

N° 346.

ALLEMAGNE ET PAYS-BAS

Traité au sujet de l'exhaussement de l'ancienne embouchure du Rhin près de Lobith, signé à Berlin le 29 août 1918, avec Protocole additionnel, signé à Berlin le 5 juillet 1921.

**GERMANY
AND THE NETHERLANDS**

Treaty regarding the raising of the former mouth of the Rhine near Lobith, signed at Berlin, August 29, 1918, with Additional Protocol, signed at Berlin, July 5, 1921.

TEXTE ALLEMAND. — GERMAN TEXT.

No. 346. — STAATSVERTRAG¹ ZWISCHEN DEM KÖNIGREICH DER NIEDERLANDE UND DEM DEUTSCHEN REICH ÜBER DIE ERHÖHUNG DER EHEMALIGEN MÜNDUNG DES ALTEN RHEINS BEI LOBITH, GEZEICHNET IN BERLIN DEN 29. AUGUST 1918, MIT ZUSATZPROTOKOLL GEZEICHNET IN BERLIN, DEN 5. JULI 1921.

Textes officiels allemand et néerlandais communiqués par le Ministre des Pays-Bas à Berne. L'enregistrement de ce Traité a eu lieu le 9 octobre 1922.

IHRE MAJESTÄT DIE KÖNIGIN DER NIEDERLANDE einerseits und SEINE MAJESTÄT DER DEUTSCHE KAISER, KÖNIG VON PREUSSEN, im Namen des Deutschen Reichs, das hierbei das Königreich Preussen auf dessen Antrag vertritt, andererseits, von dem Wunsche geleitet, die Wasserverhältnisse des Rheins zu verbessern, sind übereingekommen, die in dem Grenz-Traktat² vom 7. Oktober 1816 enthaltenen Bestimmungen über die ehemalige Mündung des alten Rheins bei Lobith abzuändern, und haben zu diesem Zwecke zu Bevollmächtigten ernannt :

IHRE MAJESTÄT DIE KÖNIGIN DER NIEDERLANDE :

Allerhöchstihren ausserordentlichen Gesandten und bevollmächtigten Minister

¹ L'échange des ratifications a eu lieu à Berlin, le 28 août 1922.

² De Martens, Nouveau Recueil de Traités, tome III, page 45.

TEXTE NÉERLANDAIS. — DUTCH TEXT.

No. 346. — VERDRAG¹ TUSSCHEN HET KONINKRIJK DER NEDERLANDEN EN HET DUITSCHE RIJK BETREFFENDE DE OPHOOGING VAN DEN OUDEN RIJNMOND BIJ LOBITH, GETEEKEND TE BERLIJN DEN 29 AUGUSTUS 1918 MET ADDITIONEEL PROTOCOL GETEEKEND TE BERLIJN DEN 5 JULI 1921.

Official German and Dutch texts communicated by the Netherlands Minister at Berne. The registration of this Treaty took place October 9, 1922.

HARE MAJESTEIT DE KONINGIN DER NEDERLANDEN eenerzijds en ZIJNE MAJESTEIT DE DUITSCHE KEIZER, KONING VAN PRUISEN, namens het Duitsche Rijk, dat ten deze het Koninkrijk Pruisen ingevolge deszelfs opdracht vertegenwoordigt, anderzijds, geleid door den wensch om de afstroming van den Rijn te verbeteren, zijn overeengekomen de in het Grenstractaat² van 7 October 1816 voorkomende bepalingen over den Ouden Rijnmond bij Lobith te wijzigen, en hebben te dien einde tot gevolmachtigden benoemd :

HARE MAJESTEIT DE KONINGIN DER NEDERLANDEN :

Den Heer W. A. F. Baron GEVERS, Hoogst Derzelve Buitengewoon Gezant

¹ The exchange of ratifications took place at Berlin, August 28, 1922.

² British and Foreign State Papers, Vol. 3, page 736.

¹ TRANSLATION.

No. 346. — TREATY BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE GERMAN REICH REGARDING THE RAISING OF THE FORMER MOUTH OF THE OLD RHINE NEAR LOBITH, SIGNED AT BERLIN, AUGUST 29, 1918, TOGETHER WITH ADDITIONAL PROTOCOL, SIGNED AT BERLIN JULY 5, 1921.

HER MAJESTY THE QUEEN OF THE NETHERLANDS, of the one part, and HIS MAJESTY THE GERMAN EMPEROR, KING OF PRUSSIA, in the name of the German Empire which, for the present purpose, represents the Kingdom of Prussia at its request, of the other part, being desirous of improving the hydraulic system of the Rhine, have agreed to alter the provisions regarding the former mouth of the Old Rhine near Lobith, contained in the Frontier Treaty of October 7, 1816, and for this purpose have appointed as their Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

His Excellency Baron W. A. F. GEVERS, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Berlin, and

HIS MAJESTY THE GERMAN EMPEROR, KING OF PRUSSIA :

His Excellency M. Paul VON HINTZE, His Majesty's Secretary of State for Foreign Affairs,

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

Article 1.

The Royal Netherlands Government shall have the right to bank up the mouth of the Old Rhine near Lobith above high-water mark.

Article 2.

All works undertaken upon the territory of the Netherlands for the purpose of the total or partial closing of the mouth of the Old Rhine shall be carried out by the Royal Netherlands Government at its own discretion and expense.

Article 3.

The Royal Netherlands Government shall undertake to raise the mouth of the Old Rhine (Ouden Rijnmond) within two years of the date of ratification of this Treaty in such a way that the waters of the Rhine at levels not above 15 metres above the New Amsterdam water mark (N. A. P.) in the centre of the mouth of the Old Rhine, *i. e.* at about 6 metres above the water

¹ Translated by the Secretariat of the League of Nations.

mark at Emmerich, shall not be able to flow out through the Old Rhine Channel. The banking up above the high water mark shall not be commenced until at least five years after the ratification of this Treaty.

Article 4.

When the Bimmen Dyke in the Kingdom of Prussia is moved further back, the Royal Netherlands Government shall, contrary to the provisions of Article 11 of the Frontier Treaty of October 7, 1816, contribute a third of the expenditure involved thereby, to an amount however not exceeding 100,000 marks. Remittances shall be paid as the work progresses, at the request of the Royal Prussian Minister for Agriculture, Domains and Forests to an authority appointed by him; with the exception of the final instalment, each sum paid shall not be less than 20,000 marks.

Article 5.

Neither State shall be called upon to contribute to the maintenance of work executed on the territory of the other State in pursuance of this Treaty.

Article 6.

Upon the completion of the raising operations referred to in paragraph 3, the provisions contained in Articles 17 and 19 of the Frontier Treaty of October 7, 1816, shall cease to have effect. The other provisions of the said Frontier Treaty shall not be affected by the present Treaty.

Article 7.

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

In witness whereof the Plenipotentiaries have signed the present Treaty and have thereunto affixed their seals.

Done in duplicate at Berlin, on August 29, 1918.

(L. S.) GEVERS.

(L. S.) v. HINTZE.

ADDITIONAL PROTOCOL TO THE TREATY CONCLUDED ON AUGUST 29, 1918,
BETWEEN THE NETHERLANDS AND GERMANY REGARDING THE RAISING OF
THE MOUTH OF THE OLD RHINE NEAR LOBITH.

The NETHERLANDS GOVERNMENT and the GERMAN GOVERNMENT having for this purpose appointed as their Plenipotentiaries,

THE NETHERLANDS GOVERNMENT :

Baron W. A. F. GEVERS, Envoy Extraordinary and Minister Plenipotentiary at Berlin
of Her Majesty, the Queen of the Netherlands ;

THE GERMAN GOVERNMENT :

Dr. Ernst VON SIMSON, Privy Councillor and Head of a Department in the Ministry for
Foreign Affairs ;

have agreed to adopt for Article 4 of the Treaty between Holland and Germany of August 29, 1918, regarding the raising of the mouth of the Old Rhine near Lobith the following text :

Article 4.

When the Bimmen Dyke in the Kingdom of Prussia is moved back, the Netherlands Government shall, contrary to the provisions of Article 11 of the Frontier Treaty of October 7, 1816, contribute a sum of 2,000,000 marks towards the expenditure involved thereby, and shall at the request of the Prussian Minister for Agriculture Domains and Forests pay this sum, in instalments as the work progresses, to any authority appointed by him. With the exception of the final instalment however, each sum paid shall not be less than 200,000 marks.

BERLIN, *July 5, 1921.*

GEVERS.
v. SIMSON.