

N° 1126.

ROUMANIE
ET TCHÉCOSLOVAQUIE

Protocole relatif au régime des propriétés dans la zone-frontière, et déclaration, signés à Bucarest, le 16 avril 1925.

ROUMANIA
AND CZECHOSLOVAKIA

Protocol relating to the Regime to be Applied to Estates in the Frontier Zone, and Declaration, signed at Bucharest, April 16, 1925.

¹ TRADUCTION. — TRANSLATION.

No. 1126. — PROTOCOL² BETWEEN ROUMANIA AND CZECHOSLOVAKIA RELATING TO THE REGIME TO BE APPLIED TO ESTATES IN THE FRONTIER ZONE, AND DECLARATION, SIGNED AT BUCHAREST APRIL 16, 1925.

French official text communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations. The registration of this Protocol took place March 19, 1926.

The undersigned, M. Zdeněk FIERLINGER, Minister Plenipotentiary and Envoy Extraordinary of the Czechoslovak Republic at Bucharest, and Dr. Karel POLÁK, Ministerial Counsellor in the Ministry of the Interior, Prague, representing the Czechoslovak Government, of the one part, and the undersigned, M. I. G. DUCA, Minister for Foreign Affairs, representing the Royal Roumanian Government, of the other part, being desirous of supplementing, in conformity with Article 13 of the Annex to the Commercial Convention³ concluded between the two States on April 23, 1921, the provisions regarding traffic in the frontier zone, of securing for their respective nationals the rights of ownership over their estates situated therein and of facilitating the exploitation of these estates, after having exchanged their full powers found in good and due form, have agreed upon the following provisions :

Article 1.

All the provisions concerning traffic in the frontier zone contained in the Commercial Convention of April 23, 1921, and particularly the provisions in Annexes C and D of this Convention, shall remain wholly in force and shall be supplemented by the provisions of the present Protocol.

Article 2.

The nationals of each Contracting Party and also legal persons domiciled in the frontier zone shall reciprocally be granted treatment in accordance with the most liberal principles as regards the crossing of the frontier and the exploitation of their estates situated in the frontier zone and the transport of products gathered on these estates.

Persons farming these estates shall be accorded the same facilities as the proprietors thereof.

Article 3.

The provisions of the present Protocol shall not in any way affect the provisions of the agrarian legislation in force in the two countries.

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 Bucharest, January 15, 1926.

³ Vol. XV. page 235 of this Series.

In order, however, to assist small estates situated in the frontier zone, the two Governments agree to fix the maximum area to be exempt from the application of the agrarian laws at 25 hectares for arable land, meadows, gardens, vegetable gardens, orchards and vineyards, that is to say, all land used for agriculture, and at 50 hectares for forests, pasture land and ponds.

The property of legal persons (that is to say, communal, urban, or joint-estates) shall be wholly exempt from the incidence of the said agrarian laws.

Article 4.

Only the present proprietors and their lawful heirs may enjoy the right of ownership over immovable property situated in the frontier zone.

Article 5.

Inhabitants of the frontier zone in general shall be entitled to cross the frontier if they are in possession of a certificate, and landowners and tenant farmers and persons engaged in agricultural work if they possess a frontier card.

Article 6.

As regards certificates for crossing the frontier, the following rules shall be observed :

(1) The certificates shall be issued by the competent authorities of the country in which the future holder resides and shall not be valid until they have been viséd by the corresponding authority in the other country.

In cases of extreme urgency (death, serious illness, etc.) the visa may be dispensed with.

(2) The certificates shall be drawn up in the languages of the two countries and in accordance with Form No. 1 annexed to the present Protocol.

(3) No individual certificate for crossing the frontier shall be required in the case of children under twelve years of age provided they are included in the certificate of the persons who accompany them.

(4) The period of validity, the length of the stay, the point at which the frontier is to be crossed, the place of destination and the purpose for which the frontier is crossed shall be stated on the certificate.

(5) Certificates issued for a stay exceeding five days shall be provided with the photographs of the holders.

(6) The issue of certificates for crossing the frontier shall be left to the discretion of the competent authorities of the two countries who shall judge of the necessity for such issue.

Article 7.

Special measures may be taken and exceptional facilities may be granted for crossing the frontier to persons travelling in groups, for excursions, processions, visits, festivals, etc.

Similarly, the frontier authorities of the two countries may grant exemption from all frontier formalities in the case of floods or other disasters. In particular, fire brigades shall, in case of fire, be free to cross the frontier without any restrictions.

Article 8.

Frontier cards for the owners and farmers of land in the frontier zone shall be issued in the following manner :

The competent authorities of the two countries shall, in conformity with the information and data they possess, draw up for each commune lists of the owners and farmers of land situated in the frontier zone.

These lists shall contain the information shown in Form No. 2 attached as an Annex to this Protocol.

These lists shall be exchanged between the competent authorities of the two countries for verification and completion in accordance with the information and data possessed by the competent authorities of the other country.

Thereupon the lists shall be countersigned and returned through the same channel to the authorities which drew them up, to be used as a basis for the issue of frontier cards.

The authorities of each country shall file as many copies of these lists as they may consider necessary for their purpose.

On the basis of these lists the competent authorities of the two countries shall issue individual frontier cards in accordance with Form No. 3 attached to the present Protocol as an Annex.

These cards shall contain precisely the same information as the lists which have been verified and countersigned by the authorities of the two countries and, except in the case of children under twelve years of age, the cards shall bear the photograph of the holder and of the persons mentioned therein.

The cards shall also bear the necessary visas to enable them to be recognised as valid by the supervisory authorities. The visas shall be obtained through direct administrative channels.

The authorities of one Party shall notify the authorities of the other Party concerning any rectifications in the lists or any refusal to visa the cards, with a statement of the reasons and such explanations as may be necessary.

The lists and individual cards shall be drawn up in the languages of the two countries in strict accordance with the forms attached to the present Protocol. They shall be renewed or viséd each year according to circumstances by the authorities of the two countries.

All formalities must be carried out during December and January in order that the future holders of the individual cards may obtain them by February 15 at the latest.

No charge shall be made by the competent authorities of the two countries for visaing the lists and cards.

Any change in the situation of the persons or property entered on the lists and cards occurring in the course of the year shall be communicated without delay through the usual channels to the competent authorities of the other State.

Any prohibition to cross the frontier shall also be communicated together with a statement of the reasons for such prohibition.

Article 9.

Landowners shall be entitled to engage on their own responsibility, in addition to the persons referred to in their frontier cards, other workers for work to be carried out on their property, on condition that the workmen be provided with certificates bearing their photographs issued by the competent authorities of the two countries.

The above provision shall also apply to shepherds.

Article 10.

Landowners and farmers, as also legal persons possessing land in the frontier zone shall be authorised, provided they conform to the regulations in force in the country in which the land

is situated, to maintain guards who shall in the exercise of their duties receive the assistance of the competent local authorities.

Article 11.

The frontier shall be crossed at the nearest and most convenient points, even if these are situated outside the ordinary Customs routes. In all cases the Customs regulations in force shall be observed.

The supervision of persons crossing the frontier shall be exercised in conformity with the regulations existing in the two countries, but in every case as expeditiously as possible, taking into account the interests of the persons crossing the frontier.

The two Governments shall communicate to each other lists of the points fixed for crossing the frontier and any changes which may subsequently be made, and they shall take all necessary steps to ensure that their respective officials shall exercise supervision simultaneously and at the same points.

The frontier may only be crossed at the point indicated on the card or certificate.

The country must always be left at the point at which it was entered unless the card or certificate expressly mentions another point.

The points at which the frontier may be crossed shall be continuously open to traffic throughout the day, but only between the times of sunrise and sunset as fixed by the calendar. The same rule shall apply to the bridges over the Tisza wherever this river forms the frontier between the two States.

Persons crossing the frontier zone may also cross by railway provided they do not proceed beyond the zone.

Article 12.

It is understood that landowners and farmers holding frontier cards issued in conformity with Article 8 are only entitled to proceed to their property and to carry out the work necessary for its exploitation.

They may not on the strength of being holders of frontier cards leave their property except on business connected with that property, and even so they may only journey to the commune in which their property is situated or to the commune in which they pay their taxes.

This provision, however, shall not affect the right of landowners and farmers to obtain, in the same manner as the other inhabitants of frontier districts, certificates for crossing the frontier under the conditions laid down in respect of such inhabitants.

Article 13.

The authorities competent for issuing and visaing frontier certificates and cards in Roumania shall be the prefects and sub-prefects (prefecți, primpretori și pretori) and in Czechoslovakia the administrative authorities of first instance and notarial officials (notářský úřad) duly authorised by the administrative authorities in question.

The two Governments shall inform each other of any change they may subsequently make in these arrangements.

Article 14.

Apart from the articles and products specifically mentioned in Annex C of the Commercial Convention of April 23, 1921, the two Governments agree to exempt from all Customs or other duties or taxes of any kind both on entering and leaving the country, the following articles and products :

1. The food and fodder necessary for men and animals for the duration of the work ; 2. Manure ; 3. Grapes and marc, as also fruit and in general all the seasonal products of the soil ; 4. Forest products, such as fuel, cut-wood, young trees, acorns and foliage for the personal use of small landowners ; 5. Sand, gravel and stones for the personal use of their owners.

It is understood that all the above must be products derived from land, forests or quarries situated in the frontier zone.

The exploitation of the forests must be carried on in conformity with the legislation relative thereto in force in each country.

Article 15.

Taxes levied in any form or under any designation on estates of the category referred to in this Protocol and in Annex C to the Commercial Convention of April 23, 1921, shall not be higher in either country than the taxes levied on other similar estates.

Moreover, the Contracting Parties undertake to exempt — except in war-time — from all prohibitions, requisitions or other exceptional charges the farmers' stock, implements, etc., and produce gathered on the estates situated in the frontier zone.

Article 16.

The inhabitants of the frontier zone shall be entitled to draw drinking water, for their own use and for the use of their live stock, from wells, cisterns, fountains and springs situated near the frontier, without hindrance on the part of the frontier guards of the two countries.

Article 17.

With regard to the carrying of money, persons benefiting under this Protocol shall observe the provisions in force in the two countries respectively.

Article 18.

The facilities accorded under this Protocol shall not in any way affect the right of each of the two Governments to take any measures it may consider necessary in the interests of public security.

In particular, the two Governments reserve the right to forbid access to their territory to the following persons, even if such persons fulfil the requirements laid down in this Protocol :

- (1) Smugglers who have been convicted more than once ;
- (2) Persons who have been sentenced for murder, robbery, larceny, arson ;
- (3) Persons sentenced for political crimes ;
- (4) Persons who have been convicted more than once for contraventions of the provisions of this Protocol.

Article 19.

Any infringement of the provisions of the present Protocol shall be punished in conformity with the respective laws of the two countries.

Article 20.

The present Protocol shall be ratified and the instruments of ratification shall be exchanged at Bucharest as soon as possible.

The present Protocol shall come into force on the date of its ratification and shall continue to be binding for a period of three months after its denunciation by either of the Contracting Parties.

It shall, however, come provisionally into force as soon as it has been signed by the Plenipotentiaries of the two Governments in respect of all of its provisions which are not contrary to the organic laws of the two countries.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Protocol.

Done at Bucharest in duplicate on April 16, 1925.

(Signed) ZD. FIERLINGER.

(Signed) I. G. DUCA.

(Signed) D^r KAREL POLÁK.

Form No. 1.

CERTIFICATE FOR THE CROSSING OF THE FRONTIER.

The undersigned authorities certify that

..... (name, domicile and profession) is authorised to cross the Roumanian-Czechoslovak frontier.

- Duration of validity
- Point at which frontier may be crossed
- Destination
- Purpose for which the frontier will be crossed
- This permit entitles the holder to remain days.

Signature :

Photograph

Description :

- Age :
- Height :
- Eyes :
- Hair :
- Special characteristics :
- Date

Signature of the Authority :

LIST

Form No. 2.

of the inhabitants of the commune of possessing immovable property
in

No.	Surname and Christian name	Date and year of birth	Profession	Immovable property				Points at which the frontier may be crossed	Persons accompanying the holder		Agricultural implements and stock		Approximate quantity of annual produce
				Description of immovable property	Area	Where situated	Cadastral number		Members of holder's family	Staff	Machinery and implements	Livestock	

Date and place at which
the list is issued.

Signature of the person
who has drawn up the list.

Page 1.

Form No. 3.

Name of competent authority.
Number and date.

Valid for the year 192...

FRONTIER CARD.

For
of
owning arpents (hectares) of land situated in the commune
of which the above-mentioned holder intends to exploit
with the assistance of the following members of his family and workmen :.....
.....
.....

Valid as from March 1, 192... to March 1, 192...

Issued on 192...

Signature :

Page 2.

Visa of the authorities of the other country

Prolongation

Photographs :
.....

Page 3.

The owner and other persons entered on the card must produce the card whenever they cross the frontier.

This card entitles them to cross the frontier by the following routes for the purpose of exploiting their immovable property :

.....
.....
The frontier may be crossed daily between sunrise and sunset.

Page 4.

DESCRIPTION OF THE CULTIVATED LAND.

1.	Arpents of wheat.
2.	» of barley.
3.	» of maize.
4.	» of oats.
5.	» of beans.
6.	» of potatoes.
7.	» of clover.
8.	» of hay.
9.	» of beetroot.
10.	» of forest land.

Etc.

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APPROXIMATE ANNUAL HARVEST.

1.	Wheat	kilogs
2.	Barley	»
3.	Maize	»

Etc.

Page 6.

DESCRIPTION OF VEHICLES AND IMPLEMENTS.

1. Carts	
2. Ploughs	
3. Sowers	
4. Scythes	
5. Forks	
6. Sickles	
7. Spades	
8. Vine-sprayers	
	Etc.

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DESCRIPTION OF ANIMALS.

1. Horses	(detailed description)
2. Mares	»	»
3. Oxen	»	»
4. Cows	»	»
5. Calves	»	»
6. Sheep (ewes)	»	»
7. Rams	»	»
8. Bulls	»	»
9. Stallions	»	»
		Etc.

At the moment of signing the Protocol relative to the regime to be applied to estates in the frontier zone, the Plenipotentiaries of the two Contracting Parties have agreed to make the following declaration :

For the more equitable application of Article 3 of the Protocol, the two Governments undertake, as regards the estates in question, to restore as far as possible the situation as it existed before the delimitation of the frontier line, and when restitution is impossible, to make over to the small peasant proprietors land equal in value to that which they have lost.

It is also understood that as regards the provisions of Article 4 of the Protocol and of the right to dispose freely of property in general, the two Governments undertake to give the most liberal application possible to these principles and the most favourable consideration to any concrete cases which may arise.

BUCHAREST, *April* 16, 1925.

(Signed) I. G. DUCA.

(Signed) ZD. FIERLINGER.

(Signed) Dr. KAREL POLÁK.