

N° 205.

ALLEMAGNE ET FRANCE

Convention particulière relative aux
pensions d'Alsace-Lorraine, signée
à Baden-Baden, le 3 mars 1920.

GERMANY AND FRANCE

Special convention relating to pen-
sions in Alsace - Lorraine, signed
at Baden-Baden, March 3, 1920.

¹ TRADUCTION. — TRANSLATION.No. 205. — SPECIAL CONVENTION BETWEEN FRANCE AND GERMANY² RELATING TO PENSIONS IN ALSACE-LORRAINE³, SIGNED AT BADEN-BADEN, MARCH 3, 1920.

French official text communicated by the German Minister for Foreign Affairs and by the « Service français de la Société des Nations ». The registration of this Convention took place on January 9, 1922.

The FRENCH GOVERNMENT and the GERMAN GOVERNMENT, being desirous of securing the payment of pensions to persons in Alsace-Lorraine entitled to them and of defining the manner in which Article 62 of the Treaty of Peace⁴ signed at Versailles on June 28, 1919, is to be applied, have agreed to the following provisions :

Article 1.

In accordance with Article 62 of the Treaty of Versailles, German military pensions and the civil pensions of the Imperial administrations shall be borne by the German Government, if they have been acquired in Alsace-Lorraine by November 11, 1918.

Civil pensions shall be regarded as having been acquired in Alsace-Lorraine if they have been acquired in the service of one of the branches of the Imperial Administration established in that country. Pensions acquired in the service of the Imperial railway administration shall be regarded as having been acquired in Alsace-Lorraine, even if the persons entitled to these pensions have been employed in the operation of the Guillaume-Luxemburg railway system.

Military pensions due to inhabitants of Alsace-Lorraine shall in all cases be regarded as having been acquired in Alsace-Lorraine.

Pensions shall be regarded as having been acquired by the date of November 11, 1918, if the grounds on which the pension was awarded existed before that date.

Officials of the Empire who, on November 11, 1918, had reached the age of 65, and whom the French Government retained in their posts, shall be regarded as having acquired the right to a pension on that date, without previously ascertaining whether these officials are able to remain in the service or not.

Article 2.

The French Government shall bear the cost of civil pensions acquired by former officials, teachers or ministers of religion in Alsace-Lorraine, and by widows and orphans, provided that these persons acquire French nationality and reside on French territory or are authorised by the French Government to reside abroad.

All other pensions in Alsace-Lorraine acquired by November 11, 1918, shall continue to be at the charge of the German Government.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² See foot-note Vol. II, page 60 of this Series.

³ The exchange of ratifications took place on February 14, 1921.

⁴ This Treaty registered with the Secretariat of the League on October 21, 1920, has not been published by the latter.

Article 3.

Pensions not specified in Articles 1 and 2 and acquired under German law, in the service of the Empire, of a Confederate State or of any public body remaining German, by inhabitants of Alsace-Lorraine who have become French nationals by virtue of the Treaty of Peace, shall continue to be borne by the German Government under the same conditions as if the persons entitled to the pensions had retained their German nationality.

Article 4.

The German Government undertakes to liquidate and to pay pensions proportionate to length of service to inhabitants of Alsace-Lorraine who, having acquired French nationality, were domiciled outside Alsace-Lorraine on November 11, 1918, and who, at that date, had at least 10 years' service in the German public administration, and who left that service before January 1, 1921, and have not entered the service of the French Government.

The German Government also undertakes to liquidate and pay proportional pensions to officials of the Empire who before January 1, 1920, have been relieved of their duties in Alsace-Lorraine by the French Government, provided that these officials become French nationals in virtue of the Treaty of Peace, that they have ten years' service towards a pension and that they do not enter the service of the French Government.

In calculating proportional pensions, the provisions of Article 41 of the Imperial law of March 31, 1873, shall apply and they shall be reckoned as from the day on which active pay has ceased to be drawn.

Article 5.

Under the terms of the present Convention the word "pension" includes not only pensions on retirement and invalidity, pensions of widows, orphans and ascendants, but also all permanent, temporary or exceptional allowances which may be granted in virtue of administrative laws and regulations to a whole class of persons in order to supplement their pensions or to take the place of these pensions, on condition that the inhabitants of Alsace-Lorraine who have become French nationals shall always be treated, as far as these allowances and also the rate of the pensions themselves are concerned, in the same way as German nationals who fulfil the same conditions are or shall be treated.

Article 6.

In allocating the pensions and allowances referred to in Articles 1 and 5, the German Government shall recognise as valid the certificates drawn up in due form by the French authorities with regard to the invalidity or indigence of the persons concerned.

In case of dispute, the case at issue shall be submitted to a mixed arbitral Commission which shall include one delegate from each of the two Governments and a third person, who shall be appointed arbitrator by these two delegates.

The conditions regulating the settlement of the fees for medical attendance, treatment in hospitals or medical appliances which may be chargeable to the German Government in connection with military pensions shall be laid down by a special agreement.

Article 7.

The payment of the pensions referred to in the present Convention shall be effected through the French Treasury in all cases where the persons entitled to the pensions possess French nationality and reside on French territory, or are authorised by the French Government to reside abroad.

In all other cases payment shall be made direct by the German Government ; with this object in view the French Government shall furnish the German Government with any information the former may have at its disposal.

Article 8.

The accounts in respect of pensions shall be settled between the French Government and the German Government every year on September 30. On that date, the German Government shall pay the French Government for the financial period beginning on the preceding April 1 and, subject to subsequent adjustment, a sum equal to that resulting from the accounts of the financial year which has just expired.

The first settlement, which will deal, as an exceptional measure, with two fiscal periods (1918 and 1919), shall be effected on September 30, 1920. An instalment of thirty-five million marks on account of such settlements shall be paid by Germany within a fortnight after the coming into force of the present Convention.

Article 9.

All payments by the German Government to the French Government shall be made in francs at the average Berlin telegraphic transfer rate on Paris, or, in the absence of telegraphic transfers, at the rate of exchange officially quoted on the Geneva Exchange, the rate prevailing on the 15th of each month being taken as the average rate for such month.

The instalment referred to in the previous article shall be paid in francs at a rate equal to the average monthly rates of exchange at Geneva on the 15th of each month, from November 1918 to January 1920.

Article 10.

Payments shall be made in accordance with statements of account drawn up annually by the French Government.

The German Government shall be authorised to select two delegates to verify the accuracy of these statements of account by auditing the books on the spot.

Nevertheless, such control shall not cause any delay in the payments referred to in Article 8, any errors it may bring to light being made the subject of special arrangements.

Article 11.

With a view to facilitating the settlement of pensions of soldiers disabled in the 1914-1918 war, who acquire French nationality, due regard being had to the fact that the payment of pensions liquidated in accordance with the French scheduled rates is determined by the French Government, the following arrangements shall be adopted in the event of this method of liquidation being agreed to :

The amount in marks due by Germany for such pensions shall be determined by the total number of francs paid to the pensioners, this latter figure being multiplied by a co-efficient of correction, derived from the ratio between the number of marks arising out of the liquidation in accordance with the German scheduled rates and the number of francs arising from the liquidation in accordance with the French rates, both liquidations being carried out in accordance with the numbers of the beneficiaries and the scheduled rates obtaining on December 31, 1919. In the event of either Government modifying the rate, the co-efficient of correction shall be calculated afresh by the same method.

Pensions of heirs of victims of the 1914-1918 war shall be dealt with on similar lines.

If, in consequence of fluctuations in the exchanges, the French Government should in any fiscal year have paid out to pensioners coming under the provisions of this article a total sum larger

or smaller than that paid out by the German Government, the difference shall be entered on a special account ; it being understood that if, on striking the balance of this account which will be calculated from November 11, 1919, and will include the capitalised value of the interest at the rates for loans from the Bank of France on September 30 of each year it should show a surplus of revenue over expenditure in favour of France, such surplus will be distributed to recipients of pensions.

Article 12.

Within a period of three months after the coming into force of this Convention, Germans resident in Alsace-Lorraine who are entitled to the pensions referred to in Articles 1 and 2 shall receive from the German Government, through the intermediary of the French Government, for the period between the date on which the payment of their pensions was suspended or effected at the commercial rate of the mark on January 31, 1920, a special allowance, on condition that they have not benefited by the favoured treatment reserved by the French Government for pensioners of Alsace-Lorraine origin. The amount of these exceptional allowances shall, upon the signature of this Convention, be determined by the two Governments jointly.

Article 13.

The present Convention shall be ratified and the ratifications shall be exchanged at Baden-Baden as soon as possible.

The Convention shall come into force immediately.

Done at Baden-Baden on March 3, 1920.

RAYMOND BRUGÈRE.

GERHARD KÖPKE.