

N° 562.

**ALLEMAGNE
ET TCHÉCOSLOVAQUIE**

Convention relative au transfert de l'assistance concernant les invalides de guerre dans le territoire de Hultschin, signé à Ratibor le 12 avril 1922.

**GERMANY
AND CZECHOSLOVAKIA**

Agreement relative to the transfer of obligations in respect of assistance to persons in the Hultschin area, disabled in the war, signed at Ratibor, April 12, 1922.

TEXTE ALLEMAND. — GERMAN TEXT.

No. 562. — DEUTSCH-TSCHECHOSLOWAKISCHES UEBERLEITUNGS-
ABKOMMEN¹ ÜBER DIE VERSORGUNG DER KRIEGSBESCHÄ-
DIGTEN IM HULTSCHINER GEBIET, GEZEICHNET IN RATIBOR,
AM 12. APRIL 1922.

Official German and Czech texts communicated by the Representative of the Czechoslovak Republic accredited to the League of Nations. The registration of this Agreement took place on January 31, 1924.

Die REGIERUNG DES DEUTSCHEN REICHES und die REGIERUNG DER TSCHECHOSLOWAKISCHEN REPUBLIK haben, um eine geeignete Regelung der Verhältnisse der Kriegsbeschädigten im Hultschiner Gebiet herbeizuführen, beschlossen, ein Übereinkommen darüber zu treffen und haben zu dem Zwecke :

DIE DEUTSCHE REGIERUNG :

den Herrn Landrat, geheimen Regierungsrat August WELLENKAMP in Ratibor ;

DIE TSCHECHOSLOWAKISCHE REGIERUNG :

den Herrn Landespräsidenten Josef ŠRÁMEK in Troppau zu ihren Bevollmächtigten ernannt.

Die Bevollmächtigten sind nach Austausch ihrer für gut und richtig befundenen Vollmachten, über folgende Bestimmungen übereingekommen.

§ 1.

Versorgungsberechtigte im Sinne dieses Abkommens sind alle Personen sowie ihre Angehörigen und Hinterbliebenen, deren Versorgungsanspruch sich auf eine nach dem 31. Juli 1914 erlittene Militärdienstbeschädigung gründet und die zur Zeit des Inkrafttretens des Friedensvertrages von Versailles (10. Jänner 1920) ihren dauernden Wohnsitz im Hultschiner Gebiet (Artikel 83 und 84 des Friedensvertrages) hatten.

Versorgungsberechtigte sind Hinterbliebene, die kraft Artikel 83 und 84 des Friedensvertrages von Versailles die tschechoslowakische Staatsbürgerschaft erlangt haben, auch dann, wenn die Person, von welcher ihr Anspruch abgeleitet wird, die tschechoslowakische Staatsangehörigkeit nicht besass.

§ 2.

Die Verpflichtung zur Versorgung der im § 1 genannten Personen ist mit dem Beginn des auf das Inkrafttreten des Friedensvertrages folgenden Monats, also mit dem 1. Februar 1920, auf die Tschechoslowakische Republik übergegangen. Die Versorgung erfolgt nach den Gesetzen der Tschechoslowakischen Republik.

¹ The exchange of ratifications took place at Prague January 19, 1924.

¹ TRANSLATION.

No. 562. — AGREEMENT BETWEEN GERMANY AND CZECHOSLOVAKIA
RELATIVE TO THE TRANSFER OF OBLIGATIONS IN RESPECT OF
ASSISTANCE TO PERSONS IN THE HULTSCHIN AREA, DISABLED
IN THE WAR, SIGNED AT RATIBOR APRIL 12, 1922.

THE GOVERNMENT OF THE GERMAN REICH and THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC, with a view to settling in a satisfactory manner the position of persons in the Hultschin area disabled in the war, have resolved to enter into an Agreement on the subject and have for this purpose appointed as their plenipotentiaries :

THE GERMAN GOVERNMENT :

Landrat August WELLENKAMP, Geheimer Regierungsrat in Ratibor ;

THE CZECHOSLOVAK GOVERNMENT :

Josef ŠRÁMEK, Landespräsident in Troppau.

After communicating their full powers, found in good and due form, the plenipotentiaries agreed upon the following provisions :

Article 1.

All persons, including their families and surviving dependants, whose claim to assistance is based on disability sustained in military service after July 31, 1914, and who at the time of the coming into force of the Treaty of Peace of Versailles (January 10, 1920) were habitually resident in the territory of Hultschin (Articles 83 and 84), shall be regarded as persons entitled to assistance within the meaning of this Agreement.

Surviving dependants who have acquired Czechoslovak nationality by virtue of Articles 83 and 84 of the Treaty of Peace of Versailles shall be regarded as entitled to assistance, even if the person from whom they derive their claim was not a Czechoslovak national.

Article 2.

The obligation to provide assistance for the persons specified in paragraph 1 is transferred to the Czechoslovak Republic as from the beginning of the month following the coming into force of the Treaty of Peace, *i. e.* February 1, 1920. Such assistance shall be administered under the laws of the Czechoslovak Republic.

The obligation to provide assistance for persons entitled thereto who have exercised the right to opt conferred upon them by Article 85 of the Treaty of Peace is transferred, as from the date of the declaration of option, from the Czechoslovak Republic to the German Reich.

¹ Translated by the Secretariat of the League of Nations.

Article 3.

The Czechoslovak Government shall prepare forthwith, if this has not already been done, a list, giving the names and the number of the household card (Stammkarte) in each case of persons entitled to assistance in respect of whom the obligation to provide assistance is transferred in accordance with Article 2, and shall forward it to the competent pensions authorities through the Ratibor Assistance Bureau.

The German Government shall thereupon hand over to the Czechoslovak Government, if this has not already been done, all the papers in its possession relating to the persons in question.

Applications for assistance submitted prior to February 1, 1920, which are still before the German Assistance authorities shall be disposed of by these authorities, and shall then be transmitted to the district office in Hultschin for the relief of persons disabled in the war. The findings of the German authorities shall not be regarded as final and conclusive. The decision shall rest with the Czechoslovak authorities. Applications for assistance submitted after February 1, 1920, shall not be dealt with, but shall be handed over to the district office in Hultschin for the relief of persons disabled in the war. The same procedure shall be adopted in the case of such applications dealt with by the German authorities as give rise to difficulties (necessity of reporting in person to the German authorities; medical examination in a German hospital, etc.).

Article 4.

The Czechoslovak Government declares its willingness to pay in accordance with German legal regulations, if requested to do so by the German authorities, sums which have been admitted by the German Government to be due for a period previous to February 1, 1920 to persons entitled to assistance, but which have not yet been paid. In such cases the payments shall be made on account of the German Reich. The German Government undertakes to repay to the Czechoslovak Government the sums thus disbursed.

The Czechoslovak Government undertakes to refund to the German Reich at the rates and to the amount granted in the case of German nationals all sums, including money advanced, furlough allowances etc., paid by the German Government for the period from February 1, 1920, inclusive to beneficiaries in respect of whom the obligation to provide assistance is transferred to the Czechoslovak Republic as from the above date. The sums to be thus repaid for the period May 1, 1920, onwards shall, however, only be refunded at the rates at which assistance is given in similar cases in accordance with Czechoslovak pensions legislation and the amount shall be refunded at the full rate solely in cases in which payment was made by the German Government in the belief that the beneficiary in question was a German national.

The costs of administration strictly so called shall not be refunded.

The competent German authorities shall, if they have not already done so, inform the Czechoslovak Government (district office in Hultschin for the relief of persons disabled in the war) as soon as possible of payments in advance, payments of instalments, etc., made by them to beneficiaries in respect of whom the obligation to provide assistance is transferred to the Czechoslovak Republic.

Article 5.

The German Government shall at an early date notify the Czechoslovak Government (district office in Hultschin for the relief of persons disabled in the war) of all cases in which pensions and allowances for military service and for mutilation, extra allowances for service in the tropics and pensions and allowances for surviving dependants, and in which certificates entitling the holders to assistance or employment from the civil authorities and compensation given by the civil

authorities in the form of benefits which are still being paid have been compounded for a capitalised sum paid to persons entitled to assistance, and it shall give the amount of the sums in question and the accounts and full particulars relating to those sums.

The Czechoslovak Government undertakes to refund these capitalised sums to the German Reich. It shall be entitled, however, to deduct from each of the sums in question, but only for the period from the date of the payment of the capitalised sums to February 1, 1920, an amount representing the monthly payments on which these capitalised sums were reckoned. A sum amounting to 20 marks for each month of the above-mentioned period shall be deducted in cases in which certificates have been delivered entitling the holders to assistance or employment from the civil authorities, and in cases in which compensation given by the civil authorities in the form of benefits which are still being paid has been compounded for a single money payment.

The German Government undertakes to surrender to the Czechoslovak Government, or to any authority designated by it, the securities which have been entered in the land register or given in any other manner for the capitalised sums, as and when the latter are repaid.

Article 6.

Should any persons who have become Czechoslovak nationals under Articles 83 and 84 of the Treaty of Peace still be under treatment in German public hospitals, nursing homes, lunatic asylums and in orthopædic institutions, etc., the treatment shall be carried through in a suitable manner with the greatest possible despatch. The Czechoslovak Government shall refund to the German Reich the costs of the treatment for the period from February 1, 1920 onwards.

The German authorities shall at an early date notify the Czechoslovak Government (district office in Hultschin for the relief of persons disabled in the war) of all such cases and shall give particulars of the name, place of residence, date of admission to the institution, object of the treatment, probable duration and cost.

Further applications for admission to the above-mentioned institutions shall not be accepted by the German authorities, but shall be forwarded to the district office in Hultschin for the relief of persons disabled in the war.

The treatment of German nationals in similar Czechoslovak institutions in the Hultschin area shall be carried through in a similar manner at the cost of the German Government.

Article 7.

Wherever the present Agreement provides for the repayment of sums disbursed before the conclusion of this Agreement by one of the Contracting States, the settlement of accounts shall be effected as rapidly as possible after the conclusion of this Agreement. Counter-claims shall be set off at the rate of 100 marks = 100 Czechoslovak crowns. Any balance remaining after the accounts have been set off against each other shall be paid at once in the currency of the State to which the debt is owed.

Wherever this Agreement provides for the repayment of sums to be disbursed in the future, the accounts shall be paid monthly. Counter-claims shall be set off at the rate of exchange of the German mark and the Czechoslovak crown officially quoted on the Zurich Exchange on the 15th of the month in question. Any balance due by one of the two contracting States after the accounts have been set off shall be paid in the currency of the State to which the debt is due on the third week-day of the second month following the month for which the accounts are made up.

Article 8.

Both texts of this Agreement shall be authentic.

Article 9.

The present Agreement, which is drawn up in German and in Czechoslovak, shall be ratified, and the instruments of ratification shall be exchanged as soon as possible at Prague. The Agreement shall come into force on the date on which the instruments of ratification are exchanged.

In faith whereof the above-mentioned plenipotentiaries of the two Parties have signed this Agreement.

Done at Ratibor, April 12, 1922.

For the Czechoslovak Republic ;
JOSEF ŠRÁMEK.

For the German Reich :
AUGUST WELLENKAMP.

FINAL PROTOCOL.

On signing the Agreement the plenipotentiaries of the two States made the following declaration :

Paragraph 1, sub-paragraph 1.

The plenipotentiaries of the two Parties agree that the obligation to provide assistance for persons entitled thereto who do not come under the terms of paragraph 1 of this Agreement has already been taken over by the Czechoslovak Republic, and that such assistance will continue to be provided by it.

The persons in question entitled to assistance shall include :

- (a) Officers and professional non-commissioned officers not disabled in the war ;
- (b) Persons entitled to assistance whose claim goes back to a date before July 31, 1914 ; the families and surviving dependants of the above.

Paragraph 1, sub-paragraph 2.

The exceptional provisions of paragraph 1, sub-paragraph 2, apply (as is evident when this paragraph is read in conjunction with paragraph 1, sub-paragraph 1, and paragraph 2, sub-paragraph 1, second sentence), only to those surviving dependants who have become Czechoslovak nationals in the manner indicated in paragraph 1, sub-paragraph 1, of the Agreement, and who would be entitled to assistance under the Czechoslovak pension laws, but who were prevented from establishing their claims solely by the fact that the person from whom they derive their claim was a German national who had not acquired Czechoslovak citizenship in accordance with the Treaty of Peace of Versailles because his death occurred before the date of the coming into force of that treaty.

Paragraph 2.

The Czechoslovak Government shall endeavour as far as possible to remove any cases of hardship, apart altogether from those dealt with in paragraph 1, sub-paragraph 2, which may occur as a result of Czechoslovak laws being less favourable than the corresponding German laws.

The representative of the Czechoslovak Government points out that during the period from February 1, 1920, to May 1, 1920, assistance was provided in the ceded territory of Hultschin

for persons disabled in the war exclusively in accordance with German laws and regulations concerning assistance, but of course only by virtue of the Decree of the Czechoslovak Government of May 4, 1920 (No. 321, Collection of Laws and Decrees), regarding the conduct of the public administration (excluding the administration of justice) and the extension to the Hultschin area of the validity of Czechoslovak laws and decrees relating to the public administration of justice. The Czechoslovak Law of February 20, 1920 (No. 142, Collection of Laws and Decrees), regarding payments to persons disabled in the war came into force in the Hultschin district also on May 1, 1920.

This Final Protocol shall be read as an integral part of the Agreement.

RATIBOR, *April 12, 1922.*

For the Czechoslovak Republic:
JOSEF ŠRÁMEK.

For the German Reich:
AUGUST WELLENKAMP.