

N° 736.

**EMPIRE BRITANNIQUE,
FRANCE, ITALIE, JAPON
ET LITHUANIE**

Convention relative au Territoire de
Memel, signée à Paris, le 8 mai
1924.

**BRITISH EMPIRE,
FRANCE, ITALY, JAPAN
AND LITHUANIA**

Convention concerning the Territory
of Memel, signed at Paris, May 8,
1924.

No. 736. — CONVENTION¹ CONCERNING THE TERRITORY OF MEMEL,
SIGNED AT PARIS, MAY 8, 1924.

English and French official texts communicated by the "Service français de la Société des Nations" and by the Secretary General of the Conference of Ambassadors. The registration of this Convention took place October 3, 1924.

The BRITISH EMPIRE, FRANCE, ITALY and JAPAN, signatories with the UNITED STATES OF AMERICA, as the Principal Allied and Associated Powers, to the Treaty of Peace of Versailles of June 28, 1919, of the one part,
and LITHUANIA, of the other part :

Desirous of giving effect to the decision of the four first-mentioned Powers taken at the Conference of their Ambassadors at Paris on February 16, 1923, and accepted by Lithuania on March 13, 1923 ;

Have to this end appointed their Plenipotentiaries, namely :

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

The Right Honourable Robert Offley ASHBURTON, Marquess of CREWE, His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at Paris ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Raymond POINCARÉ, President of Council of Ministers, Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF ITALY :

Baron Camillo Romano AVEZZANA, Ambassador Extraordinary and Plenipotentiary of H.M. the King of Italy at Paris ;

HIS MAJESTY THE EMPEROR OF JAPAN :

Viscount ISHII, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris ;

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA :

M. Ernest GALVANAUSKAS, President of the Council of Ministers, Minister for Foreign Affairs ;

Who, having communicated their full powers found in good and due form, have agreed upon the following provisions :

Article I.

The British Empire, France, Italy and Japan, signatories, with the United States of America, as the Principal Allied and Associated Powers, to the Treaty of Versailles, transfer to Lithuania, subject to the conditions contained in this Convention, all the rights and titles ceded to them by

¹ The deposit of ratification by Lithuania took place at Paris, September 27, 1924.

Germany in virtue of Article 99 of the Treaty of Versailles over the territory lying between the Baltic Sea, the north-eastern frontier of East Prussia (as described in Article 28 of the said Treaty and as defined in particular by the letter sent on July 18, 1921, by the President of the Conference of Ambassadors of the Allied Governments at Paris to the German Ambassador at Paris), and the former frontier between Germany and Russia, the said territory being described in the present Convention as "the Memel Territory".

Article 2.

The Memel Territory shall constitute, under the sovereignty of Lithuania, a unit enjoying legislative, judicial, administrative and financial autonomy within the limits prescribed by the Statute set out in Annex I.

Article 3.

Lithuania agrees to give effect to the engagements contained in Annex II in regard to the administration of the port of Memel and in Annex III in regard to transit traffic.

Article 4.

The expenses of occupation, administration and half the expenses of delimitation of the Territory shall be repaid by the Lithuanian Republic to the Powers which have advanced them.

The exact amount of such expenses chargeable to Lithuania, as well as the methods and periods of payment, shall be determined by a Commission composed of one representative appointed by the Powers and one by Lithuania. In case such Commission cannot reach an agreement, it shall apply to the Chairman of the Economic and Financial Committee of the League of Nations to designate an arbitrator.‡

Article 5.

Subject to the provisions of Articles 6 and 7, property situated in the Memel Territory and belonging, on January 10, 1920, to the German Empire or a German State, as defined in Article 256, paragraph 2, of the Treaty of Versailles of June 28, 1919, shall be transferred to the Lithuanian Republic.

Such property, with the exception of railways, posts, telegraphs and telephones, customs-houses and property constituting the port and its equipment, shall be transferred by the Lithuanian Government to the authorities of the Memel Territory, subject always to the provisions of Article 7.

An agreement shall be concluded between Lithuania and the authorities of the Memel Territory in regard to the transfer of the property specified in the previous paragraph on the basis of the charges assumed by Lithuania under Article 6 in respect of such property.

Article 6.

Lithuania agrees to assume, both as regards herself and as regards the Memel Territory, the obligations incurred by Powers to which German territory is ceded, under the provisions of Articles 254 and 256 of the Treaty of Versailles of June 28, 1919, and to ensure the application of the said provisions under conditions to be determined by the Reparation Commission in conformity with the stipulations of Part VIII of the Treaty of Versailles.

Article 7.

To ensure payment for the property transferred to it in virtue of Article 5, the Lithuanian Government consents on its own behalf and on that of the Memel Territory to an immediate first mortgage in favour of the Reparation Commission on the property and possessions specified in that Article.

Article 8.

Former German nationals over eighteen years of age on the date of ratification of the present Convention by Lithuania, who have actually been domiciled in the Memel Territory at least since January 10, 1920, shall *ipso facto* acquire Lithuanian nationality.

The following may opt for Lithuanian nationality, within a period of six months from the date of ratification of the present Convention by Lithuania, on condition that they renounce all other nationality :

- (a) All persons over eighteen years of age on the date of ratification of the present Convention by Lithuania, if they were born in the Territory and have resided therein for more than ten years ;
- (b) All persons over eighteen years of age on the date of ratification of the present Convention by Lithuania, who were granted a permanent permit of residence by the Inter-Allied Administration, provided that such persons shall have taken up their residence in the Territory not later than January 1, 1922.

Persons acquiring Lithuanian nationality through the operation of this Article shall *ipso facto* acquire the status of citizens of Memel.

Article 9.

The persons specified in the first paragraph of Article 8 may opt for German nationality within a time-limit of eighteen months from the date of ratification of the present Convention by Lithuania.

The duration of this time-limit shall, however, be reduced to six months in the case of persons who were domiciled in the Memel Territory only in their capacity of Government officials and who acquire Lithuanian nationality in consequence of such domicile.

The term " Government officials ", within the meaning of the previous paragraph, shall be taken to mean officials who were regarded as such by the German legislation and who are under the direct authority either of the Lithuanian Government or of the Directorate of the Memel Territory provided for in Annex I (*unmittelbare Staatsbeamte*).

Persons exercising the above right of option must transfer their domicile to Germany within the succeeding two years.

They shall be free to retain the immovable property which they possess in the Territory and may export the movable property of all kinds. They shall be exempted from all export duties or taxes in this respect.

Article 10.

Married women shall take the nationality of their husbands, and children under eighteen years of age shall take the nationality of their parents for the purposes of the application of the provisions of Articles 8 and 9 above.

Article 11.

The Declaration¹ relating to protection of minorities made by the Lithuanian Government before the Council of the League of Nations at its meetings of May 12, 1922, applies to minorities

¹ Vol. XXII page 393 of this Series.

within the Memel Territory, with the exception of paragraph 4 of Article 4 of the said Declaration, which is only excluded in view of the provisions of Article 27 of Annex I.

The procedure adopted by the Council of the League of Nations for dealing with petitions concerning the protection of minorities shall be *ipso facto* applicable to petitions concerning the protection of minorities in the Memel Territory.

Article 12.

The nationals of foreign Powers, both private and corporate, shall have the same rights and receive the same treatment in the Memel Territory as the citizens or corporations of Memel and Lithuania in all that concerns the use of the port and its facilities and the purchase, lease or use of real property for legitimate business purposes.

Lithuania retains, however, the right to reserve for her own flag the coasting trade and fisheries in her territorial waters.

Article 13.

Persons acquiring the status of citizen of Memel under Articles 8 and 10 shall be exempt from military service until January 1, 1930.

Article 14.

No citizen of the Memel Territory may be interfered with or molested on account of his political attitude between July 28, 1914, and the ratification of the present Convention by Lithuania.

Article 15.

Rights of sovereignty over the Memel Territory or the exercise of such rights may not be transferred without the consent of the High Contracting Parties.

Article 16.

The Annexes I to III of this Convention shall be considered for all purposes as constituting an integral part thereof.

Article 17.

The High Contracting Parties declare that any Member of the Council of the League of Nations shall be entitled to draw the attention of the Council to any infraction of the provisions of the present Convention.

In the event of any difference of opinion in regard to questions of law or of fact concerning these provisions, between the Lithuanian Government and any of the Principal Allied Powers Members of the Council of the League of Nations, such difference shall be regarded as a dispute of an international character under the terms of Article 14 of the Covenant of the League of Nations. The Lithuanian Government agrees that all disputes of this kind shall, if the other party so requests, be referred to the Permanent Court of International Justice. There shall be no appeal from the Permanent Court's decision, which shall have the force and value of a decision rendered in virtue of Article 13 of the Covenant¹.

¹ Page 73 of this volume.

Article 18.

The present Convention, of which the French and English texts are both authentic, shall be ratified and the ratifications shall be deposited at Paris. It shall come into force as soon as the ratifications have been deposited.

It shall be registered with the Secretariat of the League of Nations as soon as it has been ratified by Lithuania.

In faith whereof, the undersigned have signed the present Convention.

Done at Paris, on May 8, 1924, in a single copy, which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the signatory Powers and to the Secretary-General of the League of Nations.

(L. S.) CREWE.

(L. S.) R. POINCARÉ.

(L. S.) ROMANO AVEZZANA.]

(L. S.) K. ISHII.

(L. S.) GALVANAUSKAS.

Copie certifiée conforme :

*Le Ministre plénipotentiaire,
Chef du Service du Protocole,*

P. DE FOUQUIÈRES.

ANNEX I.

STATUTE OF THE MEMEL TERRITORY.

Realising the wisdom of granting autonomy to the Memel Territory and of preserving the traditional rights and culture of its inhabitants ;

Recalling the resolution unanimously adopted by the Constituent Assembly of Lithuania on November 11, 1921 ;

In accord with the Decision of the Conference of Ambassadors of February 16, 1923, to which the Lithuanian Government adhered on March 13, 1923 ;

And having, by the Convention signed at Paris on May 8, 1924, by the representatives of the British Empire, France, Italy and Japan, of the one part, and the representative of Lithuania of the other part, agreed to grant to the Memel Territory the status of an autonomous unit ;

The Republic of Lithuania enacts the following Statute :

Article 1.

The Memel Territory shall constitute, under the sovereignty of Lithuania, a unit, organised on democratic principles, enjoying legislative, judicial, administrative and financial autonomy within the limits prescribed in the present Statute.

Article 2.

The President of the Lithuanian Republic shall appoint a Governor of the Memel Territory.

Article 3.

The election of deputies for the Memel Territory to the Lithuanian Diet shall take place in conformity with the Lithuanian Electoral Law.

Article 4.

The measures taken by the Lithuanian legislature in execution of international treaties and conventions shall be applicable to the Memel Territory in so far as the said treaties and conventions are not contrary to the present Statute ; nevertheless, in the event of their applying to affairs which, by virtue of Article 5, come within the competence of the local authorities of the Memel Territory, it shall be for the latter to take the necessary measures for the application of the said international agreements.

Article 5.

Subject to the provisions of the preceding Article, the following matters shall be within the competence of the local authorities of the Memel Territory :

- 1^o Organisation and administration of communes and districts ;
- 2^o Public worship ;
- 3^o Public education ;
- 4^o Public relief and health, including veterinary regulations ;
- 5^o Social welfare and labour legislation ;
- 6^o Local railways, except those belonging to the Lithuanian State, roads, local public works ;
- 7^o Regulation of the sojourn of foreigners in conformity with the laws of Lithuania ;
- 8^o Police, subject to the provisions of Articles 20 and 21 ;
- 9^o Civil legislation (including proprietary rights) and criminal, agrarian, forestry and commercial legislation (including weights and measures), it being understood that all operations effected by the credit and the insurance institutions and the exchanges shall be subject to the general law of the Republic, regulations governing organisations officially representing the economic interests of the Territory ;
- 10^o The acquisition of rights of citizenship, subject to the provisions of Article 8 ;
- 11^o Organisation of the judicial system, subject to the provisions of Articles 21 to 24 ;
- 12^o Direct and indirect taxes levied in the Territory, with the exception of customs duties, excise duties, commodity taxes and monopolies on alcohol, tobacco and similar articles of luxury ;
- 13^o Administration of public property belonging to the Memel Territory ;
- 14^o Regulation on Memel Territory of timber-floating and navigation on the rivers, other than the Niemen, and the canals within the Memel Territory, subject to agreement with the Lithuanian authorities in case such watercourses are utilisable outside the Memel Territory for timber-floating ;
- 15^o Registration of trading vessels in accordance with the laws of Lithuania.

The laws of Lithuania may extend the competence of the authorities of the Memel Territory to other matters.

Nothing in this Article shall prevent the legislative bodies of the Republic of Lithuania and the Memel Territory from taking legal dispositions to effect a unification of laws and regulations.

Article 6.

In the absence of provisions to the contrary in the present Statute, the local authorities of the Memel Territory, in exercising the powers conferred upon them by the present Statute, shall conform the principles of the Lithuanian Constitution.

Article 7.

The affairs which, under the present Statute, are not within the jurisdiction of the local authorities of the Memel Territory shall be within the exclusive jurisdiction of the competent organisations of the Lithuanian Republic.

Article 8.

The original citizens of the Memel Territory shall be the persons who acquire that status through the operation of Articles 8 and 10 of the Convention referred to in the preamble to this Statute.

Subject to the provisions of the Lithuanian law on the acquisition of Lithuanian nationality, a law of the Memel Territory shall determine the conditions on which the status of citizen of the Memel Territory may be acquired in future.

For Lithuanian nationals other than citizens of the Memel Territory, the conditions on which the said status may be acquired shall be the same as those laid down in Lithuania for the exercise of all public and political rights.

Article 9.

The citizens of the Memel Territory shall have throughout Lithuanian territory all the recognised civil rights enjoyed by the other nationals of Lithuania.

Lithuanian nationals who are not citizens of the Memel Territory shall have in the said Territory all the recognised civil rights enjoyed by the citizens of the Memel Territory.

Article 10.

Legislative power in the Memel Territory shall, within the limits of this Statute, be exercised by the Chamber of Representatives, elected by universal, equal, direct and secret suffrage.

Laws passed by the Chamber will obligatorily be promulgated by the Governor within a period of one month from the date on which the law has been submitted to him, unless, within this period, he shall have exercised his right of veto under Article 16. This period shall be reduced to fifteen days in the case of laws the promulgation of which has been declared urgent by special vote of the Chamber.

The laws shall be countersigned by the President of the Directorate provided for by Article 17 or his substitute.

Article 11.

The members of the Chamber of Representatives shall be elected for three years by the citizens of the Memel Territory, in conformity with the Lithuanian Electoral Law, in the proportion of one deputy per five thousand inhabitants or for any fraction exceeding two thousand five hundred inhabitants.

Only citizens of the Memel Territory shall be eligible.

Article 12.

The Chamber of Representatives shall meet fifteen days after each election of its members. During the succeeding years of its term, it shall meet in ordinary session on the fourth Monday in January. Ordinary sessions shall have a duration of not less than one month.

The Chamber may also be convoked in extraordinary session by the Governor in agreement with the Directorate.

The closure or adjournment of extraordinary sessions shall be declared by the Governor in agreement with the Directorate.

The Chamber must be convoked by the Governor when at least one-third of its members demand it.

The Chamber may be dissolved by the Governor in agreement with the Directorate. The elections to the new Chamber shall take place within six weeks from the date of dissolution.

Article 13.

The Chamber of Representatives shall draw up its own rules of procedure ; it shall elect its President and its officers.

Article 14.

The present Economic Council of the Memel Territory shall continue until the Chamber of Representatives shall otherwise decide. Subject to such decision of the Chamber, the Council shall be consulted by the Chamber upon all fiscal and economic legislation before it is finally voted.

Article 15.

No member of the Chamber of Representatives or the Economic Council of the Memel Territory may be made the object of any form of criminal proceedings, or be in any way molested, in any part of the territory of Lithuania in consequence of any act performed or opinion expressed by him in the discharge of his duties as such member. No member of the Chamber may during a session be arrested or prosecuted without the consent of the Chamber, except he is apprehended *in flagrante delicto*; a corresponding immunity shall be enjoyed by the members of the Economic Council during the session of that body.

Article 16.

The Governor shall, within the time-limit prescribed in Article 10, have the right to veto laws passed by the Chamber of Representatives of the Memel Territory, if these laws exceed the competence of the authorities of the Territory as laid down by the present Statute, or if they are incompatible with the provisions of Article 6 or with the international obligations of Lithuania.

Article 17.

The Directorate shall exercise the executive power in the Memel Territory. It shall consist of not more than five members, including the President, and shall be composed of citizens of the Territory.

The President shall be appointed by the Governor and shall hold office so long as he possesses the confidence of the Chamber of Representatives. The President shall appoint the other members of the Directorate. The Directorate must enjoy the confidence of the Chamber of Representatives and shall resign if the Chamber refuses it its confidence. If, for any reason, the Governor appoints a President of the Directorate when the Chamber of Representatives is not in session, it shall be convened so as to meet within four weeks after the appointment to hear a statement from the Directorate and vote on the question of confidence.

The members of the Directorate shall have the right of entry both to the Chamber of Representatives and to the Economic Council. They shall have the right to be heard by the Chamber and by the Council when they request it.

Article 18.

The right of initiating legislation shall belong equally to the Chamber of Representatives and to the Directorate.

Article 19.

Elections to the Communal and District Assemblies shall be held in accordance with the laws of the Memel Territory.

The electoral laws shall be drawn up on democratic principles.

Article 20.

The maintenance of public order in the Memel Territory shall be assured by a local police force responsible to the authorities of the Territory; in case of need, the latter may apply to the Lithuanian Government for assistance.

The necessary police force for the protection of the port shall be detailed by the Memel authorities for service under the Lithuanian authorities.

The frontier and Customs police and the railway police shall be furnished by, and be under the direct authority of, the Lithuanian Republic.

Article 21.

The sentences pronounced respectively by the Courts of the Memel Territory and by the other Lithuanian Courts shall have force of law in the whole territory of Lithuania, including the Memel Territory.

The same shall apply to warrants of arrest delivered by the authorities of the Memel Territory and by the authorities of the other parts of Lithuania respectively.

Article 22.

The organisation and competence of the tribunals of the Memel Territory shall be determined by a law of the Territory, subject to the provisions of Article 24. Pending the enactment of such law, the existing organisation of the judicial system shall continue in operation.

Article 23.

The judges of the tribunals of the Memel Territory shall be appointed by the Directorate. They shall be appointed for life and may only be dismissed on the motion of that section of the Supreme Court of Lithuania which is competent to deal with the affairs of the Memel Territory, and which will pass sentence in such cases in the capacity of Supreme Disciplinary Council of Magistrates.

Article 24.

The jurisdiction of the Supreme Court of Lithuania shall extend over the whole territory of the Republic, including the Memel Territory.

This Court shall comprise a special section for the affairs of the Memel Territory ; this section shall be mainly composed of judges drawn from the magistrates of the Memel Territory, and it may hold its sessions in the town of Memel.

Article 25.

The curriculum adopted in the public schools of the Memel Territory shall not be of a lower standard than the curriculum followed in schools of the same standing in other parts of the Lithuanian territory.

Article 26.

The authorities of the Memel Territory shall carry out and cause to be carried out in the Territory the provisions contained in the Declaration concerning the protection of minorities, made by the Lithuanian Government before the Council of the League of Nations, at its meeting of May 12, 1922, with the exception of paragraph 4 of Article 4 of the said Declaration.

Article 27.

The Lithuanian and the German languages shall be recognised on the same footing as official languages in the Memel Territory.

Article 28.

The Lithuanian Government will recognise the acquired rights of the officials and employees in the public services who are under its own authority but who perform their duties in the Memel Territory, and will retain those who possess the status of citizens of the Memel Territory and who were in the service on January 1, 1924.

The officials and employees in the service of the Lithuanian Administration who are citizens of the Memel Territory shall be subject to the same rules and shall enjoy the same privileges as the officials and employees of the other parts of Lithuania.

Article 29.

The authorities of the Memel Territory shall recognise the acquired rights of all the officials and employees employed in the Memel Territory on January 1, 1923.

In future the officials and employees in the service of the Territory shall be recruited, as far as possible, from among the citizens of the Territory.

Article 30.

The provisions of Articles 28 and 29 may not be invoked by officials who have availed themselves of their right to opt in favour of German nationality.

Article 31.

Until January 1, 1930, the educational authorities of the Memel Territory shall be free to employ teachers of alien nationality to the extent deemed by them to be necessary for the proper maintenance of education in the Territory.

The Directorate shall not, however, be entitled to retain in the Territory under the above provision any person against whom the Governor adduces proof that he is engaged in political agitation contrary to the interests of Lithuania.

On the expiration of the above-mentioned period, foreign teachers may be engaged by the authorities of the Territory with the consent of the Lithuanian Government.

Article 32.

Private property shall be respected. Expropriation shall only take place for reasons of public utility and in return for the payment of equitable compensation in advance, in conformity with the laws, and provided that the provisions of the present Statute are not infringed.

The right of companies and associations, including religious and charitable organisations, to own property shall be recognised in principle.

Article 33.

The freedom of meeting and association, the freedom of conscience and the freedom of the Press shall be guaranteed to all the inhabitants of the Memel Territory without distinction of nationality, language, race or religion, subject to the observance of the laws and regulations necessary for the maintenance of public order and the security of the State.

The same shall apply to freedom of teaching and the right of opening schools.

Article 34.

Passports shall be delivered to citizens of the Memel Territory by the Directorate of the Territory on behalf of the Lithuanian Republic and in accordance with the regulations established by the Lithuanian Government.

In the passports shall be mentioned both the Lithuanian nationality of the bearer and his status as citizen of the Memel Territory.

Article 35.

Within a period of one month from the coming into force of the present Statute, negotiations shall be entered into between the Lithuanian Government and the local authorities of the Memel Territory for the purpose of determining the percentage of the net yield of the Customs duties, excise duties and commodity taxes, including revenues from monopolies dealt with in Article 5, paragraph 12, which shall be assigned to the Memel Territory. In determining this percentage, account shall be taken : (1) of the average value of imports and exports per head of the population in the Memel Territory and in the other parts of Lithuania respectively during the years 1921 and 1922, special circumstances which may have influenced the returns for those years being allowed for ; (2) of the additional revenue and expenditure which the transfer of sovereignty over the Memel Territory to Lithuania involves for the Lithuanian State.

The percentage thus determined may be revised from time to time by the Lithuanian Government in agreement with the local authorities of the Memel Territory.

Article 36.

The tariffs applied on railways and ships to passengers and goods, and the postal, telegraphic and telephonic charges, in the Memel Territory, shall not be higher than the tariffs applied and the charges made for the same purposes in the other parts of Lithuania.

The tariffs applied on the Lithuanian railways to passengers and goods coming from or destined for the Memel Territory shall, in no case, exceed those applied to passengers and goods in respect of any other journey of the same length in another part of the Lithuanian railway system.

Article 37.

The first elections to the Chamber of Representatives shall take place within six weeks from the date of the coming into force of the present Statute. The Chamber will meet fifteen days after the elections.

Only inhabitants of the Memel Territory over twenty-one years of age may take part in these elections, provided :

1° that, having acquired Lithuanian nationality on the conditions specified in Article 8, paragraph 1, of the Convention referred to in the preamble to this Statute, they do not opt for German nationality before the date of the elections ;

2° that at least fifteen days before the elections they opt for Lithuanian nationality on the conditions specified in Article 8, (a) and (b), of the said Convention.

Article 38.

The provisions of the present Statute may be modified after three years from the ratification by Lithuania of the Convention of which the said Statute forms part. The procedure of amendment shall be the following :

The Chamber of Representatives of the Memel Territory must pass the bill modifying the Statute by a majority representing three-fifths of the votes of all the members.

The modification, after being adopted by the Chamber, must be submitted for the approval of the citizens of the Memel Territory by way of referendum, if not less than one-quarter of all the members of the Chamber or five thousand citizens possessing the franchise for the Chamber so demand within the three months following the adoption of the modification by the Chamber.

If the modification is approved by two-thirds of the citizens participating in the referendum, it shall be submitted without delay for the approval of the Legislative Assembly of Lithuania. It shall not come into force unless it is approved by the said Assembly within one year from the date of its submission thereto.

ANNEX II.

PORT OF MEMEL.

Article 1.

The Lithuanian Government shall conform, in respect of the whole of the Lithuanian territory, including the Memel Territory, to the provisions of Articles 331 to 345 of the Treaty of Versailles of June 28, 1919, concerning the Niemen.

Article 2.

The port of Memel shall be considered as a port of international concern. The recommendations adopted by the Barcelona Conference concerning ports subject to an international regime shall be applied thereto, unless otherwise herein provided.

Article 3.

The port of Memel shall include both sides of the "Kurisches Haff", Section of the Niemen, from the sea and may extend, as required by the development and needs of the port, to the line, across the Haff, forming the frontier between Lithuania and Germany.

Article 4.

The expenses in connection with the upkeep and the development of the port of Memel and the public waterways shall be provided for by the Lithuanian Government. The Lithuanian Government may, from time to time, consider, with the authorities of the Memel Territory, what contributions the latter can make towards such expenses.

Article 5.

There shall be a Harbour Board, which shall consist of three members appointed for three years and eligible for reappointment, as follows :

- 1° one representing Lithuanian economic interests, to be appointed by the Lithuanian Government ;
- 2° one representing the economic interests of the Memel Territory, to be appointed by the Directorate of the Territory ;
- 3° one to be appointed by the Chairman of the Advisory and Technical Committee for Communications and Transit of the League of Nations. This member shall not be a citizen of a Niemen riparian State. He shall give special attention to international economic interests served by the port and particularly to those of the districts for which the port of Memel is the natural outlet.

Article 6.

The Republic of Lithuania shall entrust to the Harbour Board, created under Article 5 above, the administration, operation, upkeep, and development of the port of Memel.

The Board will give special attention to the execution of the relevant clauses of the present Convention regarding the handling and development of traffic and transit.

Article 7.

The Harbour Board shall draw up and submit annually its budget for approval by the Lithuanian Government.

The Board shall also report annually to the Lithuanian Government. A copy of the report of the Harbour Board shall be sent to the Directorate and to the Advisory and Technical Committee for Communications and Transit of the League of Nations.

Article 8.

All decisions of the Harbour Board shall be by majority.

The Board shall draw up its own regulations, including provisions as to appointment by each member of a substitute to replace him in case of absence.

It shall elect one of its members as Chairman.

Article 9.

The remuneration of the three members of the Harbour Board shall be borne on the yearly budget of the port.

The remuneration of the first two members named in Article 5 above shall be fixed by agreement between the Lithuanian Government and the Directorate of the Memel Territory; the remuneration of the third member shall be fixed within reasonable limits by the Chairman of the Advisory and Technical Committee for Communications and Transit of the League of Nations after consultation with the Lithuanian Government.

Article 10.

The Harbour Board shall enter upon its duties within two months from the date of the ratification by Lithuania of the Convention of which this Annex forms part.

Article 11.

No member of the Harbour Board may be interfered with or molested on account of his actions in the discharge of his duties.

The member appointed by the Chairman of the Advisory and Technical Committee for Communications and Transit of the League of Nations shall personally enjoy diplomatic immunities, including freedom from Government and local taxes.

The Archives of the Harbour Board shall be inviolable.

Article 12.

The Harbour Board shall appoint a Harbour Master and the other personnel of the port.

Article 13.

The Harbour Board shall maintain the existing free zone and provide such extensions as the transit traffic may warrant, either by extending the present zone or by the creation of a new one. In the latter event, the existing zone may be abolished if in such new free zone the traffic can be adequately dealt with.

Article 14.

The composition or powers of the Harbour Board and the administration of the port of Memel as provided for by the preceding dispositions may be modified after five years from the date of ratification by Lithuania of the Convention of which this Annex forms part, provided the Lithuanian Government, after consulting the Directorate and the Harbour Board, submits a revised scheme, based upon experience and the circumstances then prevailing, which is approved by a majority of the Council of the League of Nations including the representatives of the four Powers which are Parties with Lithuania to the said Convention. The modifications shall enter into effect on being so approved.

ANNEX III.

TRANSIT TRAFFIC.

Article 1.

The Lithuanian Government undertakes to consider the advisability of abolishing, before May 1, 1925, all duties on the import and the export of timber and all export duties on articles in the manufacture of which at least 75 % of the value of the raw materials used is wood. If such duties are not discontinued by the above date, or should they be imposed thereafter, the Lithuanian Government undertakes to establish in the port of Memel, under the direction of the Harbour Board, a free zone specially suitable for the storage, handling and working up of timber of non-Lithuanian origin, in order to protect such operations from any financial charges, delays or encumbrances resulting from such duties.

Article 2.

In case and as long as import duties are imposed on timber, an effective system of mixed transit yards, at least as advantageous for the users as that which was in existence under the German regime, will be introduced. The saw-mills and other works, in which timber will be worked up, as well as the yards where timber is stored, will be considered as transit yards.

The usual percentages of the raw material introduced into these yards will be allowed for calculating the restitution of the import duties.

Article 3.

The Lithuanian Government shall ensure the freedom of transit by sea, by water and by rail, of traffic coming from or destined for the Memel Territory or in transit through the said Territory and shall conform in this respect with the rules laid down by the Statute and Convention¹ on the Freedom of Transit, adopted by the Barcelona Conference on April 14 and 20, 1921, respectively, and, in particular, with the provisions of Article 13 of the said Statute, indicating the summary procedure to be followed in the event of interruption of transit.

The same freedom of transit shall also be ensured in respect of postal consignments and postal and telegraphic communications.

Recognising the international character of the river Niemen and traffic thereon, and the general economic benefits to be derived from the exploitation of the forests in the Lithuanian and other districts in the basin of the Niemen, for which Memel is the natural outlet, the Lithuanian Government undertakes forthwith to permit and to grant all facilities for the traffic on the river to or from, or in the port of Memel and not to apply, in respect of such traffic on the ground of the present political relations between Lithuania and Poland, the stipulations of Articles 7 and 8 of the Barcelona Statute on the Freedom of Transit and Article 13 of the Barcelona Recommendations relative to Ports placed under an International Regime.

Article 4.

The provisions of the present Annex may be modified on a proposal by the Lithuanian Government based on experience and the circumstances then prevailing. The proposal must be approved by the majority of the Council of the League of Nations including the representatives of the four Powers Parties with Lithuania to the Convention of which this Annex forms part. The modifications shall enter into effect on being so approved.

¹ Vol. VII page 11 of this Series.

TRANSITORY PROVISION.

Lithuania, immediately on ratifying the Convention concluded this day with the British Empire, France, Italy and Japan, and pending its ratification by the other Parties thereto, shall, without delay, commence and continue to give effect to all the provisions of the Convention and its Annexes.

The British Empire, France, Italy and Japan declare that, on the ratification of the said Convention by Lithuania, they will recognise as lawful such acts of sovereignty on the part of the Lithuanian Government in the Memel Territory as are necessary to put into effect the engagements of the said Convention and to preserve public order.

In faith whereof, the undersigned have signed the present Transitory Provision.

Done at Paris, on May 8, 1924, in a single copy, which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the signatory Powers and to the Secretary-General of the League of Nations.

CREWE.
R. POINCARÉ.
ROMANO AVEZZANA.
K. ISHII.
GALVANAUSKAS.

Copie certifiée conforme :
Le Ministre plénipotentiaire

Chef du Service du Protocole,
P. de FOUQUIÈRES.
