

N° 1771.

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 germano-sarroise) et pro-
tocol de signature. Signés à Sar-
rebruck, le 13 novembre 1926.

GERMANY, FRANCE AND
SAAR TERRITORY
GOVERNING COMMISSION

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

N^o 1771. — PROTOCOLE ¹ RELATIF A L'ENTRETIEN DE LA FRONTIÈRE DU TERRITOIRE DE LA SARRE. (PARTIE GERMANO-SARROISE). SIGNÉ A SARREBRUCK, LE 13 NOVEMBRE 1926.

Textes officiels français et allemand communiqués par le ministre des Affaires étrangères de la République française. L'enregistrement de ce Protocole a eu lieu le 7 juillet 1928.

AVANT-PROPOS

I. — La Commission de délimitation des frontières du Territoire du Bassin de la Sarre, constituée par l'article 48 du Traité de Paix de Versailles du 28 juin 1919, a déterminé, en vertu du pouvoir conféré par cet article, la ligne frontière (partie germano-sarroise) dudit territoire et l'a décrite dans « l'Atlas des cartes de la frontière ». La méthode générale suivie par la commission pour l'abornement et l'arpentage de la frontière est exposée dans le « Protocole de Délimitation » du 21 décembre 1921.

Les gouvernements intéressés sont responsables de l'entretien de la frontière (chap. IV, paragraphe 9 du « Protocole de Délimitation »).

Dans le présent document sont traitées toutes les dispositions concernant l'entretien de cette frontière, ainsi que toutes celles qu'il a paru avantageux de traiter dans le même

¹ Entré en vigueur le 1^{er} juin 1928.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 1771. — PROTOKOLL ¹ ÜBER DIE UNTERHALTUNG DER GRENZE DES SAARGEBIETS (DEUTSCH - SAARLÄNDISCHER 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 Abgrenzungsausschuss für das Saargebiet hat auf Grund der ihm in diesem Artikel übertragenen Vollmacht die Grenzlinie (deutsch-saarländischer Teil) des Saargebiets festgelegt und in dem „Atlas der Grenzkarten“ beschrieben. Die allgemeine Arbeitsweise des Ausschusses bei der Vermarkung und Vermessung der Grenze ist in dem „Protokoll über die Abgrenzung des Saargebiets“ vom 21. Dezember 1921 dargelegt.

Für die Unterhaltung der Grenze sind gemäss der Bestimmung in Kapitel IV, Ziffer 9 des „Protokolls über die Abgrenzung“ die beteiligten Regierungen verantwortlich.

In der vorliegenden Urkunde sind alle Bestimmungen über die Unterhaltung der Grenze, sowie alle sonstigen Bestimmungen, deren Behandlung in der gleichen Urkunde wegen

¹ Came into force June 1, 1928.

Après échange de leurs pleins pouvoirs, trouvés en bonne et due forme, ont signé le présent protocole et y ont apposé leurs sceaux.

nach gegenseitiger Mitteilung ihrer in guter und gehöriger Form befundenen Vollmachten das vorliegende Protokoll unterzeichnet und mit ihrem Siegel versehen.

Fait en triple exemplaire à Sarrebruck, le 13 novembre 1926.

Geschehen in dreifacher Ausfertigung in Saarbrücken, am 13. November 1926.

PROTOCOLE DE SIGNATURE

UNTERZEICHNUNGSPROTOKOLL

(Voir page 184 de ce volume.)

Copie certifiée conforme :

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

P. de Fouquières.

¹ TRADUCTION. — TRANSLATION.

No. 1771. — PROTOCOL REGARDING THE UPKEEP OF THE SAAR TERRITORY FRONTIER (GERMAN-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 Peace of Versailles of June 28, 1919, has, in virtue of the powers conferred by this Article, fixed the frontier line (German-Saar portion) of the said Territory and described it in the "Atlas of Frontier Maps". The general method adopted by the Commission for marking and surveying the frontier is set out in the "Protocol of Delimitation" of December 21, 1921.

The Governments concerned shall be responsible for the maintenance of the frontier (Chap. IV, paragraph 9 of the "Protocol of Delimitation").

The present document contains the whole of the provisions relating to the maintenance of this frontier and, in addition, all those with which, owing to their connection with this question, it seemed convenient to deal in the same document. These provisions the Governing Commission of the Saar Territory and the German Government undertake to observe.

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.

II. In the following provisions the Landräte or the heads of the Bezirksämter or the Government Administration of Oldenburg at Birkenfeld shall be regarded as " 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 German 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 landowners 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.
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 German 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 the German 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 measurement plans in the " Atlas of Frontier Maps ", they shall be brought back within these limits at the request either of the Governing Commission of the Saar Territory or of the German Government.
3. Responsibility for the maintenance of dividing roads shall rest equally on the authorities and individuals liable for such maintenance on both sides of the frontier.
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, unless such building or works are of common benefit to both parties and are sanctioned jointly by the Governing Commission of the Saar Territory and the German 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 German Government through the competent administrative authorities after the latter have agreed thereon.

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, except along roads where provision has been made by decree for an uninterrupted line of buildings. When a water-course forms the frontier, the distance shall be measured from the nearest bank, provided a greater distance is not required for maintaining the flood area.

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 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 official surveyors, forest rangers, gendarmes and police officials, Customs officers and employees of the frontier Gemeinden 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 German Government.

2. The cost of restoring and replacing boundary marks overturned or damaged by violence shall be borne in equal parts by the adjacent 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 German 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 German Government.

4. The expense of clearing the frontier line of undergrowth and of clearing boundary marks shall be borne by the owners whose land is divided 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 "plans de mesures", the cost of restoration shall be borne in equal shares by the Gemeinden concerned.

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 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. This inspection shall be effected by delegations consisting of the Bürgermeister on both sides of the frontier, accompanied by the Vorsteher of the Gemeinden and by two other representatives for each Gemeinden (in the case of the Gemeinden on the Bavarian part of the frontier, two rural commissioners).

If there are State or communal forests on both sides of the frontier, the Bürgermeister and representatives of the Gemeinden shall be replaced by the general forest rangers (Oberförster or Forstmeister) on both sides.

4. If 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 of 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 measurement 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 is 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 Landräte concerned, the heads of the Bezirksamter concerned or the representatives of the Oldenburg Government administration at Birkenfeld, and the 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 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 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 German 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 official surveyors on both sides, or of a single official surveyor appointed by agreement, shall be obligatory.

2. No boundary mark may be replaced or moved except under the direction of the 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 official surveyors shall determine its position by means of the measurements in the measurement plans. They shall then, in addition to the notification referred to in Article 6 (9), prepare a report in duplicate accompanied by a sketch-plan.

If at the time of replacement the position fixed according to the measurement plans 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 that 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 the German 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 measurement plans can be plotted and the coordinates drawn without difficulty.

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

5. Wherever a modification of the frontier maps or measurement plans proves to be necessary, the original copy of the 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 their delivery shall be approved by the competent administrative authorities only, unless the latter themselves undertake to supply the boundary marks.

(A supply of four main boundary marks has been deposited at the Homburg Gasworks by the Boundary Commission constituted by the Treaty of Versailles.)

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

They must correspond, with their inscriptions and the indication of their precise position beneath the ground, 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 Freiherr VON 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 Saarbruck, November 13, 1926.

PROTOCOL OF SIGNATURE.

(See page 184 of this Volume.).