

N° 2838.

ALLEMAGNE ET POLOGNE

Arrangement concernant le règlement des réclamations, avec protocole final. Signés à Varsovie, le 31 octobre 1929.

GERMANY AND POLAND

Agreement regarding the Settlement of Claims, with Final Protocol. Signed at Warsaw, October 31, 1929.

¹ TRADUCTION. — TRANSLATION.

No. 2838. — AGREEMENT² BETWEEN GERMANY AND POLAND REGARDING THE SETTLEMENT OF CLAIMS. SIGNED AT WARSAW, OCTOBER 31, 1929.

French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Agreement took place October 21, 1931.

The conversations which have recently taken place between the Polish Minister for Foreign Affairs and the German Minister have led to the following results :

I.

THE GOVERNMENT OF THE REPUBLIC OF POLAND and THE GOVERNMENT OF THE GERMAN REICH make the following declarations which shall be deposited at The Hague Conference and shall have the force of law as from the entry into force of the Young Plan.

II.

The German Government declares that it waives all financial claims and claims relating to property arising out of the war or the Treaty of Peace, whether by the State or by its nationals (physical or juridical persons), which may have been or which might be addressed directly or indirectly to Poland in respect of any transaction whatsoever effected before the putting into force of the Young Plan, including claims recognised in special agreements relating to such transactions.

With regard to financial claims or claims relating to property on the part of Poland, whether by the State or by its nationals (physical or juridical persons), arising out of the war or the Treaty of Peace, which may have been or which might be addressed directly or indirectly to Germany in respect of any transaction whatsoever effected before the putting into force of the Young Plan, including claims recognised in special agreements relating to such transactions, the Polish Government recognises the provisions of Part IX, paragraph 143 of the Young Plan.

Without prejudice to the provisions of Article V of this Agreement, the present declarations constitute a complete and final renunciation of the above-mentioned claims, whomsoever they may concern.

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 Warsaw, April 21, 1931.

III.

The Polish Government declares that it waives its right to any liquidation of German property, rights and interests in Poland still in the hands of their owners or former owners on September 1, 1929, which the Polish Government had effected or might effect in virtue of or in accordance with the provisions of Articles 92 and 297 (*b*) of the Treaty of Peace.

All measures of conservation applied in conjunction with the above-mentioned liquidation procedure shall cease to have effect as from the coming into force of the present Agreement.

The property in question shall be handed over as it stands in fact and at law, together with the rights and advantages attaching thereto and the encumbrances thereon and without any deduction therefrom for the costs and fees of sequestration or liquidation.

IV.

Any differences which may arise as to the interpretation or application of the present Agreement and which cannot be settled by diplomacy shall, at the request of either Contracting Party, be submitted to an arbitral tribunal.

For this purpose, each Party shall appoint an arbitrator. The two arbitrators shall elect a neutral president. In the absence of agreement as to the person of the said neutral president, the President of the Swiss Confederation shall be requested to appoint him.

V.

Immediately after the signature of the present Agreement, the two Governments shall enter into negotiations to determine the measures to be taken with regard to the subsequent operation of the Polish-German Mixed Arbitral Tribunal.

VI.

In execution of Article I, the present Agreement, together with its Final Protocol, shall be ratified and put into force by the Parties simultaneously with the putting into force of the Young Plan.

Done at Warsaw, in duplicate, October the thirty-first, one thousand nine hundred and twenty-nine.

(—) August ZALESKI.

(—) RAUSCHER.

FINAL PROTOCOL

AD ARTICLE II OF THE POLISH-GERMAN AGREEMENT OF OCTOBER 31, 1929.

I. The German declaration mentioned in Article II of the said Agreement comprises also all the claims of German nationals against the Polish Government in virtue of Articles 92, paragraph 4, 297 (*h*), paragraph 2, 304 and 305 of the Treaty of Versailles, including both claims already brought before the Polish-German Mixed Arbitral Tribunal and those which might be brought before it and which arise out of the past.

2. The Polish declaration contained in Article II of the Agreement comprises also all the claims of Polish nationals brought before the same Tribunal against the German Government in virtue of Articles 297, 298, 300, 302, 304 and 305 of the Treaty of Versailles, including both claims already brought before the said Tribunal and those which might be brought before it and which arise out of the past.

3. Claims resulting from the transitional régime established by the Geneva Convention of May 15, 1922, in regard to which the Arbitral Tribunal at Beuthen or the Mixed Commission at Katowice is competent, are not covered by the reciprocal renunciation.

4. The reciprocal declarations mentioned in Article II of the said Arrangement comprise not only the claims of nationals (physical or juridical persons) against the respective Governments, but also the financial claims of one Government against the other Government on its own behalf, whatever the *de jure* or *de facto* basis of such claims.

WARSAW, October 31, 1929.

(—) August ZALESKI.

(—) RAUSCHER.