

N° 3300.

**POLOGNE ET
UNION DES RÉPUBLIQUES
SOVIÉTISTES SOCIALISTES**

Convention concernant la procédure à suivre pour l'examen et le règlement des incidents et conflits de frontière, avec protocole final, protocole additionnel et protocole de signature. Signés à Moscou, le 3 juin 1933.

**POLAND
AND UNION OF SOVIET
SOCIALIST REPUBLICS**

Convention regarding the Procedure for investigating and settling Frontier Incidents and Disputes, with Final Protocol, Additional Protocol and Protocol of Signature. Signed at Moscow, June 3, 1933.

TEXTE RUSSE. — RUSSIAN TEXT.

№ 3300. — КОНВЕНЦИЯ¹ МЕЖДУ ПОЛЬСКОЙ РЕСПУБЛИКОЙ И СОЮЗОМ СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК О ПОРЯДКЕ РАССЛЕДОВАНИЯ И РАЗРЕШЕНИЯ ПОГРАНИЧНЫХ ИНЦИДЕНТОВ И КОНФЛИКТОВ, ПОДПИСАННАЯ В ГОР. МОСКВЕ 3-го ИЮНЯ 1933 ГОДА.

Polish and Russian official texts communicated by the Chargé d'Affaires a. i. of the Polish Delegation accredited to the League of Nations. The registration of this Convention took place November 25, 1933.

Правительство Польской Республики с одной стороны

и

Правительство Союза Советских Социалистических Республик с другой стороны, желая наилучшим образом обеспечить быстрое рассмотрение и разрешение инцидентов и конфликтов, могущих возникнуть на границе между обоими государствами, решили заключить настоящую Конвенцию и назначили с этой целью своими уполномоченными :

Правительство Польской Республики :

Юлиуса Лукасевича, Чрезвычайного Посланника и Полномочного Министра Польской Республики в Москве и

Правительство Союза Советских Социалистических Республик :

Николая Николаевича Крестинского, временно исполняющего обязанности Народного Комиссара по Иностранным Делах, Члена Центрального Исполнительного Комитета Союза Советских Социалистических Республик,

Которые, по взаимном предъявлении своих полномочий, признанных составленными в должной форме и в законном порядке, согласились о нижеследующем :

Статья 1.

Правительство Польской Республики и Правительство Союза Советских Социалистических Республик назначат, каждое, Представителей по пограничным делам, на обязанности которых будет лежать расследование и разрешение пограничных инцидентов и конфликтов, а также споров между пограничными властями Договаривающихся Сторон, в соответствии с ст. 4 настоящей Конвенции.

¹ The exchange of notifications regarding the entry into force of the Convention, as provided in Article 18, took place at Warsaw, September 20, 1933.

¹ TRANSLATION.

No. 3300. — CONVENTION BETWEEN THE POLISH REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS, REGARDING THE PROCEDURE FOR INVESTIGATING AND SETTLING FRONTIER INCIDENTS AND DISPUTES. SIGNED AT MOSCOW, JUNE 3, 1933.

THE GOVERNMENT OF THE POLISH REPUBLIC, of the one part,
and

THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS, of the other part,
Being desirous of making the best possible provision for the rapid investigation and settlement of incidents and disputes which may arise on the frontier between the two States,

Have decided to conclude the present Convention and have appointed for this purpose as their Plenipotentiaries :

THE GOVERNMENT OF THE POLISH REPUBLIC :

M. Juljusz ŁUKASIEWICZ, Envoy Extraordinary and Minister Plenipotentiary of the Polish Republic in Moscow ;

THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS :

M. Nikolai Nikolaievich KRESTINSKY, Acting People's Commissary of Foreign Affairs, Member of the Central Executive Committee of the Union of Soviet Socialist Republics ;

Who, having exchanged their full powers found in good and due form, have agreed on the following provisions :

Article 1.

The Government of the Polish Republic and the Government of the Union of Soviet Socialist Republics shall each appoint Representatives for frontier affairs whose duty it shall be to enquire into and settle frontier incidents and disputes and also differences between the frontier authorities of the Contracting Parties in accordance with Article 4 of the present Convention.

Each Party shall communicate the surnames and first names of the Representatives for frontier affairs to the other Party through the diplomatic channel whenever a fresh Representative for frontier affairs is appointed.

The number of Representatives for frontier affairs, the area in which they perform their functions and the places of their permanent residence shall be fixed in the Protocol attached to the present Convention. This Protocol may be modified by mutual agreement through the diplomatic channel during the period for which the present Convention remains in force.

Article 2.

Each Representative for foreign affairs, in conjunction with the Representative for frontier affairs of the other Contracting Party, shall perform the functions arising out of the provisions

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

of the present Convention in the frontier district determined in the Protocol mentioned in Article 1 of the present Convention.

Article 3.

The Representatives for frontier affairs shall be entitled to appoint substitutes and deputies.

The substitutes shall enjoy all rights conferred by the present Convention on the Representatives for frontier affairs.

The Representatives for frontier affairs shall communicate to each other the surnames, first names and places of permanent residence of their substitutes.

The extent of the powers and functions of the deputies shall be specified in the commission given to them by the Representatives for frontier affairs.

Where deputies are appointed, the Representatives for frontier affairs of the two Contracting Parties shall inform each other of the surnames, first names and places of residence of such deputies and also the extent of their powers and functions with regard to the areas under their charge and the matters entrusted to them.

Article 4.

It shall be the duty of the Representatives for frontier affairs :

To see that the frontier authorities of the Contracting Parties observe the frontier treaties, conventions and agreements between the Polish Republic and the Union of Soviet Socialist Republics in so far as frontier disputes, incidents or conflicts may arise in connection with the said treaties, conventions and agreements ;

To take steps to prevent possible incidents or disputes on the frontier ;

To examine and settle incidents and disputes arising on the frontier, especially in cases :

(1) Where shots are fired at persons or on the territory of the other Contracting Party ;

(2) Where persons on the territory of the other Contracting Party are killed or wounded, and also in cases where other bodily injury is inflicted on persons in the said territory ;

(3) Where the other Party is insulted ;

(4) Where the frontier is violated by aircraft ;

(5) Where the frontier is unintentionally crossed by official or private persons, in which case the procedure for returning such persons to the territory of the State to which they belong shall be determined ;

(6) Where the frontier is crossed by domestic animals, and where, in this connection, it is necessary to settle questions, as to the return of such animals and the refunding of losses and expenses arising out of such cases ;

(7) Where the local frontier authorities cause any persons to cross to the territory of the other Contracting Party without the prior consent of that Party ;

(8) Where negotiations take place across the frontier between persons who are not officials authorised for the purpose ;

(9) Where frontier marks or other frontier structures are removed or damaged by the frontier guard or local inhabitants ;

(10) In case of theft and of wilful or unintentional destruction of or damage to property caused in the territory of one of the Contracting Parties by parties living in the territory of the other Contracting Party ;

(11) Where questions arise concerning the amount of any kind of compensation due to one of the Contracting Parties or to its nationals from the other Contracting Party or its nationals, if such compensation is a consequence of a frontier incident or dispute.

Article 5.

Decisions taken conjointly by the Representatives for frontier affairs or their deputies in definite settlement of a given dispute, incident or conflict shall be considered as final. Decisions taken under Article 4, point 11, of the present Convention shall constitute an exception, if the amount to be paid exceeds the maximum fixed for all such payments by the Contracting Party required to make the payment and communicated through the diplomatic channel to the other Contracting Party. In such cases the decisions taken shall come into force after confirmation by the Ministry of Foreign Affairs of the Polish Republic and the People's Commissariat of Foreign Affairs of the Union of Soviet Socialist Republics.

Questions on which no agreement has been reached between the deputies of the Representatives for frontier affairs shall be referred to said Representatives for examination.

Questions on which no agreement has been reached between the Representatives for frontier affairs shall be settled through the diplomatic channel.

Article 6.

Each Representative for frontier affairs shall be entitled, at his discretion, to submit any matter for decision by diplomacy after informing the Representative for frontier affairs of the other Contracting Party. Nevertheless, even in such cases, the Representatives for frontier affairs must make the necessary enquiries into the matter in question and record the results in a Minute.

Article 7.

For each meeting of the Representatives for frontier affairs or their deputies short Minutes shall be drawn up, summarising the proceedings of the meeting and the decisions taken. The Minutes will be drawn up in two identic copies in the official languages of the Contracting Parties. The decisions shall be considered to be final after the Minutes have been signed by the above-mentioned persons:

Article 8.

The Representatives for frontier affairs shall, by common agreement, designate points for supervising the crossing of the frontier at which all correspondence relating to the work of the Representatives for frontier affairs shall be exchanged and where the handing over of persons, animals and property shall also take place.

Article 9.

The interviews and meetings of the Representatives for frontier affairs or their deputies shall take place on the proposal of either of them and as far as possible at the date mentioned in the

request. The reply to the request must be given without delay, or in any case not later than forty-eight hours after its receipt.

The Representative for frontier affairs of either Contracting Party must attend in person the interviews or meetings to which he is invited by the Representative for frontier affairs of the other Contracting Party, except in cases where he is unable to do so for valid reasons (illness, absence on business, leave of absence). In this case the Representative for frontier affairs shall be replaced by his substitute, who must notify the fact to the Representative for frontier affairs of the other Contracting Party in good time. By agreement between the Representatives for frontier affairs, interviews and meetings may take place between their substitutes.

The interviews or meetings between the Representatives for frontier affairs may be attended by their substitutes or deputies, and also by the Representative of the local frontier guards' organisations, in an advisory capacity, by the necessary technical assistants (secretaries and interpreters) and by the experts of both Parties in case of need.

Article 10.

The interviews and meetings referred to in the previous article must as a rule take place alternately on either side of the frontier. Nevertheless, in certain cases, the Representatives for frontier affairs of the Contracting Parties may, by common accord, depart from this principle for reasons of expediency.

The agenda of the meetings will be framed after previous discussion or by correspondence. In urgent cases, questions not on the agenda may also be examined, by common agreement between the Representatives for frontier affairs or their proxies.

Article 11.

The Representatives for frontier affairs and their deputies, as also the persons mentioned in Article 9, paragraph 3, of the present Convention, shall be entitled to cross the frontier on business connected with the settlement of frontier disputes, incidents or conflicts on producing their identity papers bearing the visa of the Representative for frontier affairs of the other Contracting Party.

The visas shall be issued to the Representatives for frontier affairs and their deputies, and also to their secretaries and interpreters, for a number of passages across the frontier during the period mentioned in the visa, which shall not exceed three months. The Representatives of the local frontier guards' organisations and experts shall receive visas for each passage across the frontier.

The frontier shall be crossed at the points mentioned in Article 8 of the present Convention, unless the Representatives for frontier affairs have agreed upon some other point. The day and hour of crossing must be communicated in good time, and in any case not less than twelve hours in advance, to the competent frontier guard authority of the other Party, which shall be bound to send a representative to the place in question.

The Representatives for frontier affairs and their deputies, as also the persons mentioned in Article 9, paragraph 3, of the present Convention shall be entitled to cross the frontier in the regulation uniform and carrying arms.

Article 12.

The Representatives for frontier affairs, their deputies and the representatives of the local frontier guard authorities taking part in interviews and meetings shall be guaranteed personal immunity as well as inviolability for the official documents in their possession or in the possession of their staff.

The above-mentioned persons shall have the right to take with them to the territory of the other Contracting Party the objects and means of transport necessary for their work, provided they are re-exported. In addition they shall be entitled to take with them for their own needs, the strictly necessary quantities of foodstuffs and tobacco. These articles, means of transport, foodstuffs and tobacco may be taken across the frontier free of Customs duty or other charges, but may be subject to Customs examination, subject however to the rules laid down in the first paragraph of the present article.

Article 13.

The persons not mentioned in Article 9, paragraph 3, of the present Convention, whose presence is necessary for examining a given question, shall be authorised to cross the frontier on a permit, valid for twelve hours, issued for each occasion by the Representative for frontier affairs and bearing the visa of the Representative for frontier affairs of the other Contracting Party.

In individual cases these persons may be allowed to cross the frontier in virtue of a verbal consent given during a meeting of the Representatives for frontier affairs of the Contracting Parties. The granting of such verbal consent must be recorded in the Minutes before the end of the meeting.

These persons shall be entitled to take with them, for their personal needs, to the territory of the other Contracting Party, foodstuffs of a total weight of not more than 5 kilogrammes per person and the strictly necessary amount of tobacco. The foodstuffs and tobacco in question may be taken across the frontier free of Customs duty or other charges, but may be subject to Customs examination.

Article 14.

The Representatives for frontier affairs and their deputies may, after previous agreement on the subject, conduct a joint examination of frontier incidents and conflicts.

These operations shall be carried out under the direction of the Representative for frontier affairs on the territory of whose State they take place.

All proposals made in application of the provisions of the present article, whether accepted or rejected, and also the decisions taken in connection with these proposals, shall be recorded in the Minutes.

Article 15.

Each of the Contracting Parties shall defray all expenses incurred by reason of the activity of its own Representatives for frontier affairs.

Article 16.

Each of the Contracting Parties shall grant persons coming into its territory by reason of the application of the present Convention any assistance necessary to enable them to obtain means of transport, lodging and means of communication with their own authorities.

Article 17.

The present Convention shall remain in force for five years. If neither of the Contracting Parties denounces the present Convention six months before the expiry of this period or has expressed a desire to make amendments in it, the Convention shall be renewed, by tacit consent, for a further period of 5 years.

Article 18.

The present Convention shall come into force on the forty-fifth day from the date of notification through the diplomatic channel, of its ratification by both Governments.

From the date on which it comes into force the " Agreement between the Polish Republic of the one part and the Union of Soviet Socialist Republics of the other part regarding the settlement of frontier disputes " concluded in Moscow on August 3, 1925, shall cease to have effect.

Article 19.

The present Convention is drawn up in two original copies, in Polish and Russian, the two texts being authoritative.

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

Signed in Moscow on June third, one thousand nine hundred and thirty-three.

(L. S.) (Signed) J. ŁUKASIEWICZ.

(L. S.) (Signed) N. KRESTINSKIJ.

FINAL PROTOCOL.

When concluding the Convention between the Polish Republic and the Union of Soviet Socialist Republics regarding the procedure for investigating and settling frontier incidents and disputes, the undersigned Plenipotentiaries of the Contracting Parties have agreed as follows :

Ad Article 3 of the Convention.

The Representatives for frontier affairs of the Contracting Parties shall, at their first meeting after the present Convention comes into force :

Appoint their substitutes and the necessary number of deputies, if any ;

Designate the places of permanent residence of the substitutes of the Representatives for frontier affairs, and

Fix the areas in the charge of the deputies of the Representatives for frontier affairs and the places of their permanent residence.

The number of deputies of the Representatives for frontier affairs, the distribution of the areas in their charge and their permanent place of residence as well as that of the substitutes of the above-mentioned Representatives may be changed by the Representatives for frontier affairs concerned during the period of application of the Convention.

Ad Article 4 of the Convention.

As an addition to Article 4 of the Convention, each of the Contracting Parties undertakes to issue instructions for the immediate return to the frontier authorities of the other Contracting Party of any State war material of any kind or description which may have been illegally or accidentally transferred to its territory.

Ad Article 6 of the Convention.

The Contracting Parties understand this article in the sense that its provisions relate to frontier conflicts of special importance for the frontier relations between the Parties.

Ad Article 8 of the Convention.

The Representatives for frontier affairs shall, at the first meeting after the Convention comes into force, fix the points for supervising the crossing of the frontier.

The number and position of these points for supervising the crossing of the frontier may be changed by the Representatives for frontier affairs by common accord throughout the period during which the Convention remains in force.

Ad Article 14 of the Convention.

The Contracting Parties interpret this article in the sense that the "joint examination" mentioned therein may in no case be understood as the execution in common of acts having the character of preliminary judicial investigation, which are within the exclusive competence of the judicial or legal authorities of each of the Contracting Parties.

The present Final Protocol is drawn up in two original copies, in Polish and Russian, both texts being authentic.

In faith whereof the Plenipotentiaries of the Contracting Parties have signed the present Final Protocol in Moscow on June third, one thousand nine hundred and thirty-three.

(Signed) J. ŁUKASIEWICZ.

(Signed) N. KRESTINSKIJ.

PROTOCOL

TO THE CONVENTION BETWEEN THE POLISH REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS REGARDING THE PROCEDURE FOR INVESTIGATING AND SETTLING FRONTIER INCIDENTS AND DISPUTES, CONCLUDED IN MOSCOW ON JUNE 3, 1933.

In execution of Article 1 of the Convention between the Polish Republic and the Union of Soviet Socialist Republics regarding the procedure for investigating and settling frontier incidents and disputes, the Contracting Parties decide to appoint the following Representatives for frontier affairs :

I. On the Part of the Polish Republic :

1. The Starost of the district of Braślów, with permanent residence at Braślów. The area in the charge of the Braślów Representative for frontier affairs extends from frontier post No. 0 to frontier post No. 42 inclusive.

2. The Starost of the district of Dżisna with permanent residence at Glebokie. The area in the charge of the Dżisna Representative for frontier affairs extends from frontier post No. 42 to frontier post No. 367 inclusive.

3. The Starost of the district of Wilejka with permanent residence at Wilejka. The area in the charge of the Wilejka Representative for frontier affairs extends from frontier post No. 367 to frontier post No. 532 inclusive.
4. The Starost of the district of Mołodeczno, with permanent residence at Mołodeczno. The area in the charge of the Mołodeczno Representative for frontier affairs extends from frontier post No. 532 to frontier post No. 670 inclusive.
5. The Starost of the district of Wołożyn, with permanent residence at Wołożyn. The area in the charge of the Wołożyn Representative for frontier affairs extends from frontier post No. 670 to frontier post No. 704 inclusive.
6. The Starost of the district of Stołpce, with permanent residence at Stołpce. The area in the charge of the Stołpce Representative for frontier affairs extends from frontier post No. 704 to frontier post No. 816 inclusive.
7. The Starost of the district of Nieśwież, with permanent residence at Nieśwież. The area in the charge of the Nieśwież Representative for frontier affairs extends from frontier post No. 816 to frontier post No. 970 inclusive.
8. The Starost of the district of Łuniniec, with permanent residence at Łuniniec. The area in the charge of the Łuniniec Representative for frontier affairs extends from frontier post No. 970 to frontier post No. 1138 inclusive.
9. The Starost of the district of Stolin, with permanent residence at Stolin. The area in the charge of the Stolin Representative for frontier affairs extends from frontier post No. 1138 to frontier post No. 1339 inclusive.
10. The Starost of the district of Sarny, with permanent residence at Sarny. The area in the charge of the Sarny Representative for frontier affairs extends from frontier post No. 1339 to frontier post No. 1459 inclusive.
11. The Starost of the district of Kostopol, with permanent residence at Kostopol. The area in the charge of the Kostopol Representative for frontier affairs extends from frontier post No. 1459 to frontier post No. 1516 inclusive.
12. The Starost of the district of Równne, with permanent residence at Równne. The area in the charge of the Równne Representative for frontier affairs extends from frontier post No. 1516 to frontier post No. 1680 inclusive.
13. The Starost of the district of Zdołbunów, with permanent residence at Zdołbunów. The area in the charge of the Zdołbunów Representative for frontier affairs extends from frontier post No. 1680 to frontier post No. 1763 inclusive.
14. The Starost of the district of Krzemieniec, with permanent residence at Krzemieniec. The area in the charge of the Krzemieniec Representative for frontier affairs extends from frontier post No. 1763 to frontier post No. 1861 (*a*) inclusive.
15. The Starost of the district of Zbaraż, with permanent residence at Zbaraż. The area in the charge of the Zbaraż Representative for frontier affairs extends from frontier post No. 1861 (*a*) to frontier post No. 1893 inclusive.
16. The Starost of the district of Skalał, with permanent residence at Skalał. The area in the charge of the Skalał Representative for frontier affairs extends from frontier post No. 1893 to frontier post No. 1997 inclusive.
17. The Starost of the district of Kopyczyńce, with permanent residence at Kopyczyńce. The area in the charge of the Kopyczyńce Representative for frontier affairs extends from frontier post No. 1997 to frontier post No. 2096 inclusive.
18. The Starost of the district of Borszczów, with permanent residence at Borszczów. The area in the charge of the Borszczów Representative for frontier affairs extends from frontier post No. 2096 to frontier post No. 2290 inclusive.

II. *On the Part of the Union of Soviet Socialist Republics :*

1. The head of the frontier guard of the district of Polotsk, with permanent residence in the town of Polotsk. The area in the charge of the Polotsk Representative for frontier affairs extends from frontier post No. 0 to the frontier post No. 290 inclusive.

2. The head of the frontier guard of the district of Pleshchenitzi, with permanent residence in the village of Pleshchenitzi. The area in the charge of the Pleshchenitzi Representative for frontier affairs extends from frontier post No. 290 (exclusive) to frontier post No. 511 (inclusive).

3. The head of the frontier guard of the district of Zaslavl, with permanent residence in the village of Zaslavl. The area in the charge of the Zaslavl Representative for frontier affairs extends from frontier post No. 511 (exclusive) to frontier post No. 677 (inclusive).

4. The head of the frontier guard of the district of Dzerzhinsk, with permanent residence in the town of Dzerzhinsk. The area in the charge of the Dzerzhinsk Representative for frontier affairs extends from frontier post No. 677 (exclusive) to frontier post No. 842 (inclusive).

5. The head of the frontier guard of the district of Timkovichi, with permanent residence in the village of Timkovichi. The area in the charge of the Timkovichi Representative for frontier affairs extends from frontier post No. 842 (exclusive) to frontier post No. 1063 (inclusive).

6. The head of the frontier guard of the district of Zhitkovichi, with permanent residence in the village of Zhitkovichi. The area in the charge of the Zhitkovichi Representative for frontier affairs extends from frontier post No. 1063 (exclusive) to frontier post No. 1290 (inclusive).

7. The head of the frontier guard of the district of Olevsk, with permanent residence in the village of Olevsk. The area in the charge of the Olevsk Representative for frontier affairs extends from frontier post No. 1290 (exclusive) to frontier post No. 1499 (inclusive).

8. The head of the frontier guard of the district of Slavuta, with permanent residence in the village of Slavuta. The area in the charge of the Slavuta Representative for frontier affairs extends from frontier post No. 1499 (exclusive) to frontier post No. 1733 (inclusive).

9. The head of the frontier guard of the district of Yampol, with permanent residence in the village of Yampol. The area in the charge of the Yampol Representative for frontier affairs extends from frontier post No. 1733 (exclusive) to the frontier post No. 1877 (inclusive).

10. The head of the frontier guard of the district of Volochisk, with permanent residence in the village of Fridrikhovka. The area in the charge of the Volochisk Representative for frontier affairs extends from frontier post No. 1877 (exclusive) to frontier post No. 2013 (inclusive).

11. The head of the frontier guard of the district of Kamenetz-Podolsk, with permanent residence in the town of Kamenetz-Podolsk. The area in the charge of the Kamenetz-Podolsk Representative for frontier affairs extends from frontier post No. 2013 (exclusive) to frontier post No. 2290 (inclusive).

The present Protocol is drawn up in two original copies, in Polish and Russian, both texts being authentic.

In faith whereof the Plenipotentiaries of the Contracting Parties have signed the present Protocol in Moscow on June third, one thousand nine hundred and thirty-three.

(L. S.) (Signed) J. ŁUKASIEWICZ.

(L. S.) (Signed) N. KRESTINSKIJ.

PROTOCOL OF SIGNATURE.

At the moment of signing the Convention between the Polish Republic and the Union of Soviet Socialist Republics regarding the procedure for investigating and settling frontier incidents and disputes, the undersigned Plenipotentiaries of the Contracting Parties agree to take the necessary steps in order that the said Convention may be ratified by their Governments as soon as possible.

The present Protocol is drawn up in two original copies, in Polish and Russian, both texts being authentic.

In faith whereof the Plenipotentiaries of the Contracting Parties have signed the present Protocol in Moscow on June third, one thousand nine hundred and thirty-three.

(Signed) J. ŁUKASIEWICZ.

(Signed) N. KRESTINSKIJ.