

N° 4028.

POLOGNE ET ROUMANIE

Convention relative à la protection, conservation et reconstruction des bornes frontières et autres signes servant à indiquer la ligne frontière entre les deux pays, signée à Bucarest, le 17 mai 1935, et protocole annexe, signé à Bucarest, le 28 juin 1935.

POLAND AND ROUMANIA

Convention regarding the Protection, Maintenance and Repair of Frontier Posts and Other Marks indicating the Frontier Line between the Two Countries, signed at Bucharest, May 17th, 1935, and Protocol-Annex, signed at Bucharest, June 28th, 1935.

¹ TRADUCTION. — TRANSLATION.

No. 4028. — CONVENTION ² BETWEEN THE REPUBLIC OF POLAND AND THE KINGDOM OF ROUMANIA REGARDING THE PROTECTION, MAINTENANCE AND REPAIR OF FRONTIER POSTS AND OTHER MARKS INDICATING THE FRONTIER LINE BETWEEN THE TWO COUNTRIES. SIGNED AT BUCHAREST, MAY 17TH, 1935.

*French official text communicated by the Roumanian Chargé d'Affaires to the League of Nations.
The registration of this Convention took place December 27th, 1936.*

HIS MAJESTY THE KING OF ROUMANIA
and

THE PRESIDENT OF THE REPUBLIC OF POLAND,

Desirous, by common agreement, of settling between the Kingdom of Roumania and the Republic of Poland the question of the protection of frontier posts and other marks indicating the frontier line,

Have resolved to conclude a Convention for the purpose and have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF ROUMANIA :

M. Alexandre N. IAKOVAKI, Minister Plenipotentiary, Director of Frontiers at the Ministry of Foreign Affairs, and
Colonel Georges DRAGANESCO, Technical Delegate of the Roumanian Government ;

THE PRESIDENT OF THE REPUBLIC OF POLAND :

M. Miroslaw ARCISZEWSKI, Envoy Extraordinary and Minister Plenipotentiary of Poland at Bucharest, and
M. Jan MEDYNSKI, Plenipotentiary Delegate of the Government of the Republic of Poland in charge of delimitation operations on the Polish-Roumanian frontier ;

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

Article I.

The frontier between the Kingdom of Roumania and the Republic of Poland shall be marked on the ground by cast-iron posts and by mounds, and also by iron plates fixed on bridges over the watercourses forming the frontier.

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, November 27th, 1936.

The position of points marking or indicating the frontier is that established in the plans, in conformity with the technical data collected on the spot and recorded in the delimitation documents :

1. Where there is a single row of posts, the frontier line shall, as a general rule, be the straight line joining the centres of the consecutive boundary-marks. Where the frontier runs along the median line of winding ditches or the edge of a mountain slope, it shall take the form of a broken line.

Where there are common frontier posts (single row), the principal posts shall bear the emblems of the two States. Intermediate posts, however, shall bear the initial capital letters of the words Roumania and Poland, R and P.

2. Where the frontier passes through wider gullies, marshy land or land liable to flooding, or through ditches or streams, or through watercourses common to both States, the frontier line shall be indicated by a double row of frontier posts placed opposite one another. The principal and intermediate posts on such sectors of the frontier shall bear only the emblem or initial letter of the State on whose territory they are situated.

3. On sectors where the frontier line is constituted by narrow ditches or frontier streams, the frontier posts shall be placed alternately on the territory of the two States (alternating rows).

Opposite each post, on the territory of the other State, shall be placed a frontier mound. These mounds shall bear emblems or initial letters similar to those borne by the double rows of posts.

Article II.

In addition to the emblem or initial letter of the State concerned, each frontier post shall be provided with a serial number, and also with the figures " 1927 ", the year in which the marking of the frontier was begun. The principal frontier posts shall, in addition, bear the number of the section.

The frontier posts of each of the three sections comprising the frontier shall be marked with serial numbers beginning in each section with the first boundary-mark and ending with the last.

The frontier line has been divided into three sections numbered I to III, viz :

1. *Section I* comprises that part of the frontier running from the point Stoh — which marks at the same time the Triplex Confinium of Roumania, Poland and Czechoslovakia — to the junction of the rivers Ceremuşul Negru (Czeremosz Czarny) and Ceremuşul Alb (Czeremosz Bialy). The length of this section is 115,168 m.

2. *Section II* comprises that part of the frontier which runs from the end of the first section to the point common to the cadastral boundaries of the Polish villages Horodnica, Zezawa and Pieczarna, the Roumanian commune Babin, and the median line of the Dniester (Nistrul). The length of this section is 119,065 m.

3. *Section III* comprises that part of the frontier which runs from the end of the second section to the confluence of the Zbrucz and the Dniester (Nistrul). The length of this section is 112,370 m.

Article III.

The two contracting States undertake :

1. To protect, repair and replace the frontier posts, mounds and iron plates and all the marks which serve to indicate the frontier line (trigonometrical and polygonal points).

As regards common boundary-marks (single row), the Kingdom of Roumania shall be responsible for maintaining :

In the first section, all common boundary-marks which are situated in the sector between frontier posts Nos. 33 and 57, including No. 33 but not No. 57 ;

In the second section, all common boundary-marks which are situated in the sector between frontier posts Nos. 40 and 74, including No. 40 but not No. 74, and between frontier posts Nos. 102 and 122, including No. 102 but not No. 122.

The Republic of Poland shall be responsible for maintaining :

In the first section, all common boundary-marks which are situated in the sector between frontier posts Nos. 1/1 and 33, including No. 1/1 but not No. 33 ;

In the second section, all common boundary-marks which are situated in the sector between frontier posts No. 74 and 102, including No. 74 but not No. 102, and between frontier posts Nos. 122 and III/1, including No. 122 but not No. III/1.

Boundary-marks situated in such parts of the frontier as are provided with double or alternating rows of marks shall be maintained by the State on whose territory they are placed.

2. To maintain the boundary-marks in their original position and as far as possible to protect the banks of the watercourses marking the frontier.

"Original position" shall be interpreted to mean the position described in the delimitation documents.

3. To paint the frontier posts every five years, or at shorter intervals should their condition be such as to render this necessary.

4. To ensure that the frontier is clearly visible throughout its whole length.

For this purpose, where the frontier is marked with a single row of boundary-marks, each of the two contracting States shall clear a strip of land two metres wide along the frontier on its own territory. Where the frontier is marked with a double row of boundary-marks, each of the two contracting States shall clear a zone at least four metres wide on its own territory along the line connecting the twin boundary-marks with a view to ensuring that each mark is clearly visible from the other.

Where the frontier is marked with double and alternating rows of boundary-marks, each of the two contracting States shall clear the land round each boundary-mark on its own territory within a radius of two metres.

5. To prohibit the growing, in a frontier zone two metres wide on each side of the frontier line, of plants which would reduce the visibility of the said line.

6. Obstacles (fences, buildings, etc.) situated in the two-metre zone on each side of the frontier line must be removed within a period of one year.

Article IV.

Repairs to the boundary-marks and frontier line may only be carried out on the basis of the plans (sketches) included in the delimitation documents.

Article V.

1. The condition of the frontier line, as well as the boundary-marks and cleared zones along the frontier line and the zones at least four metres wide along the lines connecting the twin boundary-marks, shall be inspected on the ground every five years.

The first inspection shall begin in June 1936.

2. The inspection shall be made by a Mixed Commission consisting of technical delegates of the two States or their deputies, together with representatives of the administrative authorities and the respective frontier guard services.

The Mixed Commission shall be presided over alternately for periods of five years by the technical delegates of the two States. For the first period of five years, the Roumanian delegate shall act as Chairman.

3. The Mixed Commission shall determine the nature and the number of the works to be undertaken for the maintenance of the frontier line, boundary-marks, cleared zones along the frontier line and zones at least four metres wide along the lines connecting the twin boundary-marks. The Mixed Commission shall undertake these works immediately or, should this prove impossible, shall arrange for their execution within a strictly limited period. As soon as these works have been completed, the Commission shall proceed to inspect them.

4. If for special reasons the boundary-marks cannot be left in their former positions, the Mixed Commission may remove them and place them elsewhere.

During its first meeting, the Mixed Commission shall establish its rules of procedure and draw up instructions regarding the execution of these works.

Article VI.

In addition to the periodical inspection provided for in Article V, but in exceptional cases only, when several consecutive boundary-marks or signs have been displaced or completely destroyed, rendering the frontier line invisible, the technical delegates, after obtaining the approval of their Governments, shall proceed immediately to replace them.

Article VII.

The results of the inspection on the spot and an account of the frontier works executed by the Mixed Commission shall be recorded on each occasion in a *procès-verbal* drawn up in two original copies in French or in the languages of the two Contracting Parties. One of these *procès-verbaux* shall be for the Roumanian Delegation and the other for the Polish Delegation.

Any questions on which the technical delegates of the two Governments are unable to reach agreement shall be referred to the respective Governments with a view to their settlement through the diplomatic channel.

Article VIII.

All repairs to boundary-marks (replacement) shall be executed in common, irrespective of the territory on which they are situated. The cost shall be borne by the State responsible for the maintenance of the marks concerned, as provided for in Article III, No. 1, of the present Convention.

Article IX.

Where frontier posts or marks, the upkeep of which is incumbent upon one State, have been damaged or destroyed by a national of the other State, the former State shall be entitled to compensation from the second State, whose national was responsible for the said damage or destruction.

The frontier guard agents of the former State, having ascertained that the person who has caused the damage is a national of the second State, shall immediately bring the fact to the knowledge of the frontier guard authorities of that State.

When the frontier guard authorities have been informed of the damage, they shall be bound to proceed urgently, in agreement with the agents of the other State, each authority acting in

its own territory, to an enquiry for the purpose of identifying the person who has caused the damage. A report shall be drawn up indicating the results of the investigations made each on its own account by the competent organs of the two States.

Article X.

The persons mentioned in Article V, No. 2, as well as subsidiary personnel and workmen, shall be entitled to move about freely on either side of the frontier and to cross it when fulfilling the duties laid down in the present Convention.

Detailed compulsory regulations relating to the crossing of the frontier shall be drawn up by the Mixed Commission at its first meeting and shall come into force as soon as they have been approved by the Governments of the contracting States.

Article XI.

The present Convention shall come into force on the day on which the exchange of ratifications takes place.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done at Bucharest, in two copies in French, this 17th day of May, 1935.

(Signed) Alexandru N. IACOVAKY.

(Signed) Col. G. DRĂGĂNESCU.

(Signed) M. ARCISZEWSKI.

(Signed) Jan MEDYNSKI.

PROTOCOL-ANNEX.

With a view to defining more clearly the provisions of Article XI of the Convention signed at Bucharest on May 17th, 1935, the two signatory Governments agree that this Article shall read as follows :

Article XI.

“ The present Convention shall come into force on the thirtieth day following the exchange of the instruments of ratification. ”

BUCHAREST, *June 28th*, 1935.

(Signed) Alexandru N. IACOVAKY.

(Signed) M. ARCISZEWSKI.