

N° 184.

ÉTATS-UNIS D'AMÉRIQUE
ET AUTRICHE

Traité de Paix. Signé à Vienne le
24 août 1921.

THE UNITED STATES OF
AMERICA AND AUSTRIA

Peace Treaty. Signed at Vienna,
August 24, 1921.

No. 184. — TREATY OF PEACE BETWEEN AUSTRIA AND THE UNITED STATES OF AMERICA¹, SIGNED AT VIENNA, AUGUST 24, 1921.

Texte officiel anglais communiqué par le Représentant de l'Autriche auprès de la Société des Nations. L'enregistrement de ce traité a eu lieu le 22 novembre 1921.

Considering that the UNITED STATES, acting in conjunction with its co-belligerents entered into an Armistice with AUSTRIA-HUNGARY on November 3, 1918, in order that a Treaty of Peace might be concluded ;

Considering that the former Austro-Hungarian Monarchy ceased to exist and was replaced in Austria by a republican Government ;

Considering that the Treaty of St-Germain-en-Laye to which Austria is a party was signed on September 10, 1919, and came into force according to the terms of its Article 381, but has not been ratified by the United States ;

Considering that the Congress of the United States passed a Joint Resolution approved by the President July 2, 1921, which reads in part as follows :

“ Resolved by the Senate and House of Representatives of the United States of America in Congress assembled...

“ That the state of war declared to exist between the Imperial and Royal Austro-Hungarian Government and the United States of America by the joint resolution of Congress approved December 7, 1917, is hereby declared at an end.

“ Section 4. — That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 3, 1918, or any extension or modifications thereof ; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled ; or which, under the Treaty of St-Germain-en-Laye² or the Treaty of Trianon³, have been stipulated for its or their benefit ; or to which it is entitled as one of the principal Allied and Associated Powers ; or to which it is entitled by virtue of Any Act or Acts of Congress ; or otherwise.

“ Section 5. — All property of the Imperial German Government, or its successor or successors, and of all German Nationals which was on April 6, 1917, in or has since that date come into the

¹ L'échange des ratifications a eu lieu à Vienne le 8 novembre 1921. (Voir page 160.)

² Ce traité, enregistré par le Secrétariat de la Société des Nations le 21 octobre 1920, n'a pas été publié par celui-ci.

³ Voir volume VI, page 187 de ce Recueil.

¹ TRADUCTION. — TRANSLATION.

No. 184. — TRAITÉ DE PAIX ENTRE L'AUTRICHE ET LES ÉTATS-UNIS D'AMÉRIQUE², SIGNÉ A VIENNE LE 24 AOUT 1921.

English official text communicated by the Austrian Representative accredited to the League of Nations. The registration of this Treaty took place on November 22, 1921.

Attendu que les ETATS-UNIS, agissant de concert avec leurs co-belligérants, ont conclu un armistice avec l'AUTRICHE-HONGRIE, le 3 novembre 1918, en vue de permettre la conclusion d'un traité de paix ;

Attendu que l'ancienne monarchie austro-hongroise a cessé d'exister et a été remplacée en Autriche par un Gouvernement républicain ;

Attendu que le Traité de Saint-Germain-en-Laye auquel l'Autriche est partie a été signé le 10 septembre 1919, et mis en vigueur suivant les termes de l'article 381 dudit Traité, mais n'a pas été ratifié par les Etats-Unis ;

Attendu que le Congrès des Etats-Unis a adopté une résolution commune, approuvée par le Président le 2 juillet 1921, et qui dit notamment :

« Il a été résolu par le Sénat et la Chambre des Représentants des Etats-Unis d'Amérique réunis en Congrès,

» Que l'état de guerre proclamé entre le Gouvernement impérial et royal austro-hongrois et les Etats-Unis d'Amérique par la résolution commune du Congrès, approuvée le 7 décembre 1917, est déclaré, par les présentes, terminé.

» Section 4. — Que, en faisant cette dernière déclaration, et comme partie intégrante de ladite déclaration, sont expressément réservés en faveur des Etats-Unis d'Amérique, pour eux-mêmes et pour leurs ressortissants, tous droits, privilèges, indemnités, réparations et avantages détaillés ci-après, — ainsi que le droit de les faire respecter ou exécuter, — savoir : tous droits, privilèges, indemnités, réparations et avantages auxquels les Etats-Unis ou leurs ressortissants auraient droit, aux termes de l'armistice signé le 3 novembre 1918, ou de toute extension ou modification de ces termes ; tous droits, privilèges, indemnités, réparations et avantages qui ont été acquis par les Etats-Unis d'Amérique ou sont en leur possession en raison de leur participation à la guerre, ou auxquels leurs ressortissants ont, de par leur participation à la guerre, acquis un titre légitime ; ou qui auraient été stipulés en faveur des Etats-Unis ou de leurs ressortissants aux termes du Traité de Saint-Germain³ ou du Traité de Trianon⁴ ; ou auxquels les Etats-Unis ont droit en leur qualité d'une des Principales Puissances alliées et associées ; ou auxquels ils auraient droit en vertu de tout acte ou actes du Congrès voté par le Congrès américain ; ou de tout autre manière.

» Section 5. — Tous les biens du Gouvernement impérial allemand ou de son ou ses successeurs, et de tous les ressortissants allemands, biens qui, à la date du 6 avril 1917 ou postérieurement,

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Vienna on November 8, 1921. (See page 161.)

³ This Treaty registered with the Secretariat of the League on October 21, 1920 had not been published by the latter.

⁴ See Volume VI, page 187 of this Series.

possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property, of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government or its agents, or the Imperial and Royal Austro-Hungarian Government or its agents since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American or other corporations, or in consequence of hostilities or of any operations of war, or otherwise and also shall have granted to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial property rights and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government or its successor or successors shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America."

Being desirous of establishing securely friendly relations between the two Nations ;
Have for that purpose appointed their plenipotentiaries ;

The FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

Johann SCHÖBER ;

And the PRESIDENT OF THE UNITED STATES OF AMERICA :

Arthur Hugh FRAZIER ;

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

Article I.

Austria undertakes to accord to the United States and the United States shall have and enjoy all the rights, privileges, indemnities, reparations or advantages specified in the aforesaid Joint Resolution of the Congress of the United States of July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the Treaty of St-Germain-en-Laye which the United States shall fully enjoy notwithstanding the fact that such Treaty has not been ratified by the United States. The United States in availing itself of the rights and advantages stipulated in the provisions of that Treaty, will do so in a manner consistent with the rights accorded to Austria under such provisions.

Article 2.

With a view to defining more particularly the obligations of Austria under the foregoing Article with respect to certain provisions in the Treaty of St-Germain-en-Laye, it is understood and agreed between the High Contracting Parties :

(1) That the rights and advantages stipulated in that Treaty for the benefit of the United States which it is intended the United States shall have and enjoy, are those defined in Parts V, VI, VIII, IX, X, XI, XII and XIV.

(2) That the United States shall not be bound by the provisions of Part I of that Treaty nor by any provisions of that Treaty including those mentioned in paragraph (1) of this Article which relate to the Covenant of the League of Nations nor shall the United States be bound by any action taken by the League of Nations or by the Council or by the Assembly thereof, unless the United States shall expressly give its assent to such action.

(3) That the United States assumes no obligations under or with respect to the provisions of Part II, Part III, Part IV and Part XIII of that Treaty.

(4) That, while the United States is privileged to participate in the Reparation Commission, according to the terms of Part VIII of that Treaty and in any other commission established under the Treaty or under any agreement supplemental thereto, the United States is not bound to participate in any such commission unless it shall elect to do so.

(5) That the periods of time to which reference is made in Article 381 of the Treaty of St-Germain-en-Laye shall run, with respect to any act or election on the part of the United States, from the date of the coming into force of the present Treaty.

Article 3.

The present Treaty shall be ratified in accordance with the constitutional forms of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place as soon as possible at Vienna.

In witness whereof, the respective plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate in Vienna, this twentyfourth day of August 1921.

(L. S.) SCHOBBER.

(L. S.) ARTHUR HUGH FRAZIER.

PROTOCOL OF EXCHANGE

The undersigned plenipotentiaries having met for the purpose of exchanging the ratifications of the Treaty signed at Vienna, August 24, 1921, between the United States of America and Austria, to restore the friendly relations existing between the two nations prior to the outbreak of war, and the ratifications of the Treaty aforesaid having been carefully compared and found exactly conformable to each other, the exchange took place this day in the usual form.

In witness whereof, they have signed the present Protocol of Exchange and have affixed their seals thereto.

Done at Vienna this eighth day of November, one thousand nine hundred and twenty-one.

(Signed) SCHOBBER.

(Signed) ARTHUR HUGH FRAZIER.