of dean and to each chair by an administrative decision prior to the *de facto* transfer.

Degrees of a purely local character shall be recognised under usual conditions.

Article 30

Medical students at present engaged in the course of their studies shall have the possibility either of obtaining a scholarship for studies in France for the completion of the course of studies leading to the French M.D. Degree, or to be admitted into Indian Medical Colleges after being given due credit for their previous medical studies. This question shall be considered by the Joint Educational Committee to be set up under article 27, the students concerned being given in any case a possibility of option for either of the above mentioned solutions.

The possibility of establishing a Medical College in Pondicherry shall also be examined by the Joint Educational Committee.

The Government of India shall maintain the General Hospital, Pondicherry, as well as the pharmaceutical department attached to it. The Government of India shall request the French Government to place at their disposal such experts as required for these institutions.

Article 31

A French representative shall be established in Pondicherry. The payment of the pensions which are the responsibility of the Metropolitan Budget and the financial operations of the Military Bureau in respect of allowances to the families of military personnel shall be dealt with by the representative.

Article 32

The French Government shall transfer to the Indian Government all property owned by the local administration of the Establishments with the exception of such property as, by agreement between the two Governments, is retained by the Government of France for the accommodation of the French Consulate, the College Francais and the Institute to be set up in the future. Properties which are at present in the possession of the religious authorities shall be retained by them and the Government of India agree, whenever necessary, to convey the titles to them.

Article 33

The French Government shall keep in their custody the records having an historical interest; they shall leave in the hands of the Indian Government the records required for the administration of the Territory.

Article 34

The French language shall remain the official language of the Establishments so long as the elected representatives of the people shall not dispose otherwise.

Article 35

The questions pending at the time of the *de facto* transfer shall be considered and settled by a Franco-Indian Commission composed of three representatives of the French Government and three representatives of the Government of India. All difficulties which might arise as regards the rights and obligations to which the Government of India succeed according to article 3 shall be settled by the said Commission.

(c) TREATY OF CESSION OF THE FRENCH ESTABLISHMENTS OF PONDICHERRY, KARIKAL, MAHE AND YANAM, BETWEEN INDIA AND FRANCE. SIGNED AT NEW DELHI ON THE 28TH OF MAY 1956[1]

Article 1

France cedes to India in full sovereignty the territory of the Establishments of Pondicherry, Karikal, Mahe and Yanam.

[1] *Indian Yearbook of International Affairs*, 1956, p. 175.

Article 2

These Establishments will keep the benefit of the special administrative status which was in force prior to the 1st November 1954. Any constitutional changes in this status which may be made subsequently shall be made after ascertaining the wishes of the people.

Article 3

The Government of India shall succeed to the rights and obligations resulting from such acts of the French administrations as are binding on these Establishments.

Article 4

French Nationals born in the territory of the Establishments and domiciled therein at the date of the entry into force of the Treaty of Cession shall become nationals and citizens of the Indian Union, with the exceptions enumerated under Article 5 hereafter.

Article 5

The persons referred to in the previous article may, by means of a written declaration drawn up within six months of the entry into force of the Treaty of Cession, choose to retain their nationality. Persons availing themselves of this right shall be deemed never to have acquired Indian nationality.

Article 6

French nationals born in the territory of the Establishments and domiciled in the territory of the Indian Union on the date of the entry into force of the Treaty of Cession shall become nationals and citizens of the Indian Union. Notwithstanding, they and their children shall be entitled to choose as indicated in Article 5 above. They shall make this choice under the conditions and in the manner prescribed in the aforesaid Article.

Article 7

French nationals born in the territory of the Establishments and domiciled in a country other than the territory of the Indian Union or the territory of the said Establishments on the date of entry into force of the Treaty of Cession shall retain their French nationality, with the exceptions enumerated in Article 8 hereafter.

Article 8

The persons referred to in the previous Article may, by means of a written declaration signed in the presence of the competent Indian authorities within six months of the entry into force of the Treaty of Cession, choose to acquire Indian nationality. Persons availing themselves of this right shall be deemed to have lost French nationality as from the date of the entry into force of the Treaty of Cession.

Article 9

With effect from the 1st of November 1954 the Government of India shall take in their service all the civil servants and employees of the Establishments, other than those belonging to the metropolitan cadre or to the general cadre of the France d'Outre-Mer Ministry. These civil servants and employees including the members of the public forces shall be entitled to receive from the Government of India the same conditions of services, as respects remuneration, leave, and pension and the same right as respects disciplinary matter or the tenure of their posts, or similar rights as changed circumstances may permit, as they were entitled to immediately before the 1st November 1954. They shall not be dismissed or their prospects shall not be damaged on account of any action done in the course of duty prior to the 1st November 1954.

French civil servants, magistrates and military personnel born in the Establishments or keeping there family links shall be permitted to return freely to the Establishments on leave or on retirement.

Article 10

The Government of France shall assume responsibility for payment of such pensions as are supported by the Metropolitan Budget, even if the beneficiaries have acquired Indian nationality under Art. 4 to 8 above. The Government of India shall assume responsibility for the payment of pensions, allowances and grants supported by the local budget. The system of pensions of the various local Retirement Funds shall continue to be in force.

Article 11

The Government of India shall take the necessary steps to ensure that persons domiciled in the Establishments on the 1st of November 1954 and at present practising a learned profession therein shall be permitted to carry on their profession in these Establishments without being required to secure additional qualification, diplomas or permits or to comply with any new formalities.

Article 12

The administration's charitable institutions and loans offices shall continue to operate under their present status, and shall not be modified in the future without ascertaining the wishes of the people. The present facilities granted to the private charitable institutions shall be maintained and shall be modified only after ascertaining the wishes of the people.

Article 13

Properties pertaining to worship or in use for cultural purposes shall be in the ownership of the missions or of the institutions entrusted by the French regulations at present in force with the management of those properties.

The Government of India agree to recognise as legal corporate bodies, with all due rights attached to such a qualification, the 'Conseils de fabrique' and the administration boards of the Missions.

Article 14

Legal proceedings instituted prior to the 1st of November 1954 shall be judged in conformity with the basic legislation and procedure in force at that time in the Establishments.

To this end, and up to final settlement of such proceedings, the existing courts in the Establishments shall continue to function. Officers of the Court shall be law graduates, habitually domiciled in the Establishments, honourably known and selected in accordance with the French regulations governing the designation of temporary judicial officers.

The interested parties shall be entitled, if they so decide by common agreement, to transfer to the competent Indian Courts, the said proceedings as well as proceedings which, though already open, are not yet entered with the Registrars of the French Courts, and also proceedings which constitute an ordinary or extraordinary appeal.

Judgements, decrees and orders passed by the French Courts, prior to the 1st of November 1954, which are final or may become so by expiration of the delays of appeal, shall be executed by the competent Indian authorities. Judgements, decrees and orders passed after the 1st of November 1954 in conformity with the first paragraph of the present article shall be executed by the competent Indian authorities, irrespective of the Court which exercised the jurisdiction.

Acts or deeds constitutive of rights established prior to the 1st of November 1954 in conformity with French law, shall retain the value and validity conferred at that time by the same law.

The records of the French Courts shall be preserved in accordance with the rules applicable to them on the date of cession, and communication of their contents shall be given to the duly accredited representatives of the French Government whenever they apply for such communication.

Article 15

The records of the Registrars' offices up to the date of cession shall be preserved in accordance with the rules applicable to them on that date and copies or extracts of the proceedings shall be issued to the parties or the authorities concerned.

The personal judicial records of the Courts Registries up to the date of cession shall be preserved in accordance with the rules applicable to them on that date and copies or extracts of these records shall be issued on request to the French authorities and likewise to the persons concerned in accordance with that legislation in force prior to the 1st of November 1954.

The said requests on the part of the French authorities and likewise the copies addressed to them shall be drawn up in the French language and shall entail no reimbursement of costs.

The French and Indian authorities shall mutually inform each other of penal sentences involving registration in the record of convictions of their own territory and pronounced either by French judicatures or by judicatures sitting in territories ceded to India concerning nationals of the other country born in the aforesaid territories.

Such information shall be sent free of charge through diplomatic channels, either in French or together with a translation into French.

Article 16

The provisions of Article 14 of this Treaty shall apply to proceedings which the 'Conseil du Contentieux Administratif' is competent to deal with.

Temporary magistrates and local civil servants selected in accordance with the principles of the second paragraph of the said Article 14 shall compose this body.

Article 17

Nationals of France and of the French Union, domiciled in the French Establishments on the 1st of November 1954, shall, subject to the laws and regulations in force for the time being in the Establishments, enjoy in these Establishments the same freedom of residence, movement and trade as the other inhabitants of the Establishments.

Article 18

All persons of French nationality acquired under Art. 4 to 8 or in any other manner and all French corporate bodies shall be permitted to repatriate freely their capital and properites over a period of ten years from the 1st of November 1954.

Article 19

The Government of India takes the place of the territory, with effect from the 1st of November 1954, in respect of all credits, debts and deficits in the care of the local administration. Therefore, the Government of India shall immediately reimburse to the French Government the amount of Treasury loans and various funds placed by the latter at the disposal of the territory, as well as advances made by the 'Caisse Centrale de la France d'Outre-Mer', with the exception of sums remitted as grants. In addition the Government of India shall pay the indemnity agreed upon by the two Governments for the purpose of the Pondicherry power station.

Simultaneously, the French Government shall reimburse to the Indian Government the equivalent value at par in £ sterling or in Indian Rupees of the currency withdrawn from circulation from the Establishments before the 1st of November 1955.

Article 20

The Indian Government agree to the continuation of the French institutions of a scientific or cultural character in existence on Ist of November 1954 and by agreement between the two Governments to the granting of facilities for the opening of establishments of the same character.

Article 21

The 'College Francais de Pondicherry' shall be maintained in its present premises as a French educational establishment of the second degree with full rights. The French Government shall assume the charge of its functionment as well in respect of the selection and salaries of the staff necessary for management, teaching and discipline as in respect of the organisation of

studies, syllabi, and examinations and the charge of its maintenance. The premises shall be the property of the French Government.

Article 22

Private educational institutions in existence on the 1st of November 1954 in the French Establishments shall be allowed to continue and shall be permitted to preserve the possibility of imparting French education. They shall continue to receive from the local authorities subsidies and other facilities at least equal to those which were being granted on the 1st November 1954.

They will be permitted to receive without obstruction the aid which the French Government in agreement with the Government of India may desire to give them.

Article 23

The French Government or French recognised Private Organisations shall be allowed to maintain and to create by agreement between the two Governments in the former French Establishments in India, establishments or institutions devoted either to higher studies leading to diplomas of French language, culture and civilisation, or to scientific research or to the spreading of French culture in the Sciences, Arts or Fine Arts. The Indian Government shall grant every possible facility, subject to their laws and regulations in force, for entry into and residence in India to members of French Universities sent by the French Government for a study visit or a teaching mission to India.

Article 24

The French Institute of Pondicherry, set up by an understanding reached between the two Governments since the 21st October, 1954 Agreement, and inaugurated on the 21st March 1955, shall be maintained as a research and advanced educational establishment. The Indian Government shall provide such suitable facilities to further the development of the activities of the said Institute, as agreed upon between the two Governments from time to time.

Article 25

Equivalences of French diplomas and degrees awarded to persons belonging to the French Establishments, *viz.* 'Baccalaureat', 'brevet élémentaire', 'brevet d'études du premier cycle' with diplomas and degrees awarded by Indian universities will be accepted by the Indian Government for admission to higher studies and administrative careers. These equivalences will be fixed according to the recommendations of the Joint Educational Committee, nominated by the two Governments in accordance with the Agreement of the 21st October 1954. This shall apply equally to degrees in law and medicine awarded in the Establishments.

Degrees of a purely local character shall be recognised under usual conditions.

Article 26

The French Government cedes to the Government of India all properties owned by the local administration of the Establishments with the exception of such property as enumerated in Art. 8 of the Annexed Protocol.

Properties which are at present in possession of the religious authorities shall be retained by them and the Government of India agree, whenever necessary, to convey the titles to them.

Article 27

The French Government shall keep in their custody the records having an historical interest; the Government of India shall keep in their custody the records required for the administration of the territory.

Each Government shall place at the disposal of the other lists of records in its possession and copies of such records as are of interest to the other.

Article 29

All questions pending at the time of the ratification of the Treaty of Cession shall be examined and settled by a French-Indian Commission composed of three Representatives of the French Government and three Representatives of the Indian Government.

4. Change of sovereignty over islands on the Uruguay River following a boundary demarcation between Argentina and Uruguay, 1961

TREATY BETWEEN ARGENTINA AND URUGUAY CONCERNING THE BOUNDARY CONSTITUTED BY THE RIVER URUGUAY. SIGNED AT MONTEVIDEO, ON 7 APRIL 1961[1]

Article 9

The Republic of Argentina undertakes to uphold and respect all property rights acquired under Uruguayan law by Uruguayans or aliens over the islands and islets which be within the jurisdiction of Argentina as a result of the demarcation; and the Eastern Republic of Uruguay undertakes likewise to uphold and respect all property rights acquired under Argentine law by Argentinians or aliens over the islands and islets which be within the jurisdiction of Uruguay as a result of the demarcation.

The acquisition or extinguishment of property rights by prescription shall be governed by the law of the State within whose jurisdiction the island lies; the previous period of enjoyment shall, however, be included when calculating the period of prescription.

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1 United Nations, *Treaty Series*, Vol. 635, p. 92. Came into force on 19 January 1966.

Article 10

Persons claiming the rights referred to in the foregoing article shall, within a period of three hundred and sixty days from the date on which the Treaty enters into force through the exchange of instruments of ratification, appear before the competent authorities of the State within whose jurisdiction the island or islet lies, so that their rights may be examined and recorded in the appropriate registers.

Failure to appear within the period stated in this article shall have such effects as may be determined by the laws of the State within whose jurisdiction the islands or islets lie following the demarcation.

5. Passing of territories between Mexico and the United States of America as a result of the relocation of the Rio Grande (Solution of the problem of the Chamizal), 1963

OBSERVATIONS DU GOUVERNEMENT DU MEXIQUE[1]

L'autre cas de succession partielle, mais cette fois au profit du Mexique, car il s'agit en réalité d'un phénomène de récupération, a été le cas célèbre du lieu-dit Chamizal qui, entre 1852 et 1868, s'est détaché de la rive mexicaine du fleuve frontière (Rio Grande ou Rio Bravo del Norte) et s'est rattaché à la rive des Etats-Unis. Le Mexique ayant réclamé sa restitution, ou plus exactement la reconnaissance de sa souveraineté sur ce terrain, et les Etats-Unis n'acceptant pas de faire droit à la demande mexicaine, les deux parties convinrent de soumettre le différend à la décision d'un tribunal arbitral qui a rendu sa sentence le 15 juin 1911. Il était dit dans cette sentence que les Etats-Unis avaient la souveraineté sur la partie du Chamizal qui s'était détachée du Mexique pour se rattacher aux Etats-Unis sous forme d'alluvions mais qu'en revanche la partie détachée par avulsion appartenait au Mexique.

Comme le Gouvernement des Etats-Unis a contesté la validité de ladite sentence arbitrale, il a été impossible d'aboutir à un accord définitif jusqu'à la Convention entre le Mexique et les Etats-Unis pour le règlement de la question du Chamizal, signée à Mexico, le 29 août 1963. Dans ladite Convention, il a été convenu de détourner le cours du Rio Bravo de manière à maintenir sur la rive mexicaine un territoire d'une superficie égale à celle de la partie du Chamizal qui revenait au Mexique en vertu de la sentence de 1911. Comme, entre-temps, le Chamizal était pratiquement devenu un quartier de la ville américaine d'El Paso, le problème des biens publics et privés était devenu extrêment complexe; néanmoins, il a été possible de résoudre ce problème sur la base du principe de l'indemnisation due pour enrichissement sans cause, c'est-à-dire que le Mexique a dédommagé les Etats-Unis pour la valeur des constructions érigées dans le Chamizal mexicain pendant le demi-siècle où les

1 Transmises par le représentant permanent du Mexique auprès de l'Organisation des Nations Unies. Traduction de l'Organisation des Nations Unies.

Etats-Unis l'avaient occupé. Les articles 4 et 5 de la Convention de 1963 sont conformes à cet esprit d'équité et de conciliation et sont ainsi conçus :

"Article 4

"Aucun paiement n'interviendra entre les deux Gouvernements pour les terres qui passeront d'un pays à l'autre en raison du déplacement de la frontière internationale. Ces terres seront la propriété pleine et entière des Gouvernements et libres de tous droits de propriété privée ou de charges quelles qu'elles soient.

"Article 5

"Le Gouvernement mexicain transférera au Banco National Hipotecario Urbano y de Obras Públicas S. A. la propriété des biens immobiliers constitués par les bâtiments et les terrains sur lesquels ils sont construits, les premiers étant remis en l'état au Mexique. La Banque réglera au Gouvernement mexicain le prix des terrains et au Gouvernement des Etats-Unis la valeur vénale des bâtiments, telle qu'elle aura été déterminée par le Gouvernement mexicain."