

Section III

UNITING, DISSOLUTION AND SEPARATION OF STATES

Section III

UNIFICATION, DISSOLUTION ET SEPARATION D'ETATS

A. Cases before the Second World War

A. Cas antérieurs à la seconde guerre mondiale

1. Formation of the Kingdom of Italy

(i) *Union of the Kingdom of the Two Sicilies with the Kingdom of Italy, 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) At the session of the Chamber held on 21 December 1868, Hon. Rattazzi, in discussing the question of the payment of the papal debt, summed up Italy's attitude to the problem of succession in respect of the legal situations formerly applying to the Kingdom of Naples as follows:

"The King of Naples had, in 1848 or 1849 (if I am not mistaken) granted a loan of a million scudi or approximately five million lire to the Pope; on this sum the papal Government was to pay interest of 5 per cent, corresponding to the said sum of 214,000 lire a year. In 1859, when the fall of the Bourbon was approaching, and when ex-King Francis was already at Gaeta, the latter took action whereby he declared that he was entirely satisfied with regard to that loan and released the papal Government from all obligation. When the Bourbon was expelled in 1860 and the Two Sicilies were joined to Italy, the Italian Government, which had succeeded to the rights as well as the obligations of the former Kingdom of Naples, was not willing to recognize this declaration of payment, which had been made during a very uncertain period (*période suspecte*). It therefore contended that, it should be disregarded and that the papal Government should repay the million scudi lent in 1849

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

together with the amount of unpaid interest" (A.P., C.D., *Discussioni*, meeting of 21 December 1868, p. 8659).

Effects on public property

(b) Two warships formerly belonging to the fleet of the Kingdom of Naples (the "Saetta" and the "Sannita"), which were awaiting repairs in the French ports of Toulon and Marseilles, had been sold to private persons by an agent of ex-King Francis II of Naples. Subsequently the Secretary-General of the Ministry of Foreign Affairs, Carutti, wrote to the Deputy at the Italian Legation in Paris, Gropello, instructing him to ask the French Government to hand over the two ships:

"There seem to be no serious grounds for disputing the right of the King's Government to ask for delivery of these vessels or at least for the price obtained for them. These are Warships which are not the private property of the ex-King of Naples but of the State. Now, at the time when these ships entered French ports the State of Naples had already proclaimed its union with the State of Sardinia, and actually came under the Sardinian Government" (*Carutti to Gropello*, Turin, 23 February 1861, ASE, 447).

The French Government's reply was negative. The Minister for Foreign Affairs, Thouvenal, stated that

"He did not believe he could deny King Francis II, as long as he occupied even a minimal part of his states, the right to dispose freely of ships belonging to his Government; as long as the ex-King of Naples was in Gaeta [...] he enjoyed full sovereign rights and only when he left his former states and his last refuge at Gaeta did he lose the exercise of the prerogatives of sovereignty. Since the "Sannita" and the "Saetta" [...] had been sent by the ex-King of Naples to the French ports for repairs, he did not believe that the Imperial Government could in any way prevent the performance of the contract for the sale of the two aforesaid ships" (*Gropello to Cavour*, Paris, 28 February 1861, ASE, 833).

On the Italian side it was argued initially that at least one of the two ships, the "Sannita", had been sent to Toulon by the King of Sardinia and not by the ex-King of Naples (*Gropello to Cavour*, Paris, 15 April 1861, ASE, 833). Later on, while acknowledging that that was not true, Italy nevertheless insisted that

"It cannot be acknowledged that King Francis has the power to dispose of ships which belong not to him but to the State" (*Carutti to Basso*, Turin, 24 April 1861, ASE, 621).

However, the Italian claim was not accepted by the French Government and an action to claim ownership of the two ships, brought by the Italian Government before Courts at Toulon and Marseilles, was unsuccessful. (*Carutti to Castellinard*, Turin, 20 November 1861, ASE, 655; cf. also KISS, *Répertoire de la pratique française en matière de droit international public*, Paris, Editions du Centre national de la recherche scientifique, vol. III, 1965, p. 65; n° 86).

See also: *Castellinard to Cavour*, Marseilles, 22 February 1861, ASE, 888; *Basso to Cavour*, Toulon, 23 February 1861, ASE, 909; *Castellinard to*

Cavour, Marseilles, 26 February 1861, ASE, 888; *Basso* to *Cavour*, Toulon, 4 March 1861, ASE, 909; *Basso* to *Cavour*, Toulon, 6 March 1861, *ibidem*; *Basso* to *Cavour*, Toulon, 11 March 1861, *ibidem*; *Basso* to *Cavour*, Toulon, 13 April 1861, *ibidem*; *Basso* to *Cavour*, Toulon, 15 April 1861, *ibidem*; *Castellinard* to *Cavour*, Marseilles, 16 April 1861, ASE, 888; *Basso* to *Cavour*, Toulon, 17 April 1861, ASE, 909; *Castellinard* to *Cavour*, Marseilles, 21 April 1861, ASE, 888; *Basso* to *Cavour*, Toulon, 24 April 1861, ASE, 909; *Basso* to *Cavour*, Toulon, 27 April 1861, *ibidem*; *Basso* to *Cavour*, Toulon, 4 May 1861, *ibidem*; *Basso* to *Cavour*, Toulon, 7 May 1861, *ibidem*; *Basso* to *Cavour*, Toulon, 8 May 1861, *ibidem*; *Basso* to *Cavour*, Toulon, 13 May 1861, *ibidem*; *Basso* to *Cavour*, Toulon, 19 May 1861, *ibidem*; *Castellinard* to *Cavour*, Marseilles, 10 June 1861, ASE, 888; *Basso* to *Cavour*, Toulon, 11 June 1861, ASE, 909; *Basso* to *Ricasoli*, Toulon, 14 June 1861, *ibidem*; *Basso* to *Ricasoli*, Toulon, 1 July 1861, *ibidem*; *Ricasoli* to *Castellinard*, Turin, 3 July 1861, ASE, 655; *Ricasoli* to *Basso*, Turin, 4 July 1861, *ibidem*; *Castellinard* to *Ricasoli*, Marseilles, 12 November 1861, ASE, 888; *Ricasoli* to *Castellinard*, Turin, 20 November 1861, ASE, 655.

*Consignment to the successor State of the public archives
and consular archives of the State a quo*

(c) On 7 August 1861, the Minister for Foreign Affairs, Ricasoli, wrote to Taliacarne, the Italian Chargé d'Affaires at The Hague, saying that, since the Dutch Government had recognized the Kingdom of Italy, the Authorities of that country should be expected

"To render assistance to the Agents of the King of Italy so that they may withdraw the Archives of the consular offices of the Two Sicilies" (*Ricasoli* to *Taliacarne*, Turin, 7 August 1861, ASE, 464).

(d) The Spanish Government had given orders to its agents in Portugal to take over the archives of the consulates of the former Kingdom of the Two Sicilies. Accordingly, the Italian Chargé d'Affaires at Lisbon, della Minerva, on the instructions of the Minister for Foreign Affairs, Ricasoli, sent a note to the Portuguese Minister for Foreign Affairs, d'Avila, requesting:

"Assistance, as necessary, to prevent the order given by the Spanish Government from being carried out, stating at the same time that the Consuls and Vice-Consuls of the former Kingdom are, from now on, responsible for any consequences resulting from the surrender of their archives" (*Della Minerva* to *d'Avila*, Lisbon, 15 August 1861, annexed to *della Minerva* to *Ricasoli*, Lisbon, 26 August 1861, ASE, 1497).

On learning that the Archives had already been handed over to the Spanish Agents, the Minister for Foreign Affairs, Ricasoli, wrote to della Minerva saying that, even if the surrender of the Archives had taken place before Portugal had recognized the Kingdom of Italy, as a result of subsequent recognition and the consequent withdrawal of the *exequatur* from the Neapolitan Consul "there was no good reason for the Spanish Agents to keep the Archives in question". Ricasoli went on to say that it could be conceded

"That two independent Powers which retained their territory and their subjects and were in effective control of their country might, when

for any reason they no longer had mutual representation, give responsibility for the protection of subjects and archives to the Agents of friendly Powers and that the latter might willingly accept and perform that task as a humanitarian service.

"But could that truly be said to be the situation regarding the Neapolitan Provinces?"

"Francis II no longer has a State, or subjects, or a government. The inhabitants of the Two Sicilies have voted to join the States of His Majesty, our Sovereign King; this union has taken place and most Powers, including Portugal, have recognized it. In law and in fact there is no Sovereign for the Neapolitan Provinces with the ability and duty to protect their subjects but the King of Italy, and the removal from his Agents of Archives containing documents necessary for the protection of the interests of a group of Italian subjects, and also of sums of money belonging to them, is an open violation of an essential right of the Italian Government and is materially damaging to our nationals" (*Ricasoli to della Minerva*, Turin, 13 September 1861, ASE, 1497).

(e) When sending Nigra, the Italian Minister in Paris, instructions for a discussion with the French Minister for Foreign Affairs, Thouvenel, the Italian Minister for Foreign Affairs, Ricasoli, wrote as follows:

"I would also ask you to avail yourself of this and any other favourable opportunity likewise to speak to the Minister for Foreign Affairs of the sometimes not inconsiderable problems that can arise from the stubborn refusal of several of the former consular agents of the Two Sicilies in France to hand over to the Italian Consuls at least that portion of the Archives dealing with private Affairs. Such refusal was reported to me in particular from Algiers, where the Archives of the former Neapolitan Consulate were handed over to the Spanish Agent, and from Marseilles, where they are still held by the former Consul of the Two Sicilies. Since the Italian Consular Agents of His Majesty can now and there be recognized in the French Empire as legitimately responsible for the protection of the persons and the interests of individuals originating from the Neapolitan and Sicilian Province, it is not only useless but actually harmful to the interests of those individuals for papers concerning them to be forcibly deposited with the former Bourbon Consular Agents, who no longer have any capacity in France to deal with their affairs or to keep their documents or possessions. But as all the efforts made by the Consular Agents of His Majesty in the aforesaid two residencies have not sufficed alone to achieve the desired end it would be as well if you urged the Government to consider whether it might be appropriate for the Spanish Authorities to be invited to lend their kind assistance to the Royal Consular Agents so as to remove the difficulties still preventing the consignment of the Neapolitan Consular Archives" (*Ricasoli to Nigra*, Turin, 28 August 1861, ASE, 448; see also: *Ricasoli to della Minerva*, Turin, 13 July 1861, ASE, 466).

(f) On learning that the Archives of the Consulate of the Two Sicilies in Portugal had been taken over by the Spanish Chargé d'Affaires at Lisbon, Diaz, when the Portuguese Government had already recognized the Kingdom of Italy, the Italian Minister at Madrid, Tecco, protested against that act, declaring it "a [...] violation of the law of nations" (*Tecco to Calderón*

Collantes, Madrid, 17 August 1861, annexed to *Tecco* to *Ricasoli*, Madrid, 19 August 1861, ASE, 1497).¹ The Spanish Minister for Foreign Affairs, Calderón Collantes, replied that he had given orders for the removal of the Neapolitan archives before the Kingdom of Italy had been recognized by Portugal and the *exequatur* had, as a result, been withdrawn from the Consul of the Two Sicilies, Testa. That authorized the King of Naples to entrust to a friendly nation the protection of the interests of his subjects and the consular archives in accordance with the custom whereby States which, owing to war or other circumstances, recall their representatives, entrust their archives and the protection of their nationals to agents of friendly Powers (*Calderón Collantes* to *Tecco*, San Ildefonso, 28 August 1861, annexed to *Tecco* to *Ricasoli*, Madrid, 1 September 1861, ASE, 1497).

The arguments of the Spanish Minister for Foreign Affairs were rejected by *Tecco*, who observed:

"It is [...] impossible for me to confuse the personal consideration that can be shown to [...] a dethroned King with the rights and prerogatives which can only pertain to him while he remains in his kingdom—rights and prerogatives which were subsequently bound to pass, by force of circumstances, to his successor in authorities.

"These rights include, first and foremost, the right of protection for the public Institutions of the nation and particularly those which, like the Archives of the Consulates, are sacred repositories of the public trust. Can it seriously be contended that such institutions whose protection is the exclusive right of the Head of State and the first duty of a national Government should instead be surrendered as personal property to the dethroned Prince for him to dispose of as he pleases even after he has fallen from power? It is surely needless for me further to emphasize the total inadmissibility of any such contention" (*Tecco* to *Calderón Collantes*, Madrid, 1 September 1861, annexed to *Tecco* to *Ricasoli*, Madrid, 1 September 1861, ASE, 1497).

See also: *Ricasoli* to *d'Azeglio*, Turin, 13 September 1861, ASE, 1497; *Tecco* to *Calderón Collantes*, Madrid, 17 September 1861, annexed to *Tecco* to *Ricasoli*, Madrid, 16 September 1861, *ibidem*.

(g) The Government of Madrid, faced with repeated requests from the Italian Government for possession of the consular archives of the Kingdom of Naples, which had been handed over to the Spanish Authorities, proposed the restitution only of papers of private interest belonging to those archives (*Tecco* to *Ricasoli*, Madrid, 30 October 1861, h. 8.05, ASE, 22).

The proposal was rejected by the Minister for Foreign Affairs, *Ricasoli*, who, in a dispatch to *Nigra*, the Minister of Italy at Paris, observed:

"This distinction is not based on any legal principle; it leaves the issue of law undecided or, rather, decides it to the disadvantage of the King's Government, which cannot and must not allow Spain to arrogate to itself rights of ownership over such important documents as those relating to the public interest.

¹ The Spanish Consular and Diplomatic Agents also took possession of the Neapolitan Archives in Constantinople, Alexandria, Marseilles, Algiers, London, Gibraltar, Tripoli and in other cities. See also: *Ricasoli* to *Tecco*, Turin, 6 November 1861, ASE, 5.

“Besides, how could the aforesaid distinction be applied? All the documents in the archives would obviously have to be thoroughly and carefully examined in order to determine which are of a private nature and which of a public nature. Is the Italian Government to be expected simply to receive from the Spanish Consular Agents, who are known to harbour ill will, such papers as they see fit to deliver? Or should a Mixed Commission be appointed, at all places where the Spanish Consuls are in possession of these Archives, for the purpose of classifying the documents? Anyone can see how impracticable and indecorous this behaviour toward the Italian Government is in fact and how little in keeping with the law, and there is certainly no need for me to add that, for my part, I could not consent to such conditions. It will also be noted that Spain wishes to make that partial consignment not to the Italian Consuls but to the local Authorities. This is another way of artfully evading the just demands of the King’s Government. In fact, while the local Authorities of the States which have already recognized the Kingdom of Italy have handed over these Archives to the Italian Consuls without any difficulty, this will not happen in the places where the Government has not yet entered into regular diplomatic relations with the Kingdom of Italy; with these Governments the problem will be even more difficult and thorny than before, and Spain will have only succeeded in thereby causing further difficulties to the King’s Government” (*Ricasoli to Nigra*, Turin, 6 November 1861, ASE, 5; see also: *Ricasoli to Tecco*, Turin, 6 November, 1861, *ibidem*).

On the basis of these considerations the Italian Government insisted on the full restitution of the Neapolitan archives and expressed:

“The hope that the Spanish Cabinet would recognize the justice of the request and renounce any claim that would impair our rights and our dignity” (*Ricasoli to Tecco*, Turin, 10 November 1861, h. 11.30, ASE, 71).

Meanwhile, as a result of the negotiations conducted by the Minister of Italy in Madrid, Tecco, the Spanish Government agreed to return all the consular archives of the Kingdom of Naples, which had been handed over to the Spanish Authorities, on condition that such restitution was accompanied by the following note:

“The Spanish Government, being convinced that there are no political documents in the archives of the Neapolitan Consulates deposited by the consular agents of Spain, orders its Agents unconditionally to hand over these archives to the local Authorities, who in turn will deliver them to the parties authorized to receive them” (*Tecco to Ricasoli*, Madrid, 14 November 1861, h. 23.15, ASE, 22).

The Spanish Government also requested that the Turin Government should withdraw the notes exchanged between the two capitals “so that no trace may remain of the discussion held on these principles” (*Tecco to Ricasoli*, Madrid, 16 November 1861, h. 10.00, ASE, 22).

Ricasoli considered the latter request acceptable if the Spanish Government avoided any reference, in the note concerning the release of the Neapolitan archives, to the distinction between political papers and private papers (*Ricasoli to Tecco*, Turin, 18 November 1861, h. 15.00, ASE, 71).

Since Madrid did not accept that condition, on 23 November Ricasoli telegraphed to Tecco:

"In view of the refusal of the Spanish Cabinet I am obliged to instruct you to ask for your passports and to leave immediately" (*Ricasoli to Tecco, Turin, 23 November 1861, h. 15.10, ASE, 71*).

In the circular sent by Ricasoli to the Italian Diplomatic Missions abroad, on 30 November 1861, justifying the recall of the King's Minister at Madrid, it was noted:

"Spain had in fact no right to the Neapolitan Archives which had become the property of the Italian Government; and the Spanish Cabinet, which had declared that it did not wish to interfere in any way in the affairs of Italy, lent by that action direct support to the claims of the ex-King of Naples. It thus in reality took a position quite different from its statements. It conferred the rights of a belligerent Power on a pretender, who had lost his throne as a result of a revolution and left his former territory after a regular capitulation; it prevented the Government of King Victor Emanuel from exercising part of his rights and fulfilling part of the obligations which had been conferred on him by the will of the Italian peoples.

"As a result of the sage counsels of the French Government, which kindly used its good offices, the Spanish Government declared that it was ready to hand over to the local Authorities the documents concerning the private interests of Italian subjects. But it added that, in so far as documents of a public nature were concerned, it did not consider that it could release them.

"In view of the detailed discussion held on the issue of law this distinction was not admissible. At that stage of the negotiations it would be impossible to agree to the return of part of the documents without at the same time acknowledging that Spain had the right to keep the other part. The issue of law, which had become the most important one, would thus be implicitly settled in a manner unfavourable to the King's Government" (*Ricasoli to the Italian Diplomatic Missions abroad, Turin, 30 November 1861, ASE, 5*).

The question of the Neapolitan archives was not settled until many years later.

On 2 February 1867 the Minister for Foreign Affairs, Visconti Venosta, sent the following circular to the Italian Missions abroad:

"As a result of information received by the Government of His Majesty, our August Sovereign, it has been agreed with that of Her Majesty the Queen of Spain that the archives of the representatives of the former Kingdom of the Two Sicilies are to be returned to the Italian diplomatic and consular Agents.

"The diplomatic and consular officers of Her Catholic Majesty will shortly receive from the Government of Madrid instructions to hand over to you all consular papers concerning the present Kingdom of Italy existing in the Neapolitan archives and, in addition, all State documents of a public nature which are to become part of our archives" (*Visconti Venosta to the Italian Missions abroad, Florence, 2 February 1867, Circolari Esteri, vol. I, p. 77*).

(h) Concerning Italy's right to obtain the consular archives of the Kingdom of the Two Sicilies from foreign States, the Council of the Foreign Ministry Legal Department stated the following:

"The Government of the King of Italy therefore has every right to request the States which have recognized it, if they can do so administratively, to promote the required delivery [of the Neapolitan archives]. Its insistence on that point will be perfectly legal, and the foreign Government that refused the request could only incur well deserved blame." (Opinion of the Council of the Foreign Ministry Legal Department, 29 December 1862, ASE, Cont., 2.)

Acting on the opinion of the Foreign Ministry Legal Department of 29 December 1862, the Minister for Foreign Affairs, Pasolini, requested the kind co-operation of the Swedish Government in securing, through "some administrative action", the delivery of the consular and diplomatic archives of the Kingdom of the Two Sicilies at Stockholm (*Pasolini to Migliorati*, Turin, 15 January 1862, ASE, 477).

(i) The Secretary-General of the Ministry of Foreign Affairs, Carutti, noting that the action of the Spanish Agents in Brazil in taking possession of the Neapolitan consular archives was "an action which virtually involved a breach of the law [...] applied [by the Brazilian Government] in recognizing the Kingdom of Italy", requested Galateri, the Italian Chargé d'Affaires at Rio de Janeiro, "to take steps to ensure that the archives were delivered to the Italian Legation" (*Carutti to Galateri*, Turin, 22 January 1862, ASE, 445).

(j) In reply to a question asked by Hon. Petruccelli, the Minister for Foreign Affairs, Durando, stated with regard to the question of the consular archives of the Kingdom of Naples, handed over to the Spanish authorities:

"It is clear and evident that the possessor of a State has the right to everything: it has the right to archives, and to buildings, and indeed to whatever belongs to that State. [...]"

"We are obviously in the right: the fact remains, however, that Spain, wishing to abide by the principle of not relinquishing ownership of, or the right of reversion it intended to have over the Kingdom of Naples, did not wish to return the archives and thereby recognize the true owner of the State. Therefore, this question, apparently of little import, somewhat exacerbated the Spanish attitude" (A.P., C.D., *Discussioni*, meeting of 20 July 1862, p. 3458).

(ii) *Annexation of the Duchy of Florence to the Kingdom of Italy, 1860*

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

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

Effects regarding the public debt and other pecuniary obligations

...
 Hon. Antonio Mosca, the Government spokesman on the Law on the transfer of the capital to Florence, made the following statement concerning the public debt of the Papal States:

“With regard to the pact concerning the papal debt, I must mention one important point.

“No opposition speaker [...] has felt that it was possible seriously to dispute the principle whereby we should assume this obligation.

“It goes without saying. You have [absorbed] the State, and therefore you must assume the debt pertaining to that State” (A.P., C.D., *Discussioni*, meeting of 17 November 1864, p. 6703).

More explicitly, the Minister for Foreign Affairs, Menabrea, some years later, when discussing some problems concerning the authorization for the provisional budget for 1869 and payment of the papal debt, pointed out that that debt

“Arose on the day when Italy took possession of those provinces which once belonged to the State of the Holy See, and now form part of the Kingdom of Italy.

“There is no doubt that this principle was always accepted and that since the early years of the annexation of those provinces, the Italian Government has never refused to meet the debts pertaining to those provinces” (A.P., C.D., *Discussioni*, meeting of 21 December 1868, p. 8652).

(iii) *Incorporation of the Papal States to the Kingdom of Italy, 1870*

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:

“By a Decree of 9 October His Majesty the King has accepted and sanctioned the Plebiscite of the Roman Provinces, which now form an integral part of the Kingdom of Italy. In informing you of this I invite you to extend forthwith your jurisdiction to the natives of those Provinces, and to afford them in all circumstances the protection and assistance to which citizens of the other Provinces of the Kingdom are entitled. [...]

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

"When citizens of the aforesaid Provinces present unexpired passports issued by the former papal Authorities you will exchange them, free of charge for national passports valid for the period for which the withdrawn documents would still have been good. [. . .]

"The rules laid down in the Regulations for the implementation of the Consular Law are to be followed with respect to all cases of change of flag by the merchant navy of the aforesaid Provinces, now incorporated into that of the Kingdom of Italy.

"When authorizing the change of flag you will issue provisional ship's papers and withdraw the papal clearing papers, which you will transmit to the Ministry of the Navy together with the necessary documents and data concerning the ownership of the ship, and such others as are essential for the issue of new regular papers" (*Visconti Venosta to the Italian Consular Missions abroad*, Florence, 30 October 1870, *Circolari Esteri*, vol. I, pp. 142-143).

*Consignment to the successor State of the public archives
and consular archives of the State a quo*

(b) After the annexation to the Kingdom of Italy of the territory which formed the Papal States, the Minister for Foreign Affairs, Visconti Venosta, required the Italian Consuls abroad:

"Promptly to extend to the former papal Consuls a formal invitation to deliver to you without delay the seals, deposits and any other articles forming part of the Archives of their Chancellery, and should the protection of citizens belonging to the provinces recently annexed to the States of His Majesty be simply entrusted to foreign Agents in that Consular District, you will also kindly make an informal request for the return of that part of their Archives which concerns the aforesaid citizens" (*Visconti Venosta to the Italian Consular Missions abroad*, Florence, 30 October 1870, *Circolari Esteri*, vol. I, pp. 142-143).

Effects regarding the public debt and other pecuniary obligations

(c) In July 1867, the Swiss Legation made a direct application to secure for a person named Kaiser, a former colonel in a papal regiment stationed at Bologna, payment of a pension from the Kingdom of Italy, to whose sovereignty the city of Bologna had been transferred. The Minister for Switzerland at Florence, Pioda, added;

"His Majesty's Government has just afforded evidence of its concern for equity by assuming its portion of the papal debt. I venture to hope that it will show the same concern for justice in the case of the claimant, who, up to now, has been a victim of his fidelity to higher orders and of the services which fate suffered him to render to the cause of Italian independence" (*Pioda to Campello*, Florence, 11 July 1867, ASE, 785).

Mr. Campello rejected the Swiss application (*Campello to Pioda*, Florence, 7 September 1867, ASE, 437), attaching, as justification, a note from the Minister for War, Thaon de Revel, in which it was contended that Kaiser's claim could not be taken into consideration because, when Kaiser in 1849

"Left the service, the Papal States were still intact, and the dismemberment which is now being used as an argument in support of this claim for a pension was still a long way off" (*Revel to Campello*, Florence, 25 August 1867, ASE, 674).

2. Establishment of the Free City of Danzig, 1919

TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY. SIGNED AT VERSAILLES, ON 28 JUNE 1919¹

PART III. POLITICAL CLAUSES FOR EUROPE

SECTION XI. FREE CITY OF DANZIG

Article 105

On the coming into force of the present Treaty German nationals ordinarily resident in the territory described in Article 100 will *ipso facto* lose their German nationality, in order to become nationals of the Free City of Danzig.

Article 106

Within a period of two years from the coming into force of the present Treaty, German nationals over 18 years of age ordinarily resident in the territory described in Article 100 will have the right to opt for German nationality.

Option by a husband will cover his wife and option by parents will cover their children less than 18 years of age.

All persons who exercise the right of option referred to above must, during the ensuing twelve months, transfer their place of residence to Germany.

These persons will be entitled to preserve the immovable property possessed by them in the territory of the Free City of Danzig. They may carry with them their movable property of every description. No export or import duties shall be imposed upon them in this connection.

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

Article 107

All property situated within the territory of the Free City of Danzig belonging to the German Empire or to any German State shall pass to the Principal Allied and Associated Powers for transfer to the Free City of Danzig or to the Polish State as they may consider equitable.

Article 108

The proportion and nature of the financial liabilities of Germany and of Prussia to be borne by the Free City of Danzig shall be fixed in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

All other questions which may arise from the cession of the territory referred to in Article 100 shall be settled by further agreements.

3. Renunciation by Austria and by Hungary of rights and title over former territories of the Austro-Hungarian Monarchy recognized as forming part of:

(i) *Italy, 1919*

- (a) TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND AUSTRIA. SIGNED AT SAINT GERMAIN-EN-LAYE, ON 10 SEPTEMBER, 1919¹

PART III. POLITICAL CLAUSES FOR EUROPE

SECTION I. ITALY

Article 36

Austria renounces, so far as she is concerned, in favour of Italy all rights and title over the territory of the former Austro-Hungarian Monarchy situated beyond the frontiers of Austria laid down in Article 27 (2), Part II (Frontiers of Austria), and lying between those frontiers, the former Austro-Hungarian frontier, the Adriatic Sea, and the eastern frontier of Italy as subsequently determined.

Austria similarly renounces, so far as she is concerned, in favour of Italy all rights and title over other territory of the former Austro-Hungarian Monarchy which may be recognised as forming part of Italy by any treaties which may be concluded for the purpose of completing the present settlement.

A Commission composed of five members, one nominated by Italy, three by the other Principal Allied and Associated Powers, and one by Austria, shall be constituted within fifteen days from the coming into force of the present Treaty, to trace on the spot the frontier line between Italy and Austria.

The decisions of the Commission will be taken by a majority and shall be binding on the parties concerned.

¹ *British and Foreign State Papers*, 1919, Vol. CXII, p. 317 *et seq.* Came into force on 16 July 1920.

Article 37

Notwithstanding the provisions of Article 269, Part X (Economic Clauses), persons having their usual residence in the territories' of the former Austro-Hungarian Monarchy transferred to Italy who, during the war, have been outside the territories of the former Austro-Hungarian Monarchy or have been imprisoned, interned or evacuated, shall enjoy the full benefit of the provisions of Articles 252 and 253, Part X (Economic Clauses).

Article 38

A special Convention will determine the terms of repayment in Austrian currency of the special war expenditure advanced during the war by territory of the former Austro-Hungarian Monarchy transferred to Italy or by public associations in that territory on account of the Austro-Hungarian Monarchy under its legislation, such as allowances to the families of persons mobilised, requisitions, billeting of troops and relief to persons who have been evacuated.

In fixing the amount of these sums Austria shall be credited with the amount which the territory would have contributed to Austria-Hungary to meet the expenses resulting from these payments, this contribution being calculated according to the proportion of the revenues of the former Austro-Hungarian Monarchy derived from the territory in 1913.

Article 39

The Italian Government will collect for its own account the taxes, dues and charges of every kind leviable in the territories transferred to Italy and not collected on November 3, 1918.

Article 41

Subject to the provisions of Article 208, Part IX (Financial Clauses) relative to the acquisition of, and payment for, State property and possessions, the Italian Government is substituted in all the rights which the Austrian State possessed over all the railways in the territories transferred to Italy which were administered by the Railway Administration of the said State and which are actually working or under construction.

The same shall apply to the rights of the former Austro-Hungarian Monarchy with regard to railway and tramway concessions within the above-mentioned territories.

The frontier railway stations shall be determined by a subsequent agreement.

Article 42

Austria shall restore to Italy within a period of three months all the wagons belonging to the Italian railways which before the outbreak of war had passed into Austria and have not returned to Italy.

Article 43

Austria renounces as from November 3, 1918, on behalf of herself and her nationals in regard to territories transferred to Italy all rights to which she may be entitled with regard to the products of the aforesaid territories under any agreements, stipulations or laws establishing trusts, cartels or other similar organisations.

Article 44

For a period of ten years from the coming into force of the present Treaty central electric power stations situated in Austrian territory and formerly furnishing electric power to the territories transferred to Italy or to any establishment the exploitation of which passes to Italy shall be required to continue furnishing this supply up to an amount corresponding to the undertakings and contracts in force on November 3, 1918.

Austria further admits the right of Italy to the free use of the waters of Lake Raibl and its derivative watercourse and to divert the said waters to the basin of the Korinitza.

Article 45

1. Judgments rendered since August 4, 1914, by the courts in the territory transferred to Italy in civil and commercial cases between the inhabitants of such territory and other nationals of the former Austrian Empire, or between such inhabitants and the subjects of the Powers allies of the Austro-Hungarian Monarchy, shall not be carried into effect until after endorsement by the corresponding new court in such territory.

2. All decisions rendered for political crimes or offences since August 4, 1914, by the judicial authorities of the former Austro-Hungarian Monarchy against Italian nationals, including persons who obtain Italian nationality under the present Treaty, shall be annulled.

3. In all matters relating to proceedings initiated before the coming into force of the present Treaty before the competent authorities of the territory transferred to Italy, the Italian and Austrian judicial authorities respectively shall until the coming into force of a special convention on this subject be authorised to correspond with each other direct. Requests thus presented shall be given effect to so far as the laws of a public character allow in the country to the authorities of which the request is addressed.

4. All appeals to the higher Austrian judicial and administrative authorities beyond the limits of the territory transferred to Italy against decisions of the administrative or judicial authorities of this territory shall be suspended. The records shall be submitted to the authorities against whose decision the appeal was entered. They must be transmitted to the competent Italian authorities without delay.

5. All other questions as to jurisdiction, procedure or the administration of justice will be determined by a special convention between Italy and Austria.

(b) TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND HUNGARY. SIGNED AT TRIANON, ON 4 JUNE 1920¹

Note: Paragraphs 36 to 40 of this Treaty are *mutatis mutandis* basically similar to articles 36 to 45 of the Treaty of peace between the Allied and Associated Powers and Austria of 10 September 1919, reproduced *supra*, para. (a).

(ii) *Serb-Croat-Slovene State, 1919*²

(a) TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND AUSTRIA. SIGNED AT SAINT GERMAIN-EN LAYE, ON 10 SEPTEMBER, 1919³

PART III. POLITICAL CLAUSES FOR EUROPE

SECTION II. SERB-CROAT-SLOVENE STATE

Article 46

Austria, in conformity with the action already taken by the Allied and Associated Powers, recognises the complete independence of the Serb-Croat-Slovene State.

Article 47

Austria renounces, so far as she is concerned, in favour of the Serb-Croat-Slovene State all rights and title over the territories of the former Austro-Hungarian Monarchy situated outside the frontiers of Austria as laid down in Article 27, Part II (Frontiers of Austria) 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.

(b) TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND HUNGARY. SIGNED AT TRIANON, ON 4 JUNE 1920⁴

[*Note:* Paragraphs 41 and 42 of this Treaty are *mutatis mutandis* basically similar to articles 46 and 47 of the Treaty of peace between the Allied and Associated Powers and Austria of 10 September 1919, reproduced *supra*, para. (a).]

¹ *British and Foreign State Papers*, vol. CXIII, p. 486.

² 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.

³ *British and Foreign State Papers*, 1919, vol. CXII, p. 317 *et seq.* Came into force on 16 July 1920.

⁴ *British and Foreign State Papers*, vol. CXIII, p. 486 *et seq.*

(iii) *Czechoslovakia, 1919*

- (a) TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND AUSTRIA. SIGNED AT SAINT GERMAIN-EN-LAYE, ON 10 SEPTEMBER, 1919¹

PART III. POLITICAL CLAUSES FOR EUROPE

SECTION III. CZECHO-SLOVAK STATE

Article 53

Austria, 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.

Article 54

Austria renounces, so far as she is concerned, in favour of the Czecho-Slovak State all rights and title over the territories of the former Austro-Hungarian Monarchy situated outside the frontiers of Austria as laid down in Article 27, Part II (Frontiers of Austria), and recognised in accordance with the present Treaty as forming part of the Czecho-Slovak State.

Article 58

The proportion and nature of the financial obligations of the former Austrian Empire which the Czecho-Slovak State will have to assume on account of the territory placed under its sovereignty will be determined in accordance with Article 203, Part IX (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.

- (b) TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND HUNGARY. SIGNED AT TRIANON, ON 4 JUNE 1920²

[*Note:* Paragraphs 48, 49 and 52 of this Treaty are *mutatis mutandis* basically similar to articles 53, 54 and 58 of the Treaty of peace between the Allied and Associated Powers and Austria of 10 September 1919.]

¹ *British and Foreign State Papers*, 1919, vol. CXII, p. 317 *et seq.* Came into force on 16 July 1920.

² *British and Foreign State Papers*, vol. CXIII, p. 486 *et seq.*

(iv) *Romania, 1919*

- (a) TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND AUSTRIA. SIGNED AT SAINT-GERMAIN-EN-LAYE, ON 10 SEPTEMBER, 1919¹

PART III. POLITICAL CLAUSES FOR EUROPE

SECTION IV. ROUMANIA

Article 59

Austria renounces, so far as she is concerned, in favour of Roumania all rights and title over such portion of the former Duchy of Bukovina as lies within the frontiers of Roumania which may ultimately be fixed by the Principal Allied and Associated Powers.

Article 61

The proportion and nature of the financial obligations of the former Austrian Empire which Roumania will have to assume on account of the territory placed under her sovereignty will be determined in accordance with Article 203, Part IX (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.

- (b) TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND HUNGARY. SIGNED AT TRIANON, ON 4 JUNE 1920²

[*Note:* Paragraphs 45 and 47 of this Treaty are *mutatis mutandis* basically similar to articles 59 and 61 of the Treaty of peace between the Allied and Associated Powers and Austria of 10 September 1919, reproduced *supra*, para. (a).]

(v) *Common Provisions, 1919*

- (a) TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND AUSTRIA. SIGNED AT SAINT GERMAIN-EN-LAYE, ON 10 SEPTEMBER, 1919¹

¹ *British and Foreign State Papers*, 1919, vol. CXII, p. 317 *et seq.* Came into force on 16 July 1920.

² *British and Foreign State Papers*, vol. CXIII, p. 486 *et seq.*

PART III. POLITICAL CLAUSES FOR EUROPE

SECTION VI. CLAUSES RELATING TO NATIONALITY

Article 70

Every person possessing rights of citizenship (*pertinenza*) in territory which formed part of the territories of the former Austro-Hungarian Monarchy shall obtain *ipso facto* to the exclusion of Austrian nationality the nationality of the State exercising sovereignty over such territory.

Article 71

Notwithstanding the provisions of Article 70, Italian nationality shall not, in the case of territory transferred to Italy, be acquired *ipso facto*:

(1) by persons possessing rights of citizenship in such territory who were not born there;

(2) by persons who acquired their rights of citizenship in such territory after May 24, 1915, or who acquired them only by reason of their official position.

Article 72

The persons referred to in Article 71, as well as those who:

(a) formerly possessed rights of citizenship in the territories transferred to Italy, or whose father, or mother if the father is unknown, possessed rights of citizenship in such territories, or

(b) have served in the Italian Army during the present war, and their descendants, may claim Italian nationality subject to the conditions prescribed in Article 78 for the right of option.

Article 73

The claim to Italian nationality by the persons referred to in Article 72 may in individual cases be refused by the competent Italian authority.

Article 74

Where the claim to Italian nationality under Article 72 is not made, or is refused, the persons concerned will obtain *ipso facto* the nationality of the State exercising sovereignty over the territory in which they possessed rights of citizenship before acquiring such rights in the territory transferred to Italy.

Article 75

Juridical persons established in the territories transferred to Italy shall be considered Italian if they are recognised as such either by the Italian administrative authorities or by an Italian judicial decision.

Article 76

Notwithstanding the provisions of Article 70, persons who acquired rights of citizenship after January 1, 1910, in territory transferred under the present Treaty to the Serb-Croat-Slovene State, or to the Czecho-Slovak State, will not acquire Serb-Croat-Slovene or Czecho-Slovak nationality without a permit from the Serb-Croat-Slovene State or the Czecho-Slovak State respectively.

Article 77

If the permit referred to in Article 76 is not applied for, or is refused, the persons concerned will obtain *ipso facto* the nationality of the State exercising sovereignty over the territory in which they previously possessed rights of citizenship.

Article 78

Persons over 18 years of age losing their Austrian nationality and obtaining *ipso facto* a new nationality under Article 70 shall be entitled within a period of one year from the coming into force of the present Treaty to opt for the nationality of the State in which they possessed rights of citizenship before acquiring such rights in the territory transferred.

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.

Article 79

Persons entitled to vote in plebiscites provided for in the present Treaty shall within a period of six months after the definitive attribution of the area in which the plebiscite has taken place be entitled to opt for the nationality of the State to which the area is not assigned. The provisions of Article 78 relating to the right of option shall apply equally to the exercise of the right under this Article.

Article 80

Persons possessing rights of citizenship in territory forming part of the former Austro-Hungarian Monarchy, and differing in race and language from the majority of the population of such territory, shall within six months from the coming into force of the present Treaty severally be entitled to opt for Austria, Italy, Poland, Roumania, the Serb-Croat-Slovene State, or the Czecho-Slovak State, if the majority of the population of the State selected is

of the same race and language as the person exercising the right to opt. The provisions of Article 78 as to the exercise of the right of option shall apply to the right of option given by this Article.

Article 81

The High Contracting Parties undertake to put no hindrance in the way of the exercise of the right which the persons concerned have under the present Treaty, or under treaties concluded by the Allied and Associated Powers with Germany, Hungary or Russia, or between any of the Allied and Associated Powers themselves, to choose any other nationality which may be open to them.

SECTION III. GENERAL PROVISIONS

Article 91

Austria renounces so far as she is concerned in favour of the Principal Allied and Associated Powers all rights and title over the territories which previously belonged to the former Austro-Hungarian Monarchy and which, being situated outside the new frontiers of Austria as described in Article 27, Part II (Frontiers of Austria), have not at present been assigned to any State.

Austria 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.

Article 93

Austria will hand over without delay to the Allied and Associated Governments concerned archives, registers, plans, title-deeds and documents of every kind belonging to the civil, military, financial, judicial or other forms of administration in the ceded territories. If any one of these documents, archives, registers, title-deeds or plans is missing, it shall be restored by Austria upon the demand of the Allied or Associated Government concerned.

In case the archives, registers, plans, title-deeds or documents referred to in the preceding paragraph, exclusive of those of a military character, concern equally the administrations in Austria and cannot therefore be handed over without inconvenience to such administrations, Austria undertakes, subject to reciprocity, to give access thereto to the Allied and Associated Government concerned.

Article 94

Separate conventions between Austria and each of the States to which territory of the former Austrian Empire is transferred, and each of the States arising from the dismemberment of the former Austro-Hungarian Monarchy, will provide for the interests of the inhabitants, especially in connection with their civil rights, their commerce, and the exercise of their professions.

PART IX. FINANCIAL CLAUSES

Article 202

Nothing in the foregoing provisions 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 Austria-Hungary and the Allied or Associated Power concerned by the former Austrian Government or by nationals of the former Austrian Empire on assets in their ownership at that date, except in as 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.

Article 203

1. Each of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each of the States arising from the dismemberment of that Monarchy, including Austria, shall assume responsibility for a portion of the debt of the former Austrian Government which is specifically secured on railways, salt mines or other property, and which was in existence on July 28, 1914. The portion to be so assumed by each State shall be such portion as in the opinion of the Reparation Commission represents the secured debt in respect of the railways, salt mines and other properties transferred to that State under the terms of the present Treaty or any treaties or agreements supplementary thereto.

The amount of the liability in respect of secured debt so assumed by each State, other than Austria, shall be valued by the Reparation Commission, on such basis as the Commission may consider equitable, and the value so ascertained shall be deducted from the amount payable by the State in question to Austria in respect of property of the former or existing Austrian Government which the State acquires with the territory. Each State shall be solely responsible in respect of that portion of the secured debt for which it assumes responsibility under the terms of this Article, and holders of the debt for which responsibility is assumed by States other than Austria shall have no recourse against the Government of any other State.

Any property which was specifically pledged to secure any debt referred to in this Article shall remain specifically pledged to secure the new debt. But in case the property so pledged is situated as the result of the present Treaty in more than one State, that portion of the property which is situated in a particular State shall constitute the security only for that part of the debt which is apportioned to that State, and not for any other part of the debt.

For the purposes of the present Article there shall be regarded as secured debt payments due by the former Austrian Government in connexion with the purchase of railways or similar property; the distribution of the liability for such payments will be determined by the Reparation Commission in the same manner as in the case of secured debt.

Debts for which the responsibility is transferred under the terms of this Article shall be expressed in terms of the currency of the State assuming the responsibility, if the original debt was expressed in terms of Austro-Hungarian

paper currency. For the purposes of this conversion the currency of the assuming State shall be valued in terms of Austro-Hungarian paper kronen at the rate at which those kronen were exchanged into the currency of the assuming State by that State when it first substituted its own currency for Austro-Hungarian kronen. The basis of this conversion of the currency unit in which bonds are expressed shall be subject to the approval of the Reparation Commission, which shall, if it thinks fit, require the State effecting the conversion to modify the terms thereof. Such modification shall only be required if, in the opinion of the Commission, the foreign exchange value of the currency unit or units substituted for the currency unit in which the old bonds are expressed is substantially less at the date of the conversion than the foreign exchange value of the original currency unit.

If the original Austrian debt was expressed in terms of a foreign currency or foreign currencies, the new debt shall be expressed in terms of the same currency or currencies.

If the original Austrian debt was expressed in terms of Austro-Hungarian gold coin, the new debt shall be expressed in terms of equivalent amounts of pounds sterling and gold dollars of the United States of America, the equivalents being calculated on the basis of the weight and the fineness of gold of the three coins as enacted by law on January 1, 1914.

Any foreign exchange options, whether at fixed rates or otherwise, embodied explicitly or implicitly in the old bonds shall be embodied in the new bonds also.

2. Each of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each of the States arising from the dismemberment of that Monarchy, including Austria, shall assume responsibility for a portion of the unsecured bonded debt of the former Austrian Government which was in existence on July 28, 1914, calculated on the basis of the ratio between the average for the three financial years 1911, 1912, 1913, of such revenues of the distributed territory and the average for the same years of such revenues of the whole of the former Austrian territories as in the judgment of the Reparation Commission are best calculated to represent the financial capacity of the respective territories. In making the above calculation the revenues of Bosnia and Herzegovina shall not be included.

The responsibilities in respect of bonded debt to be assumed under the terms of this Article shall be discharged in the manner laid down in the Annex hereto.

The Austrian Government shall be solely responsible for all the liabilities of the former Austrian Government incurred prior to July 28, 1914, other than those evidenced by the bonds, bills, securities and currency notes which are specifically provided for under the terms of the present Treaty.

Neither the provisions of this Article nor the provisions of the Annex hereto shall apply to securities of the former Austrian Government deposited with the Austro-Hungarian Bank as security for the currency notes issued by that bank.

ANNEX

The amount of the former unsecured Austrian Government bonded debt, the responsibility for which is to be distributed under the provisions of Article 203, shall be

the amount of that debt as it stood on July 28, 1914, after deducting that portion which represents the liability of the former Hungarian Government for that debt as provided by the additional Convention relating to the contribution of the countries of the Sacred Hungarian Crown to the charges of the general debt of Austria-Hungary approved by the Austro-Hungarian Law of December 30, 1907, B. L. I. No. 278.

Each State assuming responsibility for the old unsecured Austrian Government debt shall, within three months of the coming into force of the present Treaty, if it has not already done so, stamp with the stamp of its own Government all the bonds of that debt existing in its own territory. The distinguishing numbers of the bonds so stamped shall be recorded and shall be furnished, together with the other records of the stamping, to the Reparation Commission.

Holders of bonds within the territory of a State which is required to stamp old Austrian bonds under the terms of this Annex shall, from the date of the coming into force of the present Treaty, be creditors in respect of these bonds of that State only, and they shall have no recourse against the Government of any other State.

Each State which, under the terms of Article 203, is required to assume responsibility for a portion of the old unsecured Austrian Government debt, and which has ascertained by means of stamping the old Austrian bonds that the bonds of any particular issue of such old Austrian bonds held within its territory were smaller in amount than the amount of that issue for which, in accordance with the assessment of the Reparation Commission, it is held responsible, shall deliver to the Reparation Commission new bonds equal in amount to the difference between the amount of the issue for which it is responsible and the amount of the same issue recorded as held within its own territory. Such new bonds shall be of such denominations as the Reparation Commission may require. They shall carry the same rights as regards interest and amortisation as the old bonds for which they are substituted, and in all other respects the conditions of the new bonds shall be fixed subject to the approval of the Reparation Commission.

If the original bond was expressed in terms of Austro-Hungarian paper currency, the new bond by which it is replaced shall be expressed in terms of the currency of the State issuing the new bond, and for the purpose of this currency conversion, the currency of the new State shall be valued in terms of Austro-Hungarian paper kronen at the rate at which those kronen were exchanged for the currency of the new State by that State when it first substituted its own currency for Austro-Hungarian paper kronen. The basis of this conversion of the currency unit in which the bonds are expressed shall be subject to the approval of the Reparation Commission, which shall, if it thinks fit, require the State effecting the conversion to modify the terms thereof. Such modification shall only be required if, in the opinion of the Commission, the foreign exchange value of the currency unit or units substituted for the currency unit in which the old bonds are expressed is substantially less at the date of the conversion than the foreign exchange value of the original currency unit.

If the original bond was expressed in terms of a foreign currency or foreign currencies, the new bond shall be expressed in terms of the same currency or currencies. If the original bond was expressed in terms of Austro-Hungarian gold coin, the new bond shall be expressed in terms of equivalent amounts of pounds sterling and gold dollars of the United States of America, the equivalents being calculated on the basis of the weight and fineness of gold of the three coins as enacted by law on January 1, 1914.

Any foreign exchange options, whether at fixed rates or otherwise, embodied explicitly or implicitly in the old bonds shall be embodied in the new bonds also.

Each State which under the terms of Article 203 is required to assume responsibility for a portion of the old unsecured Austrian Government debt, which has ascertained by means of stamping the old Austrian bonds that the bonds of any particular issue of such old Austrian bonds held within its territory were larger in amount than the amount of that issue for which it is held responsible in accordance with the assessment of the Reparation Commission, shall receive from the Reparation Commission its due

proportionate share of each of the new issues of bonds issued in accordance with the provisions of this Annex.

Holders of unsecured bonds of the old Austrian Government debt held outside the boundaries of the States to which territory of the former Austro-Hungarian Monarchy is transferred; or of States arising from the dismemberment of that Monarchy, including Austria, shall deliver through the agency of their respective Governments to the Reparation Commission the bonds which they hold, and in exchange therefor the Reparation Commission shall deliver to them certificates entitling them to their due proportionate share of the new issues of bonds corresponding to and issued in exchange for their surrendered bonds under the provisions of this Annex.

The share of each State or private holder entitled to a share in any new issue of bonds issued in accordance with the provisions of this Annex shall bear such proportion to the total amount of bonds of that new issue as the holding of the State or private owner in question of the old issue of bonds bears to the total amount of the old issue presented to the Reparation Commission for exchange into new bonds in accordance with the provisions of this Annex. Each such participating State or private holder will also be entitled to its or his due proportionate share of the new bonds issued under the terms of the Treaty with Hungary in exchange for that portion of the former Austrian Government debt for which Hungary accepted liability under the additional Convention of 1907.

The Reparation Commission shall, if it thinks fit, arrange with the holders of the new bonds provided for by this Annex a consolidation loan of each debtor State, the bonds of which loan shall be substituted for the various different issues of new bonds on such terms as may be agreed upon by the Commission and the bondholders.

The State assuming liability for any bond of the former Austrian Government shall assume any liability attaching to the bond in respect of unpaid coupons or sinking fund instalments accrued since the date of the coming into force of the present Treaty.

Article 204

1. In case the new boundaries of any States, as laid down by the present Treaty, shall divide any local area which was a single unit for borrowing purposes and which had a legally constituted public debt, such debt shall be divided between the new divisions of the area in a proportion to be determined by the Reparation Commission in accordance with the principles laid down for the re-apportionment of Government debts under Article 203, and the responsibility so assumed shall be discharged in such a manner as the Reparation Commission shall determine.

2. The public debt of Bosnia and Herzegovina shall be regarded as the debt of a local area and not as part of the public debt of the former Austro-Hungarian Monarchy.

Article 205

Within two months of the coming into force of the present Treaty, each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred and each one of the States arising from the dismemberment of that Monarchy, including Austria, shall, if it has not already done so, stamp with the stamp of its own Government the securities of various kinds which are separately provided for, representing the bonded war debt of the former Austrian Government as legally constituted prior to October 27, 1918, and existing in their respective territories.

The securities thus stamped shall be withdrawn and replaced by certificates, their distinguishing numbers shall be recorded, and any securities withdrawn, together with the documents recording the transaction, shall be sent to the Reparation Commission.

The stamping and replacement of a security by a certificate under the provisions of this Article shall not imply that the State so stamping and replacing a security thereby assumes or recognises any obligation in respect of it, unless the State in question desires that the stamping and replacement should have this implication.

The aforementioned States, with the exception of Austria, shall be free from any obligation in respect of the war debt of the former Austrian Government, wherever that debt may be held, but neither the Governments of those States nor their nationals shall have recourse under any circumstances whatever, against any other States, including Austria, in respect of the war debt bonds of which they or their nationals are the beneficial owners.

The war debt of the former Austrian Government which was prior to the signature of the present Treaty in the beneficial ownership of nationals or Governments of States other than those to which territory of the former Austro-Hungarian Monarchy is assigned shall be a charge upon the Government of Austria only, and no one of the other States aforementioned shall be held responsible for any part thereof.

The provisions of this Article shall not apply to the securities of the former Austrian Government deposited by that Government with the Austro-Hungarian Bank as security for the currency notes of the said bank.

The existing Austrian Government shall be solely responsible for all the liabilities of the former Austrian Government incurred during the war, other than those evidenced by the bonds, bills, securities and currency notes which are specifically provided for under the terms of the present Treaty.

Article 206

1. Within two months of the coming into force of the present Treaty, each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each one of the States arising from the dismemberment of that Monarchy, including Austria and the present Hungary, shall, if it has not already done so, stamp with the stamp of its own Government the currency notes of the Austro-Hungarian Bank existing in its territory.

2. Within twelve months of the coming into force of the present Treaty, each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each one of the States arising from the dismemberment of that Monarchy, including Austria and the present Hungary, shall replace, as it may think fit, the stamped notes referred to above by its own or a new currency.

3. The Governments of such States as have already converted the currency notes of the Austro-Hungarian Bank by stamping or by the issue of their own or a new currency, and in carrying out this operation have withdrawn, without stamping them, a portion or all of the currency notes circulating in their territory, shall either stamp the notes so withdrawn or hold them at the disposal of the Reparation Commission.

4. Within fourteen months of the coming into force of the present Treaty, those Governments which have replaced notes of the bank by their own or new currency, in accordance with the provisions of this Article, shall transfer to the Reparation Commission all the notes, stamped or unstamped, of the bank which have been withdrawn in the course of this replacement.

5. All notes transferred to the Reparation Commission under the provisions of this Article shall be dealt with by that Commission in accordance with the provisions of the Annex hereto.

6. The Austro-Hungarian Bank shall be liquidated as from the day succeeding the day of the signature of this Treaty.

7. The liquidation shall be conducted by receivers specially appointed for that purpose by the Reparation Commission. In conducting the liquidation of the bank, the receivers shall follow the rules laid down in the Statutes or other valid instruments regulating the constitution of the bank, subject, however, to the special provisions of this Article. In the case of any doubt arising as to the interpretation of the rules concerning the liquidation of the bank, whether laid down in those Articles and Annexes or in the Statutes of the bank, the decision of the Reparation Commission or any arbitrator appointed by it for that purpose shall be final.

8. The currency notes issued by the bank subsequent to October 27, 1918, shall have a claim on the securities issued by the Austrian and Hungarian Governments, both former and existing, and deposited with the bank by those Governments as security for these notes, but they shall not have a claim on any other assets of the bank.

9. The currency notes issued by the bank on or prior to October 27, 1918, in so far as they are entitled to rank at all in conformity with this Article, shall all rank equally as claims against all the assets of the bank, other than the Austrian and Hungarian Government securities deposited as security for the various note issues.

10. The securities deposited by the Austrian and Hungarian Governments, both former and existing, with the bank as security for the currency notes issued on or prior to October 27, 1918, shall be cancelled in so far as they represent the notes converted in the territory of the former Austro-Hungarian Monarchy as it existed on July 28, 1914, by States to which territory of that Monarchy is transferred or by States arising from the dismemberment of that Monarchy, including Austria and the present Hungary.

11. The remainder of the securities deposited by the Austrian and Hungarian Governments, both former and existing, with the bank as security for the currency notes issued on or prior to October 27, 1918, shall be retained in force as security for, and in so far as they represent, the notes issued on or prior to October 27, 1918, which on June 15, 1919, were outside the limits of the former Austro-Hungarian Monarchy as it existed on July 28, 1914, that is to say, firstly, all notes of this description which are presented to the Reparation Commission in accordance with paragraph 4 of this Article, and secondly all notes of this description which may be held elsewhere and are presented to the receivers of the bank in accordance with the Annex hereto.

12. No claims on account of any other currency notes issued on or prior to October 27, 1918, shall rank either against the general assets of the bank

or against the securities deposited by the Austrian and Hungarian Governments, both former and existing, as security for the notes, and any balance of such securities remaining after the amount of securities mentioned in paragraphs 10 and 11 has been calculated and deducted shall be cancelled.

13. All securities deposited by the Austrian and Hungarian Governments, both former and existing, with the bank as security for currency note issues and which are maintained in force shall be the obligations respectively of the Governments of Austria and the present Hungary only and not of any other States.

14. The holders of currency notes of the Austro-Hungarian Bank shall have no recourse against the Governments of Austria or the present Hungary or any other Government in respect of any loss which they may suffer as the result of the liquidation of the bank.

ANNEX

1

The respective Governments, when transmitting to the Reparation Commission all the currency notes of the Austro-Hungarian Bank withdrawn by them from circulation in accordance with the terms of Article 206, shall also deliver to the Commission all the records showing the nature and amounts of the conversions which they have effected.

2

The Reparation Commission, after examining the records, shall deliver to the said Governments separate certificates stating the total amount of currency notes which the Governments have converted:

(a) within the limits of the former Austro-Hungarian Monarchy as it existed on July 28, 1914;

(b) elsewhere.

These certificates will entitle the bearer to lodge a claim with the receivers of the bank for currency notes thus converted which are entitled to share in the assets of the bank.

3

After the liquidation of the bank is completed, the Reparation Commission shall destroy the notes thus withdrawn.

4

No notes issued on or prior to October 27, 1918, wherever they may be held, will rank as claims against the bank unless they are presented through the Government of the country in which they are held.

Article 207

Each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each one of the States arising from the dismemberment of that Monarchy, including Austria, shall deal as it thinks fit with the petty or token coinage of the former Austro-Hungarian Monarchy existing in its territory.

No such State shall have any recourse, under any circumstances, on behalf either of itself or of its nationals, against any other State with regard to such petty or token coinage.

Article 208

States to which territory of the former Austro-Hungarian Monarchy is transferred and States arising from the dismemberment of that Monarchy shall acquire all property and possessions situated within their territories belonging to the former or existing Austrian Government.

For the purposes of this Article, the property and possessions of the former or existing Austrian Government shall be deemed to include the property of the former Austrian Empire and the interests of that Empire in the joint property of the Austro-Hungarian Monarchy, as well as all the property of the Crown, and the private property of members of the former Royal Family of Austria-Hungary.

These States shall, however, have no claim to any property of the former or existing Government of Austria situated outside their own respective territories.

The value of such property and possessions acquired by States other than Austria shall be fixed by the Reparation Commission and placed by that Commission to the credit of Austria and to the debt of the State acquiring such property on account of the sums due for reparation. The Reparation Commission shall deduct from the value of the public property thus acquired an amount proportionate to the contribution in money, land or material made directly by any province or commune or other autonomous local authority towards the cost of such property.

Without prejudice to Article 203 relating to secured Debt, in the case of each State acquiring property under the provisions of this Article, the amount placed to the credit of Austria and to the debit of the said State in accordance with the preceding paragraph shall be reduced by the value of the amount of the liability in respect of the unsecured Debt of the former Austrian Government assumed by that State under the provisions of Article 203 which, in the opinion of the Reparation Commission, represents expenditure upon the property so acquired. The value shall be fixed by the Reparation Commission on such basis as the Commission may consider equitable.

Property of the former and existing Austrian Governments shall be deemed to include a share of the real property in Bosnia-Herzegovina of all descriptions for which, under Article 5 of the Convention of February 26, 1909, the Government of the former Austro-Hungarian Monarchy paid £T.2,500,000 to the Ottoman Government. Such share shall be proportionate to the share which the former Austrian Empire contributed to the above payment, and the value of this share, as assessed by the Reparation Commission, shall be credited to Austria on account of reparation.

As exception to the above, there shall be transferred without payment:

(1) The property and possessions of provinces, communes, and other local autonomous institutions of the former Austro-Hungarian Monarchy, including those in Bosnia-Herzegovina which did not belong to the former Austro-Hungarian Monarchy;

(2) Schools and hospitals the property of the former Austro-Hungarian Monarchy;

(3) Forests which belonged to the former Kingdom of Poland.

Further, any building or other property situated in the respective

territories transferred to the States referred to in the first paragraph whose principal value lies in its historic interest and associations, and which formerly belonged to the Kingdom of Bohemia, the Kingdom of Poland, the Kingdom of Croatia-Slavonia-Dalmatia, Bosnia-Herzegovina, the Republic of Ragusa, the Venetian Republic or the Episcopal Principalities of Trient and Bressanone, may, subject to the approval of the Reparation Commission, be transferred to the Government entitled thereto without payment.

Article 209

Austria renounces, so far as she is concerned, all rights accorded to her or her nationals by treaties, conventions or agreements, of whatsoever kind, to representation upon or participation in the control or administration of commissions, State banks, agencies or other financial or economic organisations of an international character exercising powers of control or administration and operating in any of the Allied or Associated States, or in Germany; Hungary, Bulgaria or Turkey, or in the dependencies of these States, or in the former Russian Empire.

Article 210

1. The Austrian Government agrees to deliver within one month from the coming into force of the present Treaty to such authority as the Principal Allied and Associated Powers may designate the sum in gold deposited in the Austro-Hungarian Bank 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. Without prejudice to Article 244, Part X (Economic Clauses), of the present Treaty, Austria renounces, so far as she is concerned, any benefit disclosed by the Treaties of Bucharest and Brest-Litovsk, and by the Treaties supplementary thereto.

Austria 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.

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

4. Austria recognizes any transfer of gold provided for by Article 259 (5) of the Treaty of Peace concluded at Versailles on June 28, 1919, between the Allied and Associated Powers and Germany, and any transfer of claims provided for by Article 261 of that Treaty.

Article 211

Without prejudice to the renunciation of any rights by Austria 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 Austria become possessed of any rights and interests of her nationals in any public utility undertaking or in any

concession operating in Russia, Turkey, Germany, Hungary or Bulgaria, or in the possessions or dependencies of these States, or in any territory formerly belonging to Austria or her allies to be transferred by Austria or her allies to any State, or to be administered by a mandatory under any Treaty entered into with the Allied and Associated Powers, and may require that the Austrian Government transfer, within six months of the date of demand, to the Reparation Commission all such rights and interests and any similar rights and interests owned by the former or existing Austrian Government.

Austria shall be responsible for indemnifying her nationals so dispossessed, and the Reparation Commission shall credit Austria, 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 Austria 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 herself and her nationals in favour of the Allied and Associated Powers all such rights and interests which have not been so communicated.

Article 212

Austria undertakes to refrain from preventing or impeding such acquisition by the German, Hungarian, Bulgarian or Turkish Governments of any rights and interests of German, Hungarian, Bulgarian or Turkish nationals in public utility undertakings or concessions operating in Austria as may be required by the Reparation Commission under the terms of the Treaties of Peace or supplementary treaties or conventions concluded between the Allied and Associated Powers and the German, Hungarian, Bulgarian or Turkish Governments respectively.

Article 213

Austria undertakes to transfer to the Allied and Associated Powers all claims in favour of the former or existing Austrian Governments to payment or reparation by the Governments of Germany, Hungary, Bulgaria or Turkey, and in particular all claims which may arise now or hereafter in the fulfilment of undertakings made after July 28, 1914, until the coming into force of the present Treaty.

The value of such claims shall be assessed by the Reparation Commission, and shall be transferred to the Reparation Commission for the credit of Austria on account of the sums due for reparation.

Article 214

Any monetary obligation arising out of the present Treaty and expressed in terms of gold kronen shall, unless some other arrangement is specifically provided for in any particular case under the terms of this Treaty or of treaties or conventions 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 January 1, 1914.

Article 215

Any financial adjustments, such as those relating to any banking and insurance companies, savings banks, postal savings banks, land banks, mortgage companies or other similar institutions, operating within the territory of the former Austro-Hungarian Monarchy, necessitated by the partition of that Monarchy and the resettlement of public debts and currency provided for by these Articles, shall be regulated by agreement between the various Governments concerned in such a manner as shall best secure equitable treatment to all the parties interested. In case the Governments concerned are unable to come to an agreement on any question arising out of this financial adjustment, or in case any Government is of opinion that its nationals have not received equitable treatment, the Reparation Commission shall, on the application of any one of the Governments concerned, appoint an arbitrator or arbitrators, whose decision shall be final.

Article 216

The Government of Austria shall be under no liability in respect of civil or military pensions granted to nationals of the former Austrian Empire who have been recognised as nationals of other States or who become so under the provisions of the present Treaty.

PART X. ECONOMIC CLAUSES

*SECTION VIII. SPECIAL PROVISIONS RELATING TO
TRANSFERRED TERRITORY*

Article 264

The inhabitants of territories transferred by virtue of the present Treaty shall, notwithstanding this transfer and the change of nationality consequent thereon, continue to enjoy in Austria all the rights in industrial, literary and artistic property to which they were entitled under the legislation in force at the time of the transfer.

Article 265

The questions concerning the nationals of the former Austrian Empire, as well as Austrian nationals, their rights, privileges and property, which are not dealt with in the present Treaty, or in the Treaty prepared for the purpose of regulating certain immediate relations between the States to which territory of the former Austro-Hungarian Monarchy has been transferred, or arising

from the dismemberment of that Monarchy, shall form the subject of special conventions between the States concerned, including Austria; such conventions shall not in any way conflict with the provisions of the present Treaty.

For this purpose it is agreed that three months from the coming into force of the present Treaty a Conference of delegates of the States in question shall take place.

Article 267

Notwithstanding the provisions of Article 249 and the Annex to Section IV the property, rights and interests of Austrian nationals or companies controlled by them situated in the territories which formed part of the former Austro-Hungarian Monarchy shall not be subject to retention or liquidation in accordance with these provisions.

Such property, rights and interests shall be restored to their owners freed from any measure of this kind, or from any other measure of transfer, compulsory administration or sequestration taken since November 3, 1918, until the coming into force of the present Treaty, in the condition in which they were before the application of the measures in question.

The property, rights and interests here referred to do not include property which is the subject of Article 208, Part IX (Financial Clauses).

Nothing in this Article shall affect the provisions laid down in Part VIII (Reparation), Section I, Annex III, as to property of Austrian nationals in ships and boats.

Article 268

All contracts for the sale of goods for delivery by sea concluded before January 1, 1917, between nationals of the former Austrian Empire on the one part and the administrations of the former Austro-Hungarian Monarchy, Austria, or Bosnia-Herzegovina, or Austrian nationals on the other part shall be annulled, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder. All other contracts between such parties which were made before November 1, 1918, and were in force at that date shall be maintained.

Article 269

With regard to prescriptions, limitations and forfeitures in the transferred territories, the provisions of Articles 252 and 253 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" the expression "period between the date above indicated and that of the coming into force of the present Treaty".

Article 270

Austria undertakes not to impede in any way the transfer of property, rights or interests belonging to a company incorporated in accordance with

the laws of the former Austro-Hungarian Monarchy, in which Allied or Associated nationals are interested, to a company incorporated in accordance with the laws of any other Power, to facilitate all measures necessary for giving effect to such transfer, and to render any assistance which may be required for effecting the restoration to Allied or Associated nationals, or to companies in which they are interested, of their property, rights or interests whether in Austria or in transferred territory.

Article 271

Section III, except Article 248 (*d*), shall not apply to debts contracted between Austrian nationals and nationals of the former Austrian Empire.

Subject to the special provisions laid down in Article 248 (*d*) for the case of the new States, these debts shall be paid in the legal currency at the time of payment of the State of which the national of the former Austrian Empire has become a national, and the rate of exchange applicable shall be the average rate quoted on the Geneva Exchange during the two months preceding November 1, 1918.

Article 272

Insurance companies whose principal place of business was in territory which previously formed part of the former Austro-Hungarian Monarchy shall have the right to carry on their business in Austrian territory for a period of ten years from the coming into force of the present Treaty, without the rights which they previously enjoyed being affected in any way by the change of nationality.

During the above period the operations of such companies shall not be subjected by Austria to any higher tax or charge than shall be imposed on the operations of national companies. No measure in derogation of their rights of property shall be imposed upon them which is not equally applied to the property rights or interests of Austrian insurance companies; adequate compensation shall be paid in the event of the application of any such measures.

These provisions shall only apply so long as Austrian insurance companies previously carrying on business in the transferred territories, even if their principal place of business was outside such territories, are reciprocally accorded a similar right to carry on their business therein.

After the period of ten years above referred to, the provisions of Article 228 of the present Treaty shall apply in regard to the Allied and Associated companies in question.

Article 273

Special agreements will determine the division of the property of associations or public corporations carrying on their functions in territory which is divided in consequence of the present Treaty.

Article 274

States to which territory of the former Austro-Hungarian Monarchy is transferred, and States arising from the dismemberment of that Monarchy,

shall recognize and give effect to rights of industrial, literary and artistic property in force in the territory at the time when it passes to the State in question, or re-established or restored in accordance with the provisions of Article 258 of the present Treaty. These rights shall remain in force in that territory for the same period as that for which they would have remained in force under the law of the former Austro-Hungarian Monarchy.

A special convention shall determine all questions relative to the records, registers and copies in connection with the protection of industrial, literary or artistic property, and fix their eventual transmission or communication by the Offices of the former Austro-Hungarian Monarchy to the Offices of the States to which are transferred territory of the said Monarchy and to the Offices of new States.

(b) TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND HUNGARY. SIGNED AT TRIANON, ON 4 JUNE 1920¹

[*Note:* Paragraphs 61 to 65, 75, 77, 78, 180 to 199, 247, 248 and 250 to 257 of this Treaty are *mutatis mutandis* basically similar to, respectively, articles 70 to 81, 91, 93, 94, 202 to 216, 264, 265 and 267 to 274 of the Treaty of peace between the Allied and Associated Powers and Austria of 10 September 1919, reproduced *supra*, para. (a).]

B. Cases after the Second World War

B. Cas postérieurs à la seconde guerre mondiale

1. Constitution of the Free Territory of Trieste

TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND ITALY. SIGNED AT PARIS, ON 10 FEBRUARY 1947²

PART II. POLITICAL CLAUSES FOR EUROPE

SECTION III. FREE TERRITORY OF TRIESTE

Article 21

1. There is hereby constituted the Free Territory of Trieste, consisting of the area lying between the Adriatic Sea and the boundaries defined in Articles 4 and 22 of the present Treaty. The Free Territory of Trieste is recognized by the Allied and Associated Powers and by Italy, which agree that its integrity and independence shall be assured by the Security Council of the United Nations.

¹ *British and Foreign State Papers*, vol. CXIII, p. 486 *et seq.*

² United Nations, *Treaty Series*, vol. 49, p. 3, *et seq.* Came into force on 15 September 1947.

2. Italian sovereignty over the area constituting the Free Territory of Trieste, as above defined, shall be terminated upon the coming into force of the present Treaty.

3. On the termination of Italian sovereignty, the Free Territory of Trieste shall be governed in accordance with an instrument for a provisional regime drafted by the Council of Foreign Ministers and approved by the Security Council. This Instrument shall remain in force until such date as the Security Council shall fix for the coming into force of the Permanent Statute which shall have been approved by it. The Free Territory shall thenceforth be governed by the provisions of such Permanent Statute. The texts of the Permanent Statute and of the Instrument for the Provisional Regime are contained in Annexes VI and VII.

4. The Free Territory of Trieste shall not be considered as ceded territory within the meaning of Article 19 and Annex XIV of the present Treaty.

ANNEX X

ECONOMIC AND FINANCIAL PROVISIONS RELATING TO THE FREE TERRITORY OF TRIESTE

1. The Free Territory of Trieste shall receive, without payment, Italian State and para-statal property within the Free Territory.

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 by them or sold in the execution of normal commercial arrangements or in the normal course of governmental administrative activities.

3. Submarine cables owned by the Italian State or by Italian para-statal organizations shall fall within the provisions of paragraph 1 so far as concerns terminal facilities and the lengths of cables lying within territorial waters of the Free Territory.

4. Italy shall hand over to the Free Territory all relevant archives and documents of an administrative character or historical value concerning the Free Territory or relating to property transferred under paragraph 1 of this Annex. The Free Territory shall hand over to Yugoslavia all documents of the same character relating to territory ceded to Yugoslavia under the present Treaty, and to Italy all documents of the same character which may be in the Free Territory and which relate to Italian territory.

Yugoslavia declares herself ready to hand over to the Free Territory all archives and documents of an administrative character concerning and required exclusively for the administration of the Free Territory, which are of a kind which were usually held before September 3, 1943, by the local authorities having jurisdiction over what now forms part of the Free Territory.

5. The Free Territory shall be exempt from the payment of the Italian public debt, but shall assume the obligations of the Italian State towards holders who continue to reside in the Free 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.

Italy and the Free Territory 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.

6. The future status of external obligations secured by charges upon the property or revenues of the Free Territory shall be governed by further agreements between the parties concerned.

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

Similar arrangements shall also be concluded between the Free Territory and Italy, and between the Free Territory and Yugoslavia, to govern the obligations of public and private social insurance organizations whose *siège social* is in the Free Territory, with regard to policy holders or subscribers residing respectively in Italy or in territory ceded to Yugoslavia under the present Treaty.

Similar arrangements shall also be concluded between the Free Territory and Yugoslavia to govern the obligations of public and private social insurance organizations whose *siège social* is in territory ceded to Yugoslavia under the present Treaty, with regard to policy holders or subscribers residing in the Free Territory.

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 Free Territory, including pension rights not yet matured. Arrangements shall be concluded between Italy and the Free Territory providing for the method by which this liability shall be discharged.

9. The property, rights and interests of Italian nationals who became domiciled in the Free Territory after June 10, 1940, and of persons who opt for Italian citizenship pursuant to the Statute of the Free Territory of Trieste shall, provided they have been lawfully acquired, be respected in the same measure as the property, rights and interests of nationals of the Free Territory generally, for a period of three years from the coming into force of the Treaty.

The property, rights and interests within the Free Territory 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.

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 the Free 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 shall 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 Free Territory.

The removal of property to Italy will be effected under conditions which will not be in contradiction to the Constitution of the Free Territory and in a manner which will be agreed upon between Italy and the Free Territory. The conditions and the time periods of the transfer of the funds, including the proceeds of sales, shall be determined in the same manner.

11. The property, rights and interests of former Italian nationals, resident in the Free Territory, who become nationals of the Free Territory 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 Italian nationals generally, for a period of three years from the coming into force of the Treaty.

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

12. Companies incorporated under Italian law and having *siège social* in the Free Territory, which wish to remove *siège social* to Italy or Yugoslavia, 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 Free Territory, or by persons who move to Italy or Yugoslavia.

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

14. The property in the Free 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.

15. Italy shall return property unlawfully removed after September 3, 1943, from the Free Territory to Italy. Paragraphs 2, 3, 4, 5 and 6 of Article 75 shall govern the application of this obligation except as regards property provided for elsewhere in this Annex.

The provisions of paragraphs 1, 2, 5 and 6 of Article 75 shall apply to the restitution by the Free Territory of property removed from the territory of any of the United Nations during the war.

16. Italy shall return to the Free Territory in the shortest possible time any ships in Italian possession which were owned on September 3, 1943, by natural persons resident in the Free Territory who acquire the nationality of the Free Territory under the present Treaty, or by Italian juridical persons having and retaining *siège social* in the Free Territory, except any ships which have been the subject of a bona fide sale.

17. Italy and the Free Territory, and Yugoslavia and the Free Territory, shall conclude agreements providing for a just and equitable apportionment of the property of any existing local authority whose area is divided by any frontier settlement under the present Treaty, and for a continuance to the inhabitants of necessary communal services not specifically covered in other parts of the Treaty.

Similar agreements shall be concluded for a just and equitable allocation of rolling stock and railway equipment and of dock and harbour craft and equipment, as well as for any other outstanding economic matters not covered by this Annex.

18. Citizens of the Free Territory shall, notwithstanding the transfer of sovereignty and any change of nationality consequent thereon, continue to enjoy in Italy all the rights in industrial, literary and artistic property to which they were entitled under the legislation in force in Italy at the time of the transfer.

The Free Territory shall recognize and give effect to rights of industrial, literary and artistic property existing in the Free Territory under Italian laws in force at the time of transfer, or to be re-established or restored in accordance with Annex XV, part A of the present Treaty. These rights shall remain in force in the Free Territory for the same period as that for which they would have remained in force under the laws of Italy.

19. Any dispute which may arise in giving effect to this Annex shall be dealt with in the same manner as provided in Article 83 of the present Treaty.

20. Paragraphs 1, 3 and 5 of Article 76; Article 77; paragraph 3 of Article 78; Article 81; Annex XV, part A; Annex XVI and Annex XVII, part B, shall apply to the Free Territory in like manner as to Italy.

2. Federation of Eritrea with Ethiopia

(i) Resolutions of the General Assembly of the United Nations

ECONOMIC AND FINANCIAL PROVISIONS RELATING TO ERITREA. GENERAL ASSEMBLY RESOLUTION 530 (VI) ADOPTED AT ITS 366TH PLENARY MEETING ON 29 JANUARY 1952

The General Assembly

Approves the following articles:¹

Article I

1. Subject to the provisions of paragraphs 4 and 5 of this article Eritrea² shall receive, without payment, the movable and immovable property located in Eritrea owned by the Italian State, either in its own name or in the name of the Italian administration in Eritrea, and such property shall be transferred to Eritrea not later than the effective date of the final transfer of power from the Administering Power to the appropriate authorities referred to in paragraph 14 of resolution 390 (V) of the General Assembly of the United Nations.

2. The property referred to in paragraph 1 shall be taken as comprising:

- (a) The public property of the State (*demanio pubblico*);
- (b) The inalienable property of the State (*patrimonio indisponibile*);
- (c) The property of the Fascist Party and its organizations as listed in article 10 of the Italian Royal Decree No. 513 of 28 April 1938;
- (d) The alienable property of the State (*patrimonio disponibile*);
- (e) The property belonging to the autonomous agencies (*aziende autonome*) of the State which are:

Ferrovie dell'Eritrea

Azienda Speciale Approvigionamenti

Azienda Miniere Africa Orientale (AMAO)

Azienda Autonoma Strade Statali (AASS);

(f) The rights of the Italian State in the form of shares and similar rights in the capital of institutions, companies and associations of a public character which have their *siège social* in Eritrea. Where the operations of such institutions, companies and associations extend to Italy or to countries other than Eritrea, Eritrea shall receive only those rights of the Italian State or the Italian administration of Eritrea which appertain to the operations in Eritrea. In cases where the Italian State or the Italian administration of Eritrea exercised only managerial control over such institutions, companies and associations, Eritrea shall have no claim to any rights in those institutions, companies and associations.

¹ The provisions of articles VI to IX are, *mutatis mutandis*, similar to those of articles V to VIII adopted by the General Assembly in its resolution 388 (V) concerning the Libyan Arab Republic (see *supra* section II b, pp. 284 and 285).

² The term "Eritrea" as used in the present resolution is to be interpreted in conformity with paragraph 3 of resolution 390 (V) where the jurisdiction and responsibilities of the Federal Government and the Eritrean Government are set out.

3. Properties, institutions, companies and associations referred to in paragraph 2 of this article shall be transferred as they stand at the date of transfer and Eritrea will take over all commitments and liabilities outstanding at that date in connexion with those concerns.

4. Italy shall retain the ownership of the following property listed in paragraph 2 of this article, that is to say:

(a) The immovable property necessary for the functioning of Italian government representation in Eritrea;¹

(b) The immovable and movable property as at the date of the present resolution used for the functioning of the schools and hospitals of the Italian community in Eritrea.

5. The following property listed in paragraph 2 of this article, that is to say, buildings used for worship (including the land on which they are built and their appurtenances), shall be transferred by Italy to the religious communities concerned.

6. Italian cemeteries, monuments and ossuaries in Eritrea shall be respected. Arrangements for their preservation and maintenance shall be made between Italy and, after Eritrea becomes an autonomous unit federated with Ethiopia, the appropriate authority under the Federal Act.

7. Subject to the provisions of paragraphs 4, 5 and 6 of this article, nothing in paragraph 1 of this article shall be taken as in any way restricting the right of the Administering Power to make, during the period of its administration, such dispositions of property referred to in paragraph 2 of this article, whether limited to that period or otherwise, as may be required by law or may be appropriate for the good government of the territory, or may be necessary for the implementation of the present resolution.

Article II

1. Subject to the provisions of this article, the Administering Power shall continue to have the custody of all public archives and documents located in Eritrea which relate to administrative or technical matters in Eritrea or to property which is to be transferred by Italy under article I of the present resolution or are otherwise required in connexion with the administration of the territory.

2. Italy shall hand over to the Administering Power, on request, the originals or copies of any such public archives or documents located in Italy.

3. The Administering Power shall hand over to Italy, on request, the originals or copies of any such public archives or documents located in Eritrea which are of interest to Italy or concern Italian nationals or juridical persons, especially those who or which have transferred or hereafter transfer their residence to Italy.

4. The rights and obligations of the Administering Power under the preceding provisions of this article shall, when Eritrea is constituted an autonomous unit federated with Ethiopia, devolve upon the appropriate

¹ The nature of Italian Government representation remains for settlement between the future Federal Government and the Italian Government in accordance with international law and practice.

authority under the Federal Act to which the Administering Power shall hand over such public archives and documents as have been received from Italy.

5. The handing over of the above-mentioned archives and documents or copies thereof shall be exempt from payment of dues and taxes, and the cost of transport thereof shall be borne by the government requesting them.

Article III

The Italian social insurance organizations now operating in Eritrea shall remain wholly responsible for fulfilling all their respective obligations towards insured persons as is provided for under present social insurance legislation, and the present legal rights and obligations of the said organizations shall be respected. These obligations may be extended to include other categories of insured persons by agreement between the appropriate authority under the Federal Act and the said organizations.

Article IV

1. Italy shall continue to be liable for the payment of civil and military pensions or other retirement benefits earned as at the date of coming into force of the Treaty of Peace with Italy and owed by it at that date.

2. The amount of these pensions or retirement benefits shall be determined in accordance with the law which was in force in Eritrea immediately prior to the cessation of Italian administration of the territory and shall be paid directly by Italy to the persons entitled in the currency in which they were earned.

Article V

Eritrea shall be exempt from the payment of any portion of the Italian public debt.

Article X

1. In this article:

(a) "Concession" means a grant by the former Italian administration or by the Administering Power or by a municipal authority of the enjoyment in Eritrea of specific rights and assets in exchange for specific obligations undertaken by the concessionaire with regard to the use and improvement of such assets, such grant being made in accordance with the laws, regulations and rules in force in Eritrea at the time of such grant;

(b) "Contract in the nature of a concession" means a lease for a period of years by the former Italian administration or by the Administering Power or by a municipal authority of land in Eritrea by the terms of which lease the tenant undertakes obligations similar to those of a concessionaire in the case of a concession, such lease not being made under any specific law, regulation or rule containing provisions for such leases.

2. Concessions granted during the period of the former Italian administration shall be recognized as valid for all purposes and shall be respected accordingly.

3. Where a concessionaire satisfies the appropriate authorities that a document of title perfecting his concession should have been issued to him but, owing to conditions created by the state of war or to *force majeure*, was not so issued, and that his concession, if it had been perfected by the issue of the document, would not be liable to revocation, the appropriate authorities shall issue a document of title to the concessionaire which shall have the same validity as the document which should have been issued originally.

4. Where the period of the lease, in the case of a contract in the nature of a concession granted during the period of the former Italian administration, has expired during the period of administration by the Administering Power and has been renewed on a temporary basis by the Administering Power, or where any lease of such nature has been initially granted by the Administering Power, such Power may, if satisfied that the tenant has fulfilled the obligations undertaken by him and that it is in the interests of the economy of Eritrea so to do, grant to the tenant a concession for such period as is appropriate having regard to the nature of the land in question.

5. A concession or contract in the nature of a concession granted during the period of the former Italian administration shall not be liable to revocation by reason of the failure by the concessionaire or tenant to fulfil any obligation of the concession or contract if the appropriate authorities are satisfied that such failure was due solely to conditions created by the state of war or to *force majeure*.

6. Where a concessionaire or tenant satisfies the appropriate authorities that any document of title evidencing his concession or contract in the nature of a concession has been lost or destroyed and the appropriate authorities are able to ascertain the terms of the document and are satisfied that the concession or contract in the nature of a concession is not liable to revocation, they shall issue to the concessionaire or tenant a new document of title which shall have the same validity as the one which has been lost or destroyed.

(ii) *Treaties*

- (a) EXCHANGE OF NOTES BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND ETHIOPIA CONSTITUTING AN AGREEMENT REGARDING FINANCIAL ARRANGEMENTS ON THE ESTABLISHMENT OF THE FEDERATION OF ERITREA WITH ETHIOPIA. ADDIS ABABA, 5 AND 6 SEPTEMBER 1952¹

I

*Her Majesty's Ambassador at Addis Ababa to the Ethiopian Minister
for Foreign Affairs*

¹ United Nations *Treaty Series*, Vol. 149, p. 57. Came into force on 6 September 1952.

I have the honour to confirm to you the agreement reached between officials of the Imperial Ethiopian Government and the British Financial Delegation as follows:

(1) The transfer of power in Eritrea to the Imperial Ethiopian Government and to the Eritrean Government shall take place on a "going concern" basis, that is to say the existing British Administration will collect all revenue and pay all expenses of administration (including third-party claims already presented and recognised as valid) up to 15th September, 1952. As and from 15th September, 1952, the Eritrean Government, in conformity with the provisions of the Constitution of Eritrea, entering into effect on 11th September, 1952, and the Imperial Ethiopian Government, in conformity with the provisions of the Federal Act, entering into effect on 11th September, 1952 and, in particular, paragraph 3 thereof, will pay all expenses (including third party claims, provided such claims have not been previously presented in one form or another and, further, provided that such claims shall be recognised as valid) and will collect all revenue in their respective spheres regardless of the dates to which they relate. The Government of Great Britain and Northern Ireland will hold the Imperial Ethiopian Government and the Eritrean Government harmless from all claims in respect of cargoes, the property of Allied nationals, in enemy ships which took refuge in Italian East African ports during the war.

(2) Obligations of any kind regularly contracted by the British Administration in Eritrea up to the date of ratification of the Federal Act shall, to the extent that they relate to matters within the jurisdiction of the Federal Government, remain valid and shall be respected and discharged by the Imperial Ethiopian Government, provided, however, that the British Administration shall communicate full documents for all the same which are presently in full force and shall conclude no obligations following the signature of the present Agreement, where the subject-matter of such obligations would involve financial responsibility of the Imperial Ethiopian Government in any one obligation in an amount exceeding Eth\$100,000, or its equivalent, except with the consent of the Imperial Ethiopian Government.

(3) A further exchange of notes shall regulate the question of the treatment to be accorded after 15th September, 1952, to import and export licences issued by the British Administration.

(4) W. E. Rippon (Africa) Limited of Genoa and Massawa shall be permitted to complete the clearance of Massawa and Assab harbours in accordance with their contract. The Government of Great Britain and Northern Ireland undertake to cancel said contract or provide other appropriate remedial action upon representation by the Imperial Ethiopian Government that the Company shall have failed actively to complete the clearance of said harbours.

(6) Meanwhile, British stores and assets, including arms and equipment on loan to the Eritrean Field Force and lease-lend assets in which the Government of Great Britain and Northern Ireland have a financial interest, will be handed over to the Imperial Ethiopian and Eritrean Governments, without prejudice to the question of payment for the same in accordance with the discussions envisaged in paragraph (5) of this Agreement. This,

however, shall not, in any way, prejudice the position of the United States Government in respect of the disposal of its interest in lease-lend assets in Eritrea.

2. Provided your Excellency agrees, I have the honour to suggest that this letter and your Excellency's reply in similar terms be regarded as constituting an agreement between our two Governments.

II

The Ethiopian Minister for Foreign Affairs to Her Majesty's Ambassador at Addis Ababa

I have the honour to acknowledge receipt from your Excellency of Note No. 118 of 5th September, 1952, containing the text of an Agreement reached between officials of the Imperial Ethiopian Government and the British Financial Delegation, reading as follows:

[See note I.]

2. I have the honour herewith to inform your Excellency that the Imperial Ethiopian Government agree to the terms of the Agreement as set forth in the quoted text from your Excellency's Note and consider that the present reply completes and constitutes the Agreement between our two Governments on the subject matter in question.

(b) EXCHANGE OF NOTES BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND ETHIOPIA CONSTITUTING A SUPPLEMENTARY AGREEMENT TO THEIR AGREEMENT OF 6TH SEPTEMBER 1952¹ REGARDING FINANCIAL ARRANGEMENTS ON THE ESTABLISHMENT OF THE FEDERATION OF ERITREA WITH ETHIOPIA. ADDIS ABABA, 27 SEPTEMBER 1952²

I

Her Majesty's Ambassador at Addis Ababa to the Ethiopian Minister for Foreign Affairs

I have the honour to refer to and to confirm paragraphs (1), (2) and (4) of the Notes exchanged between your Excellency and myself on the 5th and 6th September, 1952.² I have the honour also to refer to paragraphs (3), (5)

¹ See *supra*, p. 519.

² United Nations, *Treaty Series*, vol. 149, p. 64. Came into force on 27 September 1952.

and (6), which remained to be settled, and to confirm the agreement reached on these points on the basis of discussions and communications between officials of the Imperial Ethiopian Government and the British Financial Delegation, as follows:

(2) (a) The Imperial Ethiopian Government will pay to the Government of Great Britain and Northern Ireland the sum of £950,000 towards sums expended by the British Government in Eritrea for the benefit of Eritrea over and above the revenue raised in Eritrea during the period of the British Administration, payment to be made within twelve months from 15th September, 1952.

(b) It is further expressly recognised by both Governments that by this payment the Imperial Ethiopian Government are in no way recognising that their sovereignty over or legal responsibility for Eritrea in any way antedate 11th September, 1952.

(3) It is agreed that the Imperial Ethiopian Government will exchange in Eritrea Ethiopian dollars for the East African currency in circulation therein and that the East African Currency Board will give full sterling value or credit to the Imperial Ethiopian Government for all the East African Currency withdrawn from circulation upon presentation of said currency, at any time within twelve months from the 15th September, 1952, to the East African Currency Board at Nairobi.

(4) In consideration of the payment provided for in paragraph (2) hereof, the Government of Great Britain and Northern Ireland waive their interest in lease-lend assets remaining in Eritrea. This waiver shall not in any way prejudice the position of the United States Government in respect of the disposal of its interest in lease-lend assets in Eritrea.

II

*The Ethiopian Minister for Foreign Affairs to Her Majesty's Ambassador
at Addis Ababa*

I have the honour to acknowledge receipt from your Excellency of Note No. 1142 108/52 of 27th September, 1952, containing the text of an Agreement reached between officials of the Imperial Ethiopian Government and the British Financial Delegation, reading as follows:

[See note I.]

2. I have the honour herewith to inform your Excellency that the Imperial Ethiopian Government agree to the terms of the Agreement as set forth in the quoted text from your Excellency's Note and consider that the present reply completes and constitutes the Agreement between our two Governments on the subject matter in question.

3. Separation of Singapore from the Federation of Malaysia

AGREEMENT BETWEEN SINGAPORE AND MALAYSIA RELATING TO THE SEPARATION OF SINGAPORE FROM MALAYSIA AS AN INDEPENDENT AND SOVEREIGN STATE. SIGNED AT KUALA LUMPUR ON 7 AUGUST 1965

[*Note:* For the text of this Agreement, see document A/CN.4/263, p. 39.]

4. Uniting of Tanganyika and Zanzibar to form the United Republic of Tanzania¹

TANZANIA ACT, 1969²

1. *Modifications of British Nationality Acts*

(1) The British Nationality Acts shall have effect, and shall be deemed to have had effect as from 29th October 1964, as if in section 1(3) of the British Nationality Act 1948 (Commonwealth countries having separate citizenship)

(a) the words "and Zanzibar" were omitted, and

(b) for the word "Tanganyika" there were substituted the word "Tanzania".

(2) In relation to the period beginning on 26th April 1964 and ending with 28th October 1964 those Acts shall be deemed to have had effect as if in the said section 1(3)

(a) the words "and Zanzibar" were omitted, and

(b) for the word "Tanganyika" there were substituted the words "the United Republic of Tanganyika and Zanzibar".

(3) A person who, for the purposes of the British Nationality Acts 1948 and 1958 and of the British Protectorates, Protected States and Protected Persons Order in Council 1949, was immediately before 9th December 1961 a British protected person by virtue of his connection with Tanganyika, but never became a citizen of Tanganyika,

(a) if he became a citizen of the United Republic of Tanganyika and Zanzibar, shall be deemed, on becoming such a citizen, to have ceased to be a British protected person for the purposes of the British Nationality Acts and of that Order in Council;

(b) if he became, or after the passing of this Act becomes, a citizen of Tanzania, shall be deemed, on becoming such a citizen, to have ceased, or (as the case may be) to cease, to be a British protected person for the purposes of those Acts and for the purposes of that Order in Council or of the British Protectorates, Protected States and Protected Persons Order in Council 1965.

(4) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that this section extends to all associated states.

¹ See also, Part I, Section II B, under Tanganyika and Zanzibar, pp. 412 and 475.

² *Public General Acts and Measures*, 1969, Chap. 29, p. 267.

4. Power to apply other statutory provisions to Tanzania

(1) Subject to the following provisions of this section, Her Majesty may by Order in Council specify any enactment of the Parliament of the United Kingdom for the time being in force, or any instrument for the time being in force and having effect by virtue of such an enactment, and make such provision as may appear to Her Majesty to be appropriate for securing that, to such extent and subject to such exceptions and modifications (if any) as Her Majesty thinks fit, that enactment or instrument has the like operation in relation to Tanzania, and persons and things belonging to or connected with Tanzania, as it has in relation to territories to which the enactment or instrument is applicable and in relation to persons and things belonging to or connected with such territories.

(2) No Order in Council shall be made under this section in respect of an enactment or instrument which either

(a) specifies Tanganyika by name, or

(b) is an enactment or instrument which would have had effect in relation to Tanganyika, or to persons or things belonging to or connected with Tanganyika, if Tanganyika had continued to be a separate territory and had continued to be part of Her Majesty's dominions.

(3) No Order in Council shall be made under this section in respect of the British Nationality Acts or the Divorce Jurisdiction Acts.

(4) An Order in Council under this section may make provision in accordance with subsection (1) of this section in such manner as appears to Her Majesty to be appropriate in relation to any enactment or instrument specified in the Order, and in particular (but without prejudice to the generality of this subsection)

(a) may amend the enactment or instrument by inserting in it one or more references to Tanzania by name, or

(b) if the enactment or instrument refers to Tanganyika by name, may amend it by substituting a reference to Tanzania for any such reference;

and, where any enactment or instrument specified in the Order refers to Zanzibar by name, the Order in Council may include provision amending it so as to omit any reference to Zanzibar.

(5) Where an Order in Council under this section specifies an enactment which confers a power to make Orders in Council, any power which in consequence of the Order is exercisable by virtue of that enactment in relation to Tanzania, or persons or things belonging to or connected with Tanzania, may be so exercised either by the same Order in Council or by a subsequent Order in Council.

(6) Any Order in Council made under this section, and any other Order in Council which exercises in relation to Tanzania, or persons or things belonging to or connected with Tanzania, a power which is so exercisable in the circumstances specified in subsection (5) of this section,

(a) may be made with retrospective effect as from 26th April 1964 or any later date, and

(b) in so far as it is made so as to have effect in respect of any time before 29th October 1964, may be made as if in this section any reference to Tanzania were a reference to the United Republic of Tanganyika and Zanzibar.

(7) For the purpose of making an Order in Council under this section, any reference in subsection (1) of this section to any enactment or instrument for the time being in force shall be construed as a reference to any enactment or instrument in force immediately before the Order is made, whether the enactment or instrument was passed or made before or after the passing of this Act.

(8) Any reference in this section to a territory to which an enactment or instrument is applicable shall be construed as a reference to a territory which either

(a) is specified by name in the enactment or instrument, or

(b) falls within a general description specified in a provision contained in the enactment or instrument whereby the enactment or instrument has effect in relation to territories falling within that description or in relation to persons or things of a class so specified which belong to or are connected with such territories.

5. *Power to repeal certain enactments relating to Tanganyika and Zanzibar*

(1) Where it appears to Her Majesty in Council that an enactment to which this section applies has (whether in consequence of the exercise of any power conferred by section 4 of this Act or otherwise) become obsolete, spent or unnecessary, Her Majesty may by Order in Council provide that that enactment shall cease to have effect.

(2) This section applies to all enactments contained in the Tanganyika Independence Act 1961, the Tanganyika Republic Act 1962 and the Zanzibar Act 1963, except section 1 of the Tanganyika Independence Act 1961.

(3) Section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall have effect in relation to any repeal effected by an Order in Council under this section as if the Order were an Act of Parliament.

6. *Supplementary provisions*

(1) Any Order in Council under this Act

(a) may contain such transitional or other incidental or supplemental provisions as appear to Her Majesty to be necessary or expedient;

(b) may be varied or revoked by a subsequent Order in Council; and

(c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Subject to the next following subsection, any provision made by an Order in Council under this Act with respect to an enactment of the Parliament of the United Kingdom, or with respect to an instrument having effect by virtue of such an enactment, shall, except in so far as the Order otherwise provides, have effect as part of the law of every territory outside the United Kingdom to which the enactment or instrument in question extends, as well as having effect as part of the law of the United Kingdom.

(3) Any provision made by an Order in Council as mentioned in subsection (2) of this section

(a) shall not have effect as part of the law of any associated state unless either the Order in Council is made at the request and with the consent of that state or the provision so made is one which (in accordance with Schedule 1 to the West Indies Act 1967) the legislature of that state has no power to make at the date on which the Order is made, and

(b) shall not have effect as part of the law of any territory if it is a territory for whose government Her Majesty's Government in the United Kingdom have no responsibility at that date, and accordingly shall not have effect as part of the law of Tanzania.

(4) In subsection (3)(a) of this section the reference to the request and consent of an associated state shall be construed in accordance with section 19(5) of the West Indies Act 1967.

(5) Nothing in section 4 or section 5 of this Act shall affect the exercise (whether before or after the passing of this Act) of any power exercisable apart from those sections.

7. Interpretation

(1) In this Act

(a) subject to the next following subsection, "the British Nationality Acts" means the British Nationality Acts 1948 to 1965; and

(b) the Divorce Jurisdiction Acts mean the Colonial and Other Territories (Divorce Jurisdiction) Acts 1926 to 1950.

(2) In so far as, by virtue of section 1 of this Act, the British Nationality Acts are deemed to have had effect as mentioned in that section in relation to a time before the commencement of the British Nationality Act 1965, "the British Nationality Acts" shall be taken to mean such of the British Nationality Acts 1948 to 1964 as were in force at that time.

(3) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.
