

N° 1015.

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## ALLEMAGNE ET POLOGNE

Accord relatif à la zone-frontière de  
la Haute-Silésie, avec Protocole  
final, signés à Varsovie, le 23 fé-  
vrier 1924.

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## GERMANY AND POLAND

Agreement relating to the Frontier  
Zone of Upper Silesia, with Final  
Protocol, signed at Warsaw, Fe-  
bruary 23, 1924.

TRANSLATION <sup>1</sup>.

## No. 1015. — AGREEMENT BETWEEN GERMANY AND POLAND RELATING TO THE FRONTIER ZONE OF UPPER SILESIA, SIGNED AT WARSAW, FEBRUARY 23, 1924.

THE GOVERNMENT OF THE GERMAN REICH and THE POLISH GOVERNMENT, having agreed in accordance with Article 233 of the German-Polish Convention relating to Upper Silesia, signed at Geneva on May 15th, 1922, to enter into negotiations with a view to the conclusion of a new Convention on the questions dealt with in Part V, Section I, Chapter IV of the above-mentioned Convention, have appointed as their Plenipotentiaries for this purpose :

## THE GERMAN REICH :

Dr. Paul ECKARDT, Minister Plenipotentiary ;  
Dr. Gottfried SCHWENDY, Chief of Police ;

## THE REPUBLIC OF POLAND :

Dr. Zygmunt SEYDA, Vice-Marshal of the Diet ;

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

## I. GENERAL PROVISIONS.

*Article 1.*

The special frontier zone created by Article 238 of the German-Polish Convention relating to Upper Silesia, signed at Geneva on May 15, 1922, shall be maintained. Either Contracting State shall, however, be entitled to reduce the width of the zone on its side of the frontier to a minimum of three kilometres at places where local conditions render such a reduction expedient. Any measure of this kind taken by either Party shall be notified to the other Party and shall be made public.

*Article 2.*

The inhabitants of the special frontier zone shall enjoy, within the said zone, the following facilities as regards the crossing of the frontier.

## II. AGRICULTURE AND FORESTRY.

*Article 3.*

Owners of land situated in the frontier zone and used for purposes of agriculture and forestry, whose dwelling-houses or farms are separated by the frontier from the agricultural or forest lands

<sup>1</sup> Translated by the Secretariat of the League of Nations.

appertaining thereto, no matter whether such lands are directly adjacent or not, shall be entitled :

- (a) To convey across the frontier, free of Customs duty, the manures, seeds (saplings), and agricultural forestry or fishing implements required for the normal working of their land, subject, however, to the condition that such implements are brought back over the frontier ;
  - (b) To convey across the frontier, Customs free, crops or other produce of their land, provided that the person concerned requires such crops or produce for the development of his own property. Such produce may include milk and other dairy produce, dead poultry, mutton, veal and pork, dead game and live and dead fish ;
  - (c) To send their live-stock temporarily across the frontier, Customs free, for pasture, to lands situated on the other side, and bring them back, Customs free, together with any young which may have been born in the interval. Such animals, and their milk and dairy produce, and also the flesh of animals which have had to be slaughtered must be brought back to the country in which the farm to which they belong is situated. The local Customs authorities may agree to allow certain exceptions ;
  - (d) To take their live-stock across the frontier, Customs free, for veterinary treatment, or for purposes of breeding or gelding. Sub-sections 2 and 3 of paragraph (c) shall be applicable *mutatis mutandis*.
- (2) The owners of property referred to shall be allowed to take with them over the frontier, Customs free, victuals for one day up to a maximum of one kilogramme. Such victuals may include as much as 250 grammes of meat, bacon or fat, but no butter, alcoholic liquor or milk. The term "victuals" shall only cover prepared food, and not the raw ingredients used in its preparation.
- (3) Draught animals and vehicles of all kinds used for the ordinary working of the land may also be taken across the frontier Customs free, provided that they are brought back.

#### Article 4.

The exemption from Customs duties referred to in Article 3 shall involve exemption from import and export duties and all other charges or dues, and also from any import and export prohibitions. Further, if the agricultural or forest produce is subject in one of the two countries to a system of compulsory control, the restrictions thereby involved shall not be applicable.

#### Article 5.

(1) Persons who were living in the frontier zone before January 1st, 1922, shall alone be entitled to the above-mentioned privileges. The acquisition of property since that date shall not *ipso facto* entitle a person thereto ; but if property is inherited on the other side of the frontier, or if further land in addition to land already held, is leased there such property or land shall not be regarded for this purpose as newly acquired. These privileges shall cease to apply after October 31, 1924, if the additional land was taken on lease after January 15, 1922.

(2) Persons entitled to use agricultural or forest land and persons engaged in the cultivation of such land, and the members of their households, shall be accorded the same treatment as the actual owners of the land.

*Article 6.*

The frontier shall be crossed at the ordinary crossing-places at which Customs examinations are carried out. In order, however, to obviate the necessity of taking circuitous routes, the local Customs authorities shall, wherever possible, allow the frontier to be crossed at other points as well.

*Article 7.*

1. Persons entitled to the above-mentioned privileges shall only make use of them for the purpose of crossing the frontier within the frontier zone in the hours during which agricultural or forestry work is customarily performed in the particular locality.

2. These privileges include exemption from Customs duty, in the case of products of the soil which are sent to be ground, crushed, cut, shredded, sawn, etc. in mills or other works which belong to the owner of the products and are situated within the frontier zone but on the other side of the frontier. The products must be re-exported after the completion of the above processes.

*Article 8.*

In order to ensure effectively that machines, vehicles, agricultural, forestry and fishing implements and live-stock are duly re-exported, whenever the privileges granted under the present Convention are conditional upon re-exportation, the following regulations are to be observed :

- (a) The owner of the machines, vehicles or implements must give the Customs authorities of both Parties a written undertaking accompanied by a description of the objects in question to the effect that they will be brought back and that he accepts liability in the event of this not being done. Persons entrusted with the conveyance of the objects in question across the frontier must carry a Customs document containing evidence of the identity of the said objects, and must produce it whenever required by the competent authorities. These provisions shall not apply to workmen carrying their ordinary tools (hammers, saws, shovels, axes, etc.).
- (b) The landowner must provide the Customs authorities of both Parties with a list, certified correct by the local police, indicating the number of head of live-stock belonging to him in the frontier zone and a written undertaking to bring the live-stock back over the frontier, or to accept liability if they are not so brought back. If he possesses several properties in the frontier zone, separate lists must be given of the live-stock on each. Any changes must be duly entered in the lists within a fortnight. Horses must be branded with an identification mark, and cattle and swine must be either branded or ear-ringed. The person in charge of the animals must carry with him a Customs document containing evidence of identity in respect of each animal, and must show it whenever required by the competent authorities. In the case of poultry, sheep and goats, particulars as to the number shall be sufficient.
- (c) If the written undertaking referred to in (a) and (b) is given, no security may be demanded.

### III. MANUAL LABOUR, TRADES, LIBERAL PROFESSIONS, ETC.

*Article 9.*

Artisans and workers living in the frontier zone of either State may carry on their trades, within the frontier zone, in the territory of the other State, provided that they conform to the

regulations in force therein, and may take with them, Customs free, the implements necessary for their trades, provided that they bring them back after their work is completed ; similarly, they may take victuals for the day on the scale laid down in Section 2 of Article 3, and in Article 12. They may also take with them, Customs free, for purposes of repair, articles or parts of articles from the part of the frontier zone situated in the other State, provided, however, that such articles are duly re-exported. Similarly, they may take with them, Customs free, small quantities of repairing materials, in quantities proportionate to the requirements of artisans or manual labourers, and such as they themselves can carry without using any means of transport. Persons entitled to these privileges may only cross and recross the frontier once in each day with materials of the same kind. These materials may not be used to make new articles, and any materials not used must be brought back.

#### Article 10.

(1) Persons exercising one of the liberal professions (doctors, midwives, ministers of religion, land and boundary surveyors, etc.) shall, *mutatis mutandis*, be entitled to the privileges provided in Article 9.

(2) The inhabitants of the frontier zone may take with them, Customs free, for the exercise of their religion, articles necessary for the Eucharist, communion, confirmation, first communion and extreme unction, such as chalices, pyxes, books, banners, candles, etc. In the case of funerals similar facilities shall be granted for the conveyance of the corpse and also of the articles used for such ceremonies and for the upkeep and ornamentation of graves.

(3) The personnel of the fire brigades and mining salvage brigades may, within the frontier zone, take with them, without restriction, such equipment as they need.

#### Article 11.

The exemption from Customs duty provided for in Articles 9 and 10 shall include freedom from import and export duties and shall extend to the necessary vehicles and draught animals. It shall not, however, apply to medicaments, except to such as are carried by authorised doctors and to disinfectants carried by midwives. No medicament may be taken into either State if its sale is prohibited in that State. Existing import and export prohibitions shall not apply to the other cases provided for in Articles 9 and 10.

### IV. WORKERS.

#### Article 12.

1. Workers who live in the frontier zone on the other side of the frontier from the place at which they work may, when going to their work, take with them, Customs free :

(a) Their victuals for the day, up to the maximum quantities laid down in paragraph 2 of Article 3. Workers who have to remain for several days at work at the same place may take victuals with them in quantities proportionate to the number of days they are to work and also the raw ingredients for the preparation of their food ;

(b) Their tools, provided that they bring them back with them.

2. They may also bring back with them, Customs free, any payments in kind which they have received from their employers in lieu of money.

## V. FRONTIER CARDS.

*Article 13.*

1. Persons enjoying the above benefits must hold a frontier card issued by the competent magistrate (Landrat, Starosta), by the municipal police authority in urban districts, or by the chief of police in districts having a State police administration, and countersigned by the competent police authority of the place at which the holder works.

2. The frontier card shall in all cases be provided with a photograph, and shall be of a different colour from the travelling permit; it must contain the information necessary to identify the holder and must state the privileges to which he is entitled. If the frontier may only be crossed at certain specified places, this must be stated on the card. Such cards shall only be valid for one civil year.

*Article 14.*

A frontier card may, if improperly used, be withdrawn at any time either by the authority which issued it or by the authority which countersigned it, and such action may be taken irrespective of any legal proceedings to which the improper use of the card may give rise. These authorities shall inform each other whenever frontier cards are withdrawn. The authority which issued the card shall withdraw it if the countersigning authority so requests.

*Article 15.*

1. Frontier cards shall only be issued to persons who are in possession of a document (passport, travelling permit, etc.) authorising the holder to cross the frontier between the two parts of the plebiscite area.

2. If the facilities provided in Article 6 entitle the holder of a frontier card to cross the frontier elsewhere than at the normal crossing-places, he shall *ipso facto* be entitled to cross the frontier at the latter places.

3. If the travelling permit is issued under Article 270 of the German-Polish Convention relating to Upper Silesia, the right to cross the frontier may be confined to the places indicated on the frontier card. This restriction shall be noted on the travelling permit.

*Article 16.*

Persons who are entitled to a frontier card under the present Convention and who do not possess a travelling permit, or who cannot obtain one under the general regulations, may, if necessary, obtain one under Article 270 of the Upper Silesian Convention. In such cases the facilities given by the travelling permit will as a rule be restricted to the part of the zone in which the holder carries on his business and to the places within that area at which he requires to cross the frontier for the purposes of the said business.

*Article 17.*

The personnel of the fire brigades and mining salvage brigades may, if wearing their distinctive badges, cross the frontier, even without their identification papers, for the purpose of rendering assistance within the frontier zone. They must place themselves at the orders of the authorities who are competent under the regulations in force at the place where their assistance is rendered, and must return as soon as their work is finished.

## VI. FINAL PROVISIONS.

*Article 18.*

The above-mentioned privileges may be restricted or withdrawn at any time for reasons of public health or in view of anti-epidemic measures.

*Article 19.*

The central Customs authorities of both countries shall issue the necessary executive regulations, which shall, in cases where this is necessary, be jointly agreed upon beforehand. They shall also be empowered to take any general or special measures necessary to prevent the abuse of the privileges granted under the present Convention. In particular, they may arrange, where necessary by mutual agreement, to limit the application of certain categories of these privileges to specified routes.

*Article 20.*

1. The present Convention shall be ratified and the instruments of ratification shall be exchanged at the earliest possible moment. The Convention shall come into force on the date on which the instruments of ratification are exchanged.

2. The Convention shall cease to be valid on December 31, 1924, unless the two Governments have agreed before October 1, 1924, to prolong it.

In faith whereof the Plenipotentiaries have signed the present Convention and thereto affixed their seals.

Done in duplicate in German and Polish at Warsaw, February 23, 1924.

(Signed) Dr. PAUL ECKARDT.

(Signed) Dr. GOTTFRIED SCHWENDY.

(Signed) Dr. ZYGMUNT SEYDA.

## FINAL PROTOCOL

TO THE GERMAN-POLISH CONVENTION REGARDING THE FRONTIER ZONE OF UPPER SILESIA.

When proceeding, on the present day, to sign the German-Polish Convention relating to the frontier zone of Upper Silesia, the Plenipotentiaries of the two Parties agreed that frontier cards issued under Article 250 of the Convention relating to Upper Silesia and valid at the time of the coming into force of the present Convention shall remain valid up to December 31, 1924, and shall entitle the holder to the benefits which the new Convention accords to holders of frontier cards.

WARSAW, *February 23, 1924.*

(Signed) Dr. PAUL ECKARDT.

(Signed) Dr. GOTTFRIED SCHWENDY.

(Signed) Dr. ZYGMUNT SEYDA.

The undersigned, duly authorised by their respective Governments to negotiate an agreement to replace the Polish-German Agreements of April 29, 1922, concerning frontier traffic facilities, and of February 23, 1924, relating to the frontier zone of Upper Silesia, which, by virtue of treaty regulation, will cease to be operative on the 31st instant, met for this purpose at Warsaw. At the beginning of the negotiations they noted the fact that their respective Governments agree that the stipulations contained in the two above mentioned Agreements should continue in force provisionally until May 1, 1925. The undersigned informed each other that the authorities concerned would immediately be given the necessary instructions.

WARSAW, *December 23, 1924.*

(Signed) PAUL ECKARDT.

(Signed) BOGORAYA-KURZENIECKI.

During the negotiations with a view to the conclusion of the Polish-German Agreement of December 30, 1924, regarding minor frontier traffic facilities, the undersigned agreed, in the Protocol of December 23, 1924, that the provisions of the Agreements of April 29, 1922, concerning frontier traffic facilities and of February 23, 1924, relating to the frontier zone of Upper Silesia should continue provisionally in force until May 1, 1925. They noted the fact that their respective Governments agree that these stipulations should continue in force until August 1, 1925, seeing that there is no prospect of the Agreement mentioned above coming into force at a comparatively early date. They informed each other that the authorities concerned would immediately be given the necessary instructions.

WARSAW, *April 29, 1925.*

POSEN, *April 29, 1925.*

(Signed) PAUL ECKARDT.

(Signed) JERZY BOGORAYA-KURZENIECKI.

With reference to the declaration which they made in the Protocol of March 25, 1925, the undersigned noted the fact that the two Governments agree that the stipulations contained in the Polish-German Agreements of April 29, 1922, concerning frontier traffic facilities and of February 23, 1924, relating to the frontier zone of Upper Silesia should continue in force until November 1 of that year. They informed each other that the authorities concerned would immediately receive the necessary instructions.

BERLIN, *July 8, 1925.*

(Signed) Dr. PAUL ECKARDT.

(Signed) JERZY BOGORAYA-KURZENIECKI.

SIR,

POSEN, *September 12, 1925.*

In reply to your letter No. P. I. Tr. 60073 dated 22 ult., I have the honour to inform you that the German law ratifying the Agreement of December 30, 1924, regarding minor frontier traffic facilities has also been passed and has been published in the "Reichsgesetzblatt". As far as Germany is concerned, there is therefore nothing to prevent the exchange of the instruments of ratification. Considering, however, that the period of validity of the former Agreements expires on November 1 of the present year, it is essential that the instruments of ratification should be exchanged not later than the 17th of next month. I have therefore requested the Ministry of Foreign Affairs to



forward the German instrument of ratification to the Legation at Warsaw at the beginning of next month and to ask the Legation to take the necessary steps to secure the exchange of the instruments of ratification, if possible, not later than the 17th of next month. Should the exchange not take place by that date, the question of a further short extension of the period of validity of the former Agreements would have to be considered. In that event I would beg you to give me adequate notice. Urgent communications should be addressed to me at the Ministry for Foreign Affairs in Berlin.

I have the honour, etc.

(Signed) ECKARDT.

M. KURZENIECKI,  
Head of the Transit Committee  
at the Polish Ministry for  
Foreign Affairs.

MINISTRY  
FOR  
FOREIGN AFFAIRS.  
Nr. P. I. TR. 60569.

WARSAW, *September 17, 1925.*

YOUR EXCELLENCY,

Your letter of September 12 with reference to the coming into force of the Convention signed by us at Danzig on December 30, 1924, regarding minor frontier traffic facilities, only reached me to-day. As the German Legation has not yet advised the Ministry for Foreign Affairs of the arrival of the instruments of ratification, the above-mentioned Convention cannot come into force on October 1. To obviate the necessity of revising the Protocols extending the period of validity of the conventions of April 29, 1922 and February 23, 1924, the Ministry for Foreign Affairs has decided to apply these conventions until the coming into force of the new convention, which should take place in October. If the German Government for its part adopts similar measures, it will be unnecessary to provide expressly for the extension of the validity of the previous Conventions. In view of the difficulty of determining the exact date on which the new convention will come into force, any such extension would not be advisable.

I have the honour, etc.

(Signed) KURZENIECKI.

Dr. P. ECKARDT,  
Envoy Extraordinary and Minister  
Plenipotentiary,  
Berlin.