

N° 1887.

ITALIE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES

Accords conclus pour régler définitivement toutes les questions à résoudre pour l'application de l'article 9 de l'Accord concernant Fiume, signé à Rome, le 27 janvier 1924, ainsi que certaines questions intéressant les ressortissants serbes, croates et slovènes à Fiume et les ressortissants italiens en Dalmatie, signés à Nettuno, le 20 juillet 1925, avec annexes A, B, C et D, et protocole final général.

ITALY AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES

Agreements concluded for the Purpose of finally settling Questions the Solution of which is necessary for the Application of Article 9 of the Agreement regarding Fiume, signed at Rome, January 27, 1924, as well as certain Questions affecting Serb-Croat-Slovene Nationals at Fiume and Italian Nationals in Dalmatia, signed at Nettuno, July 20, 1925, including Annexes A, B, C and D, and General Final Protocol.

¹ TRADUCTION. — TRANSLATION.

No, 1887. — AGREEMENTS² BETWEEN THE KINGDOM OF ITALY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES, CONCLUDED FOR THE PURPOSE OF FINALLY SETTling ALL QUESTIONS THE SOLUTION OF WHICH IS NECESSARY FOR THE APPLICATION OF ARTICLE 9 OF THE AGREEMENT REGARDING FIUME³, SIGNED AT ROME, JANUARY 27, 1924, AS WELL AS CERTAIN QUESTIONS AFFECTING SERB-CROAT-SLOVENE NATIONALS AT FIUME AND ITALIAN NATIONALS IN DALMATIA. SIGNED AT NETTUNO, JULY 20, 1925.

French official text communicated by the Italian Minister for Foreign Affairs and the Permanent Delegate of the Kingdom of the Serbs, Croats and Slovenes accredited to the League of Nations. The registration of these Agreements took place December 19, 1928.

HIS MAJESTY THE KING OF ITALY, and HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES, being desirous of finally settling all questions the solution of which is necessary for the application of Article 9 of the Agreement concerning Fiume, signed at Rome by the Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes on January 27, 1924, as well as certain questions affecting Serb-Croat-Slovene nationals at Fiume and Italian nationals in Dalmatia, have resolved to conclude special agreements with this object, and have for this purpose appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

M. Benito MUSSOLINI, Member of Parliament, Prime Minister and Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

M. Voislav ANTONIEVITCH, His Envoy Extraordinary and Minister Plenipotentiary accredited to His Majesty the King of Italy ;

M. Ottokar RYBÁR, Envoy Extraordinary and Minister Plenipotentiary ;

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

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.

² The exchange of ratifications took place at Rome, November 14, 1928.

³ Vol. XXIV, page 31, of this Series.

Article 1.

The provisions contained in the agreements annexed hereto are adopted by the two High Contracting Parties as governing the relations between the two States with reference to the matters dealt with in the said agreements as specified below :

Annex A. — Agreement for the application of Article 9 of the Agreement signed at Rome on January 27, 1924.

Annex B. — Agreement concerning lawyers.

Annex C. — Agreement with regard to lands on the frontier.

Annex D. — Provisional Agreement concerning expropriation.

Article 2.

It is understood that the provisions of Article 48 of the Convention concerning general agreements¹ concluded at Rome on October 23, 1922, shall apply to the annexed Agreements in so far as they relate to Dalmatia.

Article 3.

The Agreements specified in Article 1 shall be ratified and the ratifications shall be exchanged at Rome as soon as possible.

They shall come into force one month after the date of the exchange of ratifications unless the date of the coming into force of an Agreement be otherwise stipulated in the Agreement itself.

In faith whereof the Plenipotentiaries have signed the aforesaid Agreements simultaneously with the present instrument, to which they have affixed their seals.

Done at Nettuno in duplicate, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

ANNEX A.

AGREEMENT

FOR THE APPLICATION OF ARTICLE 9 OF THE ROME AGREEMENT.

Article 1.

Persons having the right of citizenship at Fiume who, on the basis of the Agreement concerning the acquisition of citizenship signed this day by the High Contracting Parties, have acquired the nationality of the Kingdom of the Serbs, Croats and Slovenes in virtue of the right of option shall, provided they have their residence in that part of the territory of Fiume — Treaty of Rapallo,

¹ Vol. XVIII, page 461, of this Series.

Article 4 (a) and (b) — allotted to Italy in accordance with the Rome Agreement of January 27, 1924, enjoy in the said part of the territory the rights and privileges conferred by the Treaty of Rapallo¹ of November 12, 1920, and by the Convention concerning general agreements signed at Rome on October 23, 1922, on Italian nationals in Dalmatia who have become such in virtue of the said Treaty.

Consequently:

(a) Such persons shall not be required to transfer their domicile from the territory allotted to Italy;

(b) Such persons shall have the right to the free use of their language (Serb-Croat) with all the rights connected therewith. They shall therefore have the right to use the said language, either on their own behalf or as counsel, in making oral and written applications to the courts and the political-administrative and financial authorities of the State, other than the Customs authorities, which have their seat in the territory referred to in Article 1. Counsel may not, however, employ the Serb-Croat language to plead on behalf of a subject of the Kingdom of Italy who is of Italian nationality.

Notaries public, duly qualified to draw up deeds in the Serb-Croat language, shall be authorised to draw up deeds in notarial form in this language when requested by the said persons. A translation of such deeds and of other documents drawn up in the Serb-Croat language and annexed to documents submitted to the above-mentioned authorities shall not be necessary even if annexed to requests or petitions for the purpose of obtaining a transcription or entry in the land registers or in other public books or registers:

(c) Such persons shall have the right to the free exercise of the religious belief to which they belong and to use their language in the practice of their religion.

(d) Such persons shall be entitled to set up, manage and control schools and other educational establishments, charitable and religious institutions and institutions for social assistance and for intellectual culture, and they shall be entitled to use their language freely therein.

The management and the control of the aforementioned private schools shall be exercised within the limits fixed by the general laws of the Kingdom of Italy.

Only persons residing at Fiume may attend the aforesaid private schools and institutions. Such attendance shall be deemed to be equivalent to attendance at schools of the same class belonging to the Kingdom of Italy. Certificates granted by such private schools and institutions shall be held to be equivalent to the certificates of the corresponding public schools.

Instruction in the Italian language shall be compulsory in the aforesaid private schools.

Instruction shall be given in the aforesaid private schools by masters and catechists who may have obtained their qualifications in either of the States and who shall be selected by Serb-Croat-Slovene nationals and approved by the competent authorities of the Kingdom of Italy.

The fact that a person is a national of the Kingdom of the Serbs, Croats and Slovenes shall not constitute a ground for refusing to approve him as tutor, master or catechist in one of the aforementioned private schools and establishments.

The text-books used in the schools of the Kingdom of the Serbs, Croats and Slovenes may be adopted for the said schools and institutions.

Article 2.

Doctors' diplomas and other university degrees held by persons who had the right of citizenship at Fiume and who, in virtue of the Agreement concerning the acquisition of citizenship signed this day by the High Contracting Parties, have acquired the nationality of the Kingdom of Italy or of the Kingdom of the Serbs, Croats and Slovenes, shall be recognised by the authorities of

¹ Vol. XVIII, page 387, of this Series.

the Kingdom of Italy in the case of Italian nationals, and by the authorities of the Kingdom of the Serbs, Croats and Slovenes in the case of Serb-Croat-Slovene nationals, where the said diplomas and degrees have been conferred by an Italian university or other higher educational establishment on a Serb-Croat-Slovene national or where they have been conferred by a Serb-Croat-Slovene university or other higher educational establishment on an Italian national ; in either case the diplomas and degrees in question must have been conferred before this day's date.

The diplomas and other university degrees conferred by a university or other higher educational establishment of the former Austro-Hungarian Monarchy or of any other of the Succession States shall, subject to the same conditions, be considered to be equivalent to the aforesaid diplomas and degrees.

Article 3.

The persons referred to in Article 1 shall be entitled to carry on within the territory allotted to Italy whatever art, trade, industry or profession they lawfully carried on therein down to November 3, 1918, with the exception of the professions of notary, land surveyor and authorised civil engineer. The practice of the profession of lawyer within the same territory shall be governed by a special agreement.

Apart from the right conferred without any restriction, in virtue of this provision, on doctors who have opted for either of the High Contracting Parties, doctors who are nationals of the Kingdom of the Serbs, Croats and Slovenes and who have practised at Fiume for a full ten years at the date of the signature of the present Agreement, or doctors who are nationals of the Kingdom of Italy and who have practised for the same period at Susak, may continue to practise within the said territories even in the event of their never having possessed the right of citizenship at Fiume.

Interruptions in the exercise of the arts, trades, industries or professions due to *force majeure* shall not be held to affect the preceding paragraphs.

The present provisions shall not apply to public officials.

Article 4.

Industrial concessions and licences which, under the laws of the former régime, were transferable to heirs may be transferred to heirs who have directly or indirectly acquired Serb-Croat-Slovene nationality and who, even in cases of intestacy, succeed to the estate.

Such transfer shall take place even if Italian nationality were required for the exercise and enjoyment of the said concessions or licences, and under the conditions governing such transfer between nationals of the Kingdom of Italy.

Article 5.

Without prejudice to the rights of free contract in relation to contracts of service within the territory mentioned in Article 1, the Serb-Croat-Slovene nationals referred to in the said Article shall not be precluded from carrying on their trade or profession because of their status as Serb-Croat-Slovene nationals if it should be necessary, either now or in future, to belong to the Kingdom of Italy in order to engage in such trade or profession, provided always that they observe the regulations binding on nationals of that Kingdom. The present provision does not apply to public officials or to workmen in Government factories.

Article 6.

As regards the régime to be adopted in the case of Italian subjects of Serb-Croat-Slovene nationality residing at Fiume who have acquired Italian nationality in virtue of their right of citizenship in that city, it is decided :

(a) That no restriction shall be imposed on the free use of their language either in their private or commercial relations, or in regard to the press and publications of all kinds, or in public meetings ;

(b) That they shall in general enjoy all the rights enjoyed by the Italian minorities in Dalmatia.

Article 7.

It is recognised that suitable measures must be adopted to prevent the dismissal, merely on account of their citizenship or nationality, of employees and workmen who observe the regulations in force for nationals.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

BENITO MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

DR. RYBÁR.

PROTOCOL OF SIGNATURE.

On proceeding to sign the Agreement for the application of Article 9 of the Rome Agreement of January 27, 1924, concluded this day between the Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes, the undersigned Plenipotentiaries have made the following declarations which shall constitute an integral part of the Agreement itself :

Article 1.

With a view to preventing any erroneous interpretation of the Agreement for the application of Article 9 of the Rome Agreement of January 27, 1924, it is understood that the latter shall not affect the rights and privileges accorded by the Treaty of Rapallo and the general agreements signed at Rome on October 23, 1922, which are therefore confirmed in so far as they are not dealt with in the following Article.

Article 2.

Whereas the criterion for the use of the Serb-Croat language in relations with the Fiume authorities has been fixed on the basis of the rights conferred in Dalmatia on the Italian nationals mentioned in Article 49 of the Convention concerning general agreements signed at Rome on October 23, 1922, it is agreed that the aforesaid Italian nationals in Dalmatia shall be granted the following rights :

They shall be entitled to use the Italian language, either on their own behalf or as counsel in making oral and written applications to the courts and the political-administrative and financial

authorities of the State, other than the Customs authorities, which have their seat in Dalmatia. Counsel may not, however, use the Italian language to plead on behalf of a subject of the Kingdom of the Serbs, Croats and Slovenes of Serbo-Croat nationality. Notaries public, duly qualified to draw up deeds in the Italian language, shall be authorised to draw up deeds in notarial form in this language when requested by the said persons.

A translation of such deeds and of other documents drawn up in the Italian language and annexed to deeds submitted to the above-mentioned authorities shall not be necessary, even if annexed to requests or petitions for the purpose of obtaining a transcription or entry in the land registers or in other public books or registers.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

ANNEX B.

AGREEMENT

CONCERNING LAWYERS.

In execution of the agreement contained in Article II of the Protocol¹ drawn up on October 23, 1922, on the occasion of the signing of the agreements and conventions concluded that day between the Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes, and in execution of Article 9 of the Rome Agreement concluded between the same High Contracting Parties on January 27, 1924 :

Whereas the Government of the Kingdom of the Serbs, Croats and Slovenes, in a Note dated August 21, 1924, accorded to lawyers situated under the circumstances described in paragraph 1 of Article 49 of the aforesaid Convention concerning general agreements the right to continue to practise their profession in person within the territory of the Kingdom of the Serbs, Croats and Slovenes, provided that they comply with all regulations binding on lawyers who are nationals of that Kingdom and that they take an oath which shall be restricted to an undertaking that they will observe the laws of the country and their professional duties and will accept the jurisdiction of the authorities of that Kingdom, to the exclusion of any other authority, in all matters concerning their profession, it being understood that the right to plead in criminal cases shall belong solely to lawyers who, on making such a request, have been authorised to do so by the Ministry of Justice of the Kingdom of the Serbs, Croats and Slovenes ;

In view of the expediency of settling on uniform lines the questions relating to the practice of the profession of lawyers within the territories concerned ;

It is agreed as follows :

Article I.

Lawyers who, in virtue of the option exercised in accordance with Article 7 of the Treaty of Rapallo and Articles 45 and 46 of the Convention concerning general agreements signed at Rome on October 23, 1922, have been granted the nationality of the Kingdom of Italy and who previously

¹ Vol. XVIII, page 498, of this Series.

carried on their profession and resided in the territory of the former Kingdom of Dalmatia transferred to the Kingdom of the Serbs, Croats and Slovenes, together with lawyers who have chosen the nationality of the Kingdom of the Serbs, Croats and Slovenes on the basis of the Agreement concerning the acquisition of citizenship at Fiume signed this day by the High Contracting Parties, and who previously practised their profession and resided in the former territory of Fiume annexed to the Kingdom of Italy, shall be accorded the right to practise the profession of counsel and solicitor before the judicial and administrative authorities having their seat in the aforesaid territories.

The same right is accorded, in respect of the practice of the profession of counsel and solicitor before judicial and administrative authorities having their seat in the territory of Zara allotted to the Kingdom of Italy, to lawyers who have acquired the nationality of the Kingdom of the Serbs, Croats and Slovenes on the basis of provisions in force at an earlier date, and who previously practised their profession and resided in the said territory.

Outside such territories the said lawyers shall be competent to appear before the corresponding authorities of higher instance and before special courts for all cases of appeal, revision and ordinary or extraordinary petition.

Any restrictions on the right to plead before the Supreme Court or Court of Cassation, and the necessity for the assistance of a lawyer practising at the said Court, shall be determined by the general law.

Article 2.

The right to plead in criminal cases shall be conferred only on the aforesaid lawyers who, after making a request to that effect, shall be authorised to do so by the competent Ministry of Justice.

Article 3.

Lawyers who, being in the circumstances referred to in Article 1, apply for permission to practise their profession, the exercise of which was interrupted after November 3, 1918, shall comply with all the regulations which are in force in regard to lawyers who are nationals of the Kingdom of the Serbs, Croats and Slovenes or of the Kingdom of Italy, respectively, and which are not at variance with the preceding Articles.

They shall take an oath before the Court of Appeal that they will observe the laws of the country and their professional duties. They shall be subject to the jurisdiction of the local authorities, to the exclusion of any other authority, in all matters concerning their profession.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

BENITO MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

DR. RYBÁR.

ANNEX C.

AGREEMENT

WITH REGARD TO LANDS ON THE FRONTIER.

Article 1.

The exceptions to and restrictions on the right to acquire, possess and use immovable property within a zone not exceeding 50 kilometres from the frontier, imposed with a view to the security of the State, shall not apply to nationals of the High Contracting Parties who have acquired the nationality of the Kingdom of Italy under the provisions of Article VII, No. 2 of the Treaty of Rapallo of November 12, 1920, and who are referred to in Article 45 of the Convention concerning general agreements signed at Rome on October 23, 1922, or to such nationals as have acquired the nationality of the Kingdom of the Serbs, Croats and Slovenes in accordance with Article 2 of the Agreement concerning the acquisition of citizenship at Fiume, signed this day, and who are referred to in Article 9 of the Agreement concerning Fiume, signed at Rome on January 27, 1924.

Article 2.

The exceptions and restrictions referred to in Article 1 shall not apply even in respect of nationals other than those specified in the said Article, in the case of :

- (1) The concession and use of rights which may be constituted without being entered in the land registers ;
- (2) The acquisition and exercise of mortgage rights, and
- (3) The use of rights already acquired.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

ANNEX D.

PROVISIONAL AGREEMENT

CONCERNING EXPROPRIATION.

Whereas the Government of the Kingdom of the Serbs, Croats and Slovenes in a decree of April 23, 1925, No. 8705-24 of the Ministry of Agrarian Reform, has completely withdrawn, in so far as the territory of the former Kingdom of Dalmatia is concerned, the injunction prohibiting the sale or cession of ownership in regard to rural estates and other immovable property or its encumbrance by mortgage, in so far as such prohibition results from laws and decrees concerning large rural estates and exemption from the payment of rent chargeable on the said property ;

And whereas the Government of the said Kingdom has reserved to itself the right to decide definitively by legislation whether it is necessary to apply the laws governing relationships similar to that between landowners and serfs under obligation to till the land to the relations between landowners and lessees of property situated in Dalmatia and held under a farm lease or a co-operative lease subject to a division of the produce or of payment of rent in cash or in kind, regard being had to the very special nature of such relationships ;

And whereas in consequence, and failing an internal settlement of the matter in the Kingdom of the Serbs, Croats and Slovenes, the conclusion of the agreement provided for in Article 57 of the Convention concerning general agreements signed at Rome on October 23, 1922, must be regarded as premature so long as these questions have not been settled and so long as the methods of determining and paying the compensation due in any case of infringement of the right of ownership considered at the time of concluding the said agreement have not been settled by a local law ;

The Government of the Kingdom of the Serbs, Croats and Slovenes and the Government of the Kingdom of Italy have agreed as follows :

Article 1.

The conclusion of an agreement to fix definitely the methods of determining and paying the compensation due under Article 57 of the Convention concerning general agreements signed at Rome on October 23, 1922, shall be postponed until such time as the Government of the Kingdom of the Serbs, Croats and Slovenes shall have determined by legislative means the standards and conditions governing the payment of the compensation in question.

Article 2.

It is understood that in the meantime nationals of the Kingdom of Italy in the territory of the former Kingdom of Dalmatia shall be subject to the internal provisions and measures concerning the postponement of the enforcement within the said territory of the laws and decrees with regard to agrarian reform.

Pending the conclusion of the agreement provided for in Article 1, the execution of all measures and provisions which may prejudice the property, rights and interests of the aforesaid owners of landed property of whatsoever kind in Dalmatia and which relate to an expropriation or the exemption from rent due in respect of the said property shall be suspended ; and in the event of any such measures and provisions having been executed, they shall be rescinded.

The provisions of the preceding paragraph shall not apply to cases not connected with agrarian reform nor with an exemption from rent chargeable on the property in question where, under the local law, previous compensation is paid to the owners in proportion to the actual loss sustained.

Article 3.

The High Contracting Parties shall conclude the final agreement requisite to establish on uniform lines and on a basis of reciprocity the appropriate measure of any compensation and the terms of payment immediately after the voting of the law referred to in Article 1, or, should the conditions contemplated in the said Article not be realised within three years reckoned from the coming into force of the present Agreement, on the expiry of the said period of three years.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

FINAL GENERAL PROTOCOL.

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