

N° 1770.

ALLEMAGNE, FRANCE
ET COMMISSION
DE GOUVERNEMENT DU
TERRITOIRE DE LA SARRE

Protocole relatif à l'entretien de la
frontière du Territoire de la Sarre
(partie franco-sarroise) et protocole
de signature. Signés à Sarrebruck,
le 13 novembre 1926.

GERMANY, FRANCE
AND SAAR TERRITORY
GOVERNING COMMISSION

Protocol regarding the Upkeep of the
Saar Territory Frontier (Franco-
Saar Portion), and Protocol of
Signature. Signed at Saarbruck,
November 13, 1926.

TEXTE ALLEMAND. -- GERMAN TEXT.

N^o 1770. — PROTOKOLL¹ ÜBER DIE UNTERHALTUNG DER GRENZE
DES SAARGEBIETS (SAARLÄNDISCH-FRANZÖSISCHER TEIL),
GEZEICHNET IN SAARBRÜCKEN, AM 13. NOVEMBER 1926.

French and German official texts communicated by the Minister for Foreign Affairs of the French Republic. The registration of this Protocol took place July 7, 1928.

EINLEITUNG.

I. Der gemäss Artikel 48 des Vertrags von Versailles vom 28. Juni 1919 gebildete ABGRENZUNGS-AUSSCHUSS FÜR DAS SAARGEBIET hat entsprechend den Bestimmungen des erwähnten Vertrags die Grenzlinie (saarländisch-französischer Teil) des Saargebiets festgelegt und im „Atlas der Grenz-karten“ beschrieben. Die Grenzbeschreibung und die allgemeine Arbeitsweise des Ausschusses bei der Vermarkung und Vermessung der Grenze sind in dem „Protokoll über die Abgrenzung“ dargelegt, ausserdem sind die technischen Einzelheiten der Grenzlinie in Form einer Übersicht in der „technischen Grenzbeschreibung“ ausgeführt. Nach Prüfung der alten Bestimmungen über die Unterhaltung der alten preussisch-französischen und bayerisch-französischen Grenze vor 1870 sind die beteiligten Regierungen übereingekommen, für die Unterhaltung der Grenze vorliegende Urkunde aufzustellen, deren Bestimmungen nachzukommen sie sich verpflichten.

II. Im folgenden sind unter „zuständigen Verwaltungsbehörden“ von saarländischer Seite die Landräte und Vorstände der Bezirksämter, von französischer Seite die *sous-préfets* zu verstehen.

KAPITEL I.

BESTIMMUNGEN ÜBER DIE UNTERHALTUNG DER GRENZE.

Artikel 1.

Unterhaltung der Vermarkung.

I. Die Grenzsteine, gleichgültig welcher Art, sind vor jeder Beschädigung zu schützen.

Ohne besondere Genehmigung der Regierungskommission des Saargebiets und der Französi-schen Regierung dürfen sie weder versetzt noch entfernt werden.

Alle Inschriften der Grenzsteine sind in schwarzer Farbe zu erhalten.

¹ Came into force June 1, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 1770. — PROTOCOL REGARDING THE UPKEEP OF THE SAAR TERRITORY FRONTIER (FRANCO-SAAR PORTION). SIGNED AT SAARBRUCK, NOVEMBER 13, 1926.

PREAMBLE.

I. The Boundary Commission for the delimitation of the frontiers of the Territory of the Saar Basin, constituted under Article 48 of the Treaty of Versailles of June 28, 1919, has in conformity with the provisions of the said Treaty, fixed the frontier line (Franco-Saar portion) of the Territory and described it in the "Atlas of Frontier Maps". The description of the frontier and the general method adopted by the Commission for marking and surveying the frontier are set out in the "Protocol of Delimitation"; moreover, the technical details of the frontier line are given in the form of tables in the "Technical Description of the Frontier". In order to maintain this frontier-line, the Governments concerned, after considering the former provisions regarding the maintenance of the old Franco-Prussian and Franco-Bavarian frontiers previous to 1870, have agreed to establish the present document and undertake to conform to its stipulations.

II. In this document the Sous-Préfets on the French side and the Landräte or the heads of the Bezirksämter on the Saar side shall be regarded as the "competent administrative authorities".

CHAPTER I.

PROVISIONS FOR THE MAINTENANCE OF THE FRONTIER.

*Article I.**Maintenance of boundary marks.*

1. Frontier boundary marks of all descriptions shall be protected against every kind of damage. They may not be displaced or removed without the special authorisation of the Governing Commission of the Saar Territory and the French Government.

All notices on boundary marks shall be painted in black and so maintained.

2. The frontier line in forests, woods, scrub and undergrowth shall be left clear by the landowner concerned for a width of at least one metre on each side of the frontier, in such a way that one boundary mark will be visible from the other. The work of maintenance in this case shall be supervised by the forestry services severally concerned in the wooded areas subject to the forestry regulations.

In private woods the supervision of the work of maintenance shall remain in the hands of the administrations hitherto responsible for this work.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

3. When it becomes necessary to move a boundary mark, either to allow of the construction of a road, a bridge, a railway track, or hydraulic works, or because of the loosening of the soil or the danger of a landslip, or for any other reason, the competent administrative authorities shall, at the request of the persons concerned, obtain the sanction of the Governing Commission of the Saar Territory and of the French Government before taking the necessary steps.

Article 2.

Maintenance of natural Lines forming part of the Frontier.

1. Ditches of which the axis or one of the edges forms part of the frontier, "thalwegs" of ravines forming the frontier and common dividing roads shall not be damaged. They shall not be altered without the special sanction of the Governing Commission of the Saar Territory and of the French Government.

The same applies to water-courses of which the median line or one of the banks forms the frontier.

2. If the dividing roads are so altered as to pass outside the common dividing strips defined as the frontier on the maps and sketch plans in the "Atlas of Frontier Maps", they shall be brought back within these limits at the request of either the Governing Commission of the Saar Territory or the French Government, the cost being borne in common.

3. Responsibility for the maintenance of dividing roads shall rest equally on the authorities and individuals of the two Parties severally liable for such maintenance.

For this purpose the administrations concerned in the two adjacent territories shall come to an agreement either to divide between them the sections of dividing roads, or to assign the maintenance of a section to the administration on one side, on condition that the administration of the other side pays half the cost at the end of the financial term.

4. The existing arrangements for the drainage of dividing roads shall remain in force and may not be altered except by agreement between the bodies responsible for their maintenance.

5. On all parts of the frontier where the two adjacent territories are separated by the median line or by one of the banks of a water-course, no building or works of any kind may be erected which might disturb the present course or alter its régime, unless such building or works are of common benefit to both parties and have been sanctioned jointly by the Governing Commission of the Saar Territory and by the French Government.

Similarly, no building may be erected and no change made in the ground between the flood limits wherever the latter are the subject of a special agreement.

Requests by third parties in connection with such undertakings shall be submitted to the Governing Commission of the Saar Territory and the French Government through the competent administrative authorities after the latter have agreed thereon.

6. Near the Uhrigsmühle, at the place where the frontier passes from the median line of the Blies to the right bank of that river, the most westerly arm of the river below the weir and skirting the frontier shall be kept open.

Article 3.

Building Restrictions.

1. In the interest of both Parties, no edifice, building or dwelling whatsoever may henceforward be constructed along the frontier at less than five metres from the frontier line, except along roads where provision has been made by decree for an uninterrupted line of buildings. When a water-course forms the frontier, this distance shall be measured from the nearest bank, provided a greater distance is not required for maintaining the flood area.

Where the frontier is formed by the River Saar, it shall be reckoned from the limit of the water-mark reached before flooding ; nevertheless, the prohibited area shall extend to the limit (land side) of the tow-path area whenever this limit is more than five metres distant from the above line.

This prohibition shall also apply to boundary walls, fences, hedges, railings, etc., the whole length of the frontier having to be kept completely free.

2. The marks or posts indicating the new boundaries of private estates shall no longer be situated along the frontier line, but be placed at a distance of at least two metres behind this line.

Article 4.

Supervision of the Frontier.

It shall be the duty of the cadastral inspectors (official surveyors), forests-rangers, gendarmes and police officials, Customs officers, employees of the frontier communes or Gemeinden and sworn officials, to attend to the state of the frontier whenever their duties take them to the neighbourhood of the frontier. Any defects or infringements noticed shall be reported to the competent administrative authorities.

Article 5.

Cost of frontier maintenance.

1. The cost of renewing damaged or obliterated notices and of replacing boundary marks damaged by weather shall be borne in equal parts by the Governing Commission of the Saar Territory and the French Government.

2. The cost of restoring and replacing boundary marks overturned or damaged by violence shall be borne in equal parts by the adjacent communes and Gemeinden, which shall have the right to institute proceedings against the persons responsible.

3. Costs arising from the moving of boundary marks as a result of causes other than natural causes shall be borne by the Governing Commission of the Saar Territory and the French Government ; those relating to the moving of boundary marks necessitated by the action of natural forces shall be borne in equal parts by the Governing Commission of the Saar Territory and the French Government. .

4. The cost of clearing the frontier line of undergrowth and of clearing boundary marks shall be borne by the owners whose land is cut by the frontier line.

5. In the case of the disappearance or the alteration of the position of ditches forming the frontier and recorded as such in the " plan de mesures ", the cost of restoration shall be borne in equal shares by the communes or Gemeinden concerned.

The maintenance of private ditches forming the frontier devolves on the owners.

6. The costs mentioned under Nos. 1, 2 and 3 shall be advanced in equal proportions by the competent administrative authorities, who shall subsequently obtain repayment from the persons liable.

7. As soon as the work referred to in Nos. 4 and 5 is seen to be necessary, it shall, in principle, be executed direct by the Parties mentioned and at their expense ; should the persons liable not perform this work, it shall be officially undertaken at the close of the frontier inspections and the costs thereof charged to the Parties mentioned.

8. All the travelling expenses of officials and representatives of the communes and Gemeinden shall be defrayed by the particular bodies which they represent or which have appointed them, whenever special allowances must be granted to them for performing services stipulated in this document.

9. The allocation of the cost of maintaining water-courses forming a part of the frontier shall be governed by special agreements.

CHAPTER II.

FRONTIER INSPECTIONS.

*Article 6.**Ordinary Inspections.*

1. A joint frontier inspection shall take place every three years, as far as possible between the months of April and June ; the first inspection shall take place in 1927.
2. The inspection shall be effected by delegations consisting :
 - (a) On the French side, of the mayors and two other representatives of the commune (sworn commissioners) ;
 - (b) On the Saar side, of the Bürgermeister accompanied by the Vorsteher of the Gemeinden and of two other representatives for each Gemeinde (in the case of Gemeinden contiguous to the former Franco-Bavarian frontier, two rural commissioners).
3. If there are State or communal forests on both sides of the frontier, the mayors and representatives of the communes and the Gemeinden shall be replaced by the general forest rangers (*Oberförster* or *Forstmeister*) on both sides.
4. When there are State or communal forests on one side of the frontier only, the frontier inspection shall take place by agreement with the competent general forest rangers (*Oberförster* or *Forstmeister*).
5. If the frontier touches a road, the competent officials of the Department for Roads and Bridges shall be requested to participate in this inspection as regards the part of the road for which they are responsible.
6. In the case of water-courses forming the frontier, representatives of the special bodies, if such already exist, which are responsible for maintaining and cleaning these water-courses shall be present at the inspections.

In the case of water-courses forming the frontier for which no such bodies at present exist, the latter shall be constituted by the competent administrative authorities on both sides of the frontier within a period of one year from the entry into force of the present Protocol.
7. The persons authorised in conformity with the present Article to undertake this inspection shall visit the whole length of the frontier in the portion that concerns them, and shall satisfy themselves by reference to the maps and sketch plans in the " Atlas of Frontier Maps " that all the provisions laid down in Articles 1 to 3 are being properly observed.
8. During inspections of water-courses the persons responsible shall ascertain, in particular, whether the water-courses and banks are being maintained in accordance with the regulations and whether any damage or unnecessary change has occurred.
9. Any defects in the marking of the frontier and any infringements noted in connection therewith shall be reported to the competent administrative authorities.
10. It shall be the duty of the competent administrative authorities on both sides of the frontier, after previous agreement, to take the necessary steps for carrying out in proper time the various inspections enumerated in this Article and the work required for the upkeep of the frontier. (See Chapter III).
11. An official report shall be drawn up in duplicate after each inspection.

*Article 7.**Extraordinary Inspection.*

1. An extraordinary inspection of the frontier shall take place in 1930, at which there shall be present, in addition to the members participating in the ordinary inspections, the Sous-Préfets severally responsible on the French side, the Landräte or the heads of the Bezirksämter on the Saar side, and the cadastral inspectors (official surveyors).

An official report on the inspection shall be drawn up in duplicate.

2. The object of this inspection is :

(a) To ascertain the state of the frontier marking and whether it is in conformity with the frontier documents, and to supervise the work of the communal representatives. Special attention will be paid to the maintenance of boundary marks at the summits of the frontier polygons.

(b) To repair or restore the frontier, if possible forthwith, when defects are observed, or at least to ensure that the necessary steps will be taken to have the work carried out. When there is doubt as to the precise position of a boundary mark or when a boundary mark must be replaced or moved, the provisions of Chapter III shall apply.

It is, in particular, the duty of the cadastral inspectors (official surveyors) to provide for any re-establishment or rectification of the frontier-marking necessitated by local modifications (construction of a railway-track, road, etc.).

(c) To check the results of the frontier maintenance work effected since the last inspection by comparing it with the maps and measurement plans in the " Atlas of Frontier Maps ", and to rectify forthwith any inaccuracies observed.

(d) To determine the extent of the modifications in water-courses forming the frontier occasioned by the natural and continued action of the streams, and to plot them accurately on a plan which will be used in rectifying the boundary delimitation documents.

(e) To examine the necessity or expediency, for local reasons, of concluding a new agreement between the Governing Commission of the Saar Territory and the French Government should modifications be observed in water-courses as a result of artificial encroachments or of natural and suddenly occurring events which consequently involve no modification in the frontier line;

(f) To ascertain whether modifications have taken place in ditches, ravines and dividing roads forming the frontier and, if necessary, to re-establish the frontier line.

(g) To ensure that the frontier documents are kept up to date.

CHAPTER III.

WORK OF UPKEEP.

Article 8.

1. The clearing of undergrowth along the frontier line, the restoring of notices and the clearing of boundary marks found to be necessary in the course of the inspections shall be executed forthwith. Unskilled workers may be employed for this task. For all other work the assistance of the cadastral inspectors (Official surveyors) or of a single representative appointed by agreement shall be obligatory.

2. No boundary mark may be replaced or moved except under the direction of the cadastral inspectors (official surveyors) and in the presence of the members of the ordinary inspection concerned who are referred to in Article 6.

3. Should it be necessary to replace a boundary mark which has fallen, disappeared or become useless, the cadastral inspectors (official surveyors) shall determine its position by means of the measurements in the " Frontier Atlas ". They shall then, in addition to the notification referred to in Article 6 (g), prepare a report in duplicate accompanied by a sketch-plan.

If at the time of replacement the position fixed according to the " Frontier Atlas " apparently fails to coincide with the former position, they shall refrain from restoring the boundary mark and shall report to the competent administrative authorities ; the latter in turn shall request a decision from their superior authority.

The moving of a boundary mark, which may prove to be necessary in such cases, shall not be permitted except with the approval of the Governing Commission of the Saar Territory and of the French Government.

4. When a boundary mark requires to be moved, its new position shall be determined by measurements made on the existing frontier polygon or by field-measurements based on the frontier polygon, in such a way that the position of the point in the " Frontier Atlas " can be plotted without difficulty.

A report shall be drawn up in duplicate, accompanied by a sketch-plan giving the detailed measurements.

The precise position of erected boundary marks shall be indicated beneath the ground by means of an earthen pipe placed vertically below the axis of the boundary mark, or by means of a flag-stone fixed beneath the ground and bearing a mark to correspond with the axis of the boundary mark.

5. Wherever a modification of the frontier maps or sketch-plans proves to be necessary, the original copy referring to this modification shall be submitted to the Governments through the competent administrative authorities ; the Governments shall take the necessary steps to rectify the frontier documents in question.

6. Contracts entered into for the purchase of new boundary marks and negotiations in connection with delivery shall be approved by the competent administrative authorities alone, unless the latter themselves undertake to supply the boundary marks.

7. New boundary marks shall be of strong and durable material ; cement boundary marks shall not be employed.

They must correspond, with their inscriptions, to the types adopted by the Boundary Commission constituted by the Treaty of Versailles.

In faith whereof the undersigned Plenipotentiaries :

For the Governing Commission of the Saar Territory :

M. Jean MORIZE, Member of the Governing Commission ;
Dr. Max OBÉ, Director ;

For the German Government :

Maximilian Friedrich Baron DE MIRBACH, Landrat ;

For the French Government :

Colonel Richard RIEDER,

Having communicated their full powers found in good and due form, have signed the present Protocol and have thereto affixed their seals.

Done in triplicate at Saarbrück, November 13, 1926.

PROTOCOL OF SIGNATURE

The undersigned Plenipotentiaries of the GOVERNING COMMISSION of the SAAR TERRITORY and of the FRENCH and GERMAN GOVERNMENTS, have signed to-day, after having affixed their seals thereto, the following Acts on the text of which they have agreed :

1. Protocol concerning the maintenance of the Saar Territory frontier (German-Saar portion).
2. Protocol concerning the maintenance of the Saar Territory frontier (Franco-Saar portion).
3. Protocol concerning rights of user on the German-Saar frontier (Legal and general administrative questions — Frontier traffic).
4. Protocol concerning rights of user on the Franco-Saar frontier.

On signing these Protocols the Plenipotentiaries made the following declarations :

1.

The above Protocols are based upon the preparatory work and recommendations of the International Boundary Commission which, in conformity with Article 48 of the Treaty of Peace of Versailles, marked out the boundaries of the frontiers of the Saar Territory, and, in particular, upon the materials communicated by the said Commission, through the Conference of Ambassadors, to the Governing Commission of the Saar Territory and to the French and German Governments in two letters dated September 14, 1921. These Protocols shall in consequence be regarded as supplementing the Protocol of Delimitation of the Saar Territory Frontiers dated December 21, 1921, drawn up by the said International Boundary Commission.

2.

It is understood that the provision in Article 44, paragraph 1, of the " Protocol concerning rights of user on the German-Saar frontier ", to the effect that the date of the coming into force of that Protocol shall be agreed upon by an exchange of notes between the Governing Commission of the Saar Territory, the German Government and the French Government, shall apply to all the Protocols enumerated above.

3.

It is agreed that expressions such as " German Saar " and " Franco-Saar " have been employed in the above-mentioned Protocols merely for convenience, and must not in any way be regarded as determining boundary relations from the point of view of public law.

4.

With regard to Articles 3 and 16 of the " Protocol concerning rights of user on the Franco-Saar Frontier ", the German and French Governments are agreed in considering that these provisions in no way affect the divergent opinions upheld by them as to the interpretation of Articles 51, 56 and 67 of the Treaty of Peace of Versailles, and in no way prejudice a possible future settlement of these questions.

5.

With regard to the " Protocol concerning rights of user on the German-Saar Frontier ", it is agreed that goods which, in virtue of the provisions of this Protocol, may be imported subject to special privileged Customs treatment into either of the Customs territories shall not be included in any quotas of goods of this nature which are or may be sanctioned by general agreements between the German and French Governments for import into or export from the Saar Territory.

Further, it is agreed that the French and German Customs Administrations shall have full liberty to grant facilities over and above those set out in the different dispositions of the above-mentioned Protocol, so far as they are authorised thereto by virtue of the provisions of their general Customs legislation.

6.

It is likewise agreed that the Customs authorities on both sides shall apply the principles laid down in Articles 38, paragraph 2, and 39, paragraph 2, of the " Protocol concerning rights of user on the German-Saar frontier ", particularly in the case of agricultural and forestry traffic, wherever such application meets an urgent need of the frontier inhabitants concerned in connection with the working of their lands.

7.

The German Government declares that in its opinion the facilities provided in the " Protocol concerning rights of user in the German-Saar Frontier " do not, in every instance, give adequate consideration to the needs of the frontier population. In particular, in its opinion, special provision should have been made, in respect of the facilities accorded to the minor frontier traffic, for authorising the inhabitants of one frontier zone to convey to and bring back from the other zone, free of Customs duty, articles personally and constantly employed by them, for repair or overhauling, or for treatment or finishing by skilled workmen. Similarly, the privileges provided in Article 32 should not, in its opinion, have been confined to certain communes, but should have been extended to all the communes, in the frontier zones. It reserves the right to return to these and similar questions in connection with any subsequent negotiations relating to traffic on the Saar Territory frontier.

The French Government declares, on the other hand, that the Customs facilities provided in the " Protocol concerning the Regulation of the Movement of Workmen on the Saar-German Frontier ", dated September 14, 1926, and in the " Protocol concerning rights of user on the German-Saar frontier " of this day's date, constitute the maximum concession compatible with its Customs legislation ; it consequently reserves its position in regard to the feasibility of putting into practice the Customs facilities contained in the above-mentioned Protocols and the supervisory measures relating thereto.

SAARBRÜCK, *November 13, 1926.*