

N° 245.

ALLEMAGNE ET POLOGNE

Convention au sujet du règlement provisoire des questions ayant rapport aux fonctionnaires, signée à Berlin le 9 novembre 1919 et Convention additionnelle signée à Paris le 9 janvier 1920.

GERMANY AND POLAND

Convention for the provisional settlement of questions relating to officials, signed at Berlin, November 9, 1919 and supplementary Convention, signed at Paris, January 9, 1920.

¹ TRANSLATION.

No. 245. — CONVENTION BETWEEN GERMANY AND POLAND FOR THE PROVISIONAL SETTLEMENT OF QUESTIONS RELATING TO OFFICIALS, SIGNED AT BERLIN NOVEMBER 9, 1919, AND SUPPLEMENTARY CONVENTION, SIGNED AT PARIS, NOVEMBER 9, 1920.

The GERMAN GOVERNMENT and the POLISH GOVERNMENT, being desirous of avoiding, as far as possible, too abrupt a transition in the administration of justice in the territories which are to be ceded by Germany to Poland under the Treaty of Peace,

Have decided to conclude agreements concerning the provisional retention of German officials in the posts they have hitherto occupied in the ceded territories, and have appointed the following plenipotentiaries for this purpose :

THE GERMAN GOVERNMENT :

Herr Ernst VON SIMSON, Ministerial Direktor (Head of a Department of the Ministry), Wirklicher Geheimer Legationsrat, and

Dr. Edgar LOEHR, Privy Councillor and Reporting Councillor (Vortragender Rat) ;

THE POLISH GOVERNMENT :

Dr. Wladislaw VON WROBLEWSKI, Under-Secretary of State, and

Dr. Zygmunt SEYDA, Under-Secretary of State.

The Plenipotentiaries, having exchanged their full powers, found in good and due form, agreed to the following provisions :

Article 1.

It is agreed by Germany that, in addition to the confidential agents already authorized, confidential agents invested with the same powers be attached to the Heads of the following Departments :

Central Postal Administration at Bromberg,
Central Postal Administration at Danzig,
Railway Administration at Bromberg,
Railway Administration at Danzig,
Water Board at Bromberg,
Water Board at Danzig,
Central Customs Administration at Bromberg,
Central Customs Administration at Danzig,
Central Customs Office at Lissa,
Stud-farm at Stargard,
Education Department of the Government at Bromberg,
Education Department of the Government at Danzig,
Provincial Teaching Staff at Danzig,

¹ Translated by the Secretariat of the League of Nations.

Education Department of the Government at Marienwerder,
Office of the District Council at Kempen,
Office of the District Council at Ravitsch,
Office of the District Council at Lissa,
Office of the District Council at Birnbaum,
Office of the District Council at Wirsitz,
Office of the District Council at Kolmar,
Government Office and Office of the District Council at Bromberg,
Central Pay-Office at Bromberg,
Provincial Court at Bromberg,
Provincial Court of Appeal at Marienwerder,
Lower Court at Soldau,
Provincial Court at Lissa,
Lower Court at Namslau,
Lower Court at Gross Wartenberg.

The right is reserved to appoint such confidential agents to be attached also to the Heads of other Departments within the ceded territory.

The Polish Government shall, at the desire of the German Government, replace by another suitable person, should occasion arise, any confidential agent who had previously been accepted.

Article 2.

After the coming into force of the Treaty of Peace the transfer of the Administration of the ceded territories to the Polish Government shall be effected by degrees in accordance with the progress made in military evacuation of these territories by the one party and their occupation by the other.

Article 3.

The German Government will make every effort to ensure that German officials who were serving in the ceded territories on October 15, 1919, should, in order to ensure continuity in the conduct of official business, continue to discharge their official duties for a period of two months after that date. This period shall be reckoned as from the last day of the month in which the Treaty of Peace comes into force as far as it concerns Germany and Poland.

The Polish Government reserves the right to dispense with the services of individual German officials.

All the German Government offices concerned shall establish, in the ceded territories, offices for the transfer of the Administration, which shall deal with the transaction of current business and the transfer of state property, and shall organise the transition to the new conditions. These offices shall, as far as possible, secure the uniform organisation and co-ordination of the special regulations to be drawn up by agreement between the German and the Polish Government.

Article 4.

The employment of German officials in the Polish service beyond the period fixed in § 1 of Article 3 shall be regulated by special agreement. Negotiations pending with regard to this matter shall be terminated forthwith.

Article 5.

The Polish Government declares that it waives the right conceded to it under § 4 of Article 92, Article 297 and the Annex to Article 298 of the Treaty of Peace, of retaining or liquidating German

property, rights and interests, in so far as such property, rights and interests belonged on October 1, 1919, to German officials who, in accordance with § 1 of Article 3 of the present Agreement, remain in office in the ceded territories, and whose services the Polish Government does not immediately dispense with. The wives of such officials and those members of their family and personnel who, on October 15, 1919, were members of their household, shall enjoy the same rights as these officials.

The Polish Government waives the right referred to in § 1 as regards all other officials, as well as pensioned officials, officials on half-pay, the widows and children under age of deceased officials in so far as the movable property of these persons is concerned.

In cases where the Polish Government exercises the right appertaining to it under § 2 of liquidating immovable property, it will invite the owner to sell by private treaty, within a fixed period of not less than a year, the property which is to be liquidated, subject to the laws in force in the ceded territories and binding also for Polish nationals.

The German officials who are leaving the ceded territories shall be granted a period of three months for their removal, subject to any provisions of the Treaty of Peace allowing a longer period. This period shall begin with the coming into force of the present Agreement or, in the case of German officials entering the service of the Polish Administration, on the date on which their employment in that service terminates. This period shall in no case exceed five months from the day on which the Treaty of Peace comes into force.

Persons leaving the ceded territories shall enjoy the right to remove their movable property provided for in § 8 of Article 91 of the Treaty of Peace. In removing such property from the ceded territories they shall be subject to the Polish export prohibitions only in so far as live-stock and agricultural machinery are concerned, and such foodstuffs as exceed the requirements of their own household for a period of four weeks.

Article 6.

During the period of service provided for in the present Agreement, the German officials shall be subject exclusively to German taxation.

Article 7.

The German officials who, with the consent of the German Government, are serving in Poland shall be considered as being seconded, and shall remain under the jurisdiction of their official superiors. Such officials shall not be obliged to take the oath taken by Polish Government officials, but shall merely furnish a written declaration that they undertake to fulfil conscientiously all the duties devolving upon them in the course of their employment in the Polish administration.

The Polish Authorities may demand that German officials be relieved of their duties, by applying to the German Transfer Offices, provided for in Article 3 of the present Agreement.

In making use of the services of these officials, the Polish Authorities shall avoid everything which, in view of existing circumstances, is incompatible with their national sentiments or contrary to their sense of duty as German officials. In case of dispute, the German Transfer Offices shall, on application by the officials, act as mediators between the latter and the Authorities.

Article 8.

German officials shall not be subject to the jurisdiction of special Courts martial. Should it be necessary to bring them before a special civil Court, the case shall, at the request of the Transfer Offices, be dealt with by ordinary procedure, if the offence is not punishable by imprisonment for a period exceeding three months or a fine exceeding three thousand marks. Before pronouncing sentence in such cases, the special Court shall give the Transfer Office an opportunity of submitting a request for the application of the ordinary procedure.

Article 9.

The German officials shall enjoy the full protection of the Polish Government.

Article 10.

During their period of service with the Polish Administration, German officials shall draw in Polish marks the salaries due to them in accordance with German regulations, provided that the salaries laid down by Polish regulations are not higher in Polish currency; the difference in the exchange shall not be taken into account. These officials shall be placed on the same footing as the officials who are able to speak and write Polish. The two Administrations, in conjunction with the Transfer Offices and the Officials' Committees shall decide as to grading and salary of these officials.

The Polish Government shall pay an allowance of 25 % of their salary to officials whose families have left the ceded territories, and who, therefore, have to keep up a double establishment. The payment of salaries provided for under § 1 and 2 shall be made by the Polish Treasury in advance, monthly or quarterly, according to the regulations applicable in each individual case.

Article 11.

The Polish Government shall indemnify, to the full amount of damage estimated at the time, German officials in the Polish service, as well as members of their families or households, for all injuries to property, rights, life, limb, or health, which result from or, since the occupation of the ceded territory, have resulted from, riots or disturbances, in consequence of open violence or of legal measures taken to repress it. The right to compensation and the amount of damages shall be determined by the Prussian law in force when the present Agreement comes into effect.

Article 12.

In so far as, according to German law, there is any State liability for accidents to officials, Poland shall take the place of the German Reich or of Prussia so long as the German officials remain in the service of Poland.

Article 13.

German officials who, owing to the termination of their appointments, leave their place of residence within the time allowed for withdrawal in Article 5, § 4, shall have the right to give up on two week's notice any dwelling leased by them.

Article 14.

The provisions of the present Agreement apply equally to clergymen, ministers of religion, church officials, public-school teachers, subordinate State officials and employees of the Reich, State and Municipal Authorities.

Article 15.

The German officials shall suffer no disadvantages owing to ignorance of the Polish language or insufficient knowledge of that language for the discharge of their duties.

Article 16.

With regard to the administration of law and justice, the following special provisions shall apply :

The period for continuance in office laid down in Article 3, § 1, comes to an end in the case of judicial officials in the territory now occupied by the Polish Authorities on March 31, 1920, at latest. In territory as yet unoccupied, but falling to Poland under the Treaty of Peace, the period of office comes to an end on military evacuation and occupation by Poland, provided the evacuation and occupation take place after March 31, 1920 ; otherwise it ends on that date.

During the period of transition it is understood, with regard to judicial organisations and jurisdiction, that the Treaty of Peace shall not come into force before January 1, 1920. In so far as the Reich Court is competent to try and decide criminal cases in the first instance, it shall be replaced by the competent Local Court of Assize, whose decision shall be subject to appeal. During the period of transition, the Courts shall issue judgments in virtue of the present Agreement.

All Statutes and Decrees affecting substantive law and procedure shall remain in force, in so far as they are not altered by Polish Statutes and Decrees. The latter, together with all other Polish Statutes and Decrees enacted for the occupied territory, shall be extended to include the territory hitherto unoccupied. As regards legal procedure in respect of appeals, offences against Polish laws shall be treated in the same way as offences against laws of the German Reich.

Prussian judicial officials who remain in office in the ceded territory shall be subject to the supervision of the Prussian Administration of Justice, which shall act in agreement with the Polish Administration of Justice.

In so far as no contrary provision is contained in this article, the provisions of the present Agreement, specially those regarding exemption from liquidation, shall apply to judicial officials.

Article 17.

This Agreement shall be ratified and the ratifications shall be exchanged at Berlin as soon as possible.

The Agreement shall come into force simultaneously with the Treaty of Peace.

In faith whereof the Plenipotentiaries have signed this Agreement and affixed their seals thereto.

Done in duplicate at Berlin on November 9, 1919.

(Signed) von SIMSON.
LOEHRS.

(Signed) Dr. von WROBLEWSKI.
Dr. ZYGMUNT SEYDA.

FINAL PROTOCOL.

The undersigned Plenipotentiaries of the GERMAN GOVERNMENT and of the POLISH GOVERNMENT, viz. :

FOR THE GERMAN GOVERNMENT :

Herr Ernst VON SIMSON, Ministerial Director (Head of a Department of the Ministry), Wirklicher Geheimer Legationsrat (Councillor of Legation), and

Herr Dr. Edgar LOEHRS, Privy Councillor and Reporting Councillor (Vortragender Rat);

FOR THE POLISH GOVERNMENT :

Herr Dr. Wladyslaw WROBLEWSKI, Under-Secretary of State, and

Herr Dr. Zygmunt SEYDA, Under-Secretary of State ;

On signing the Agreement regarding the provisional retention in their offices of the German officials in the ceded territories, make the following declarations :

(1) Both parties are agreed that the question of the rights of the persons specified in Article 14 and the conditions of their employment shall in the near future be considered by special negotiations.

(2) In view of the apparent anxiety existing among German officials in the ceded territories the Polish Government expressly undertakes that under no circumstances will Poland intern such officials or infringe their personal freedom by any other administrative means.

(3) The German officials in office in the territory already occupied by Poland shall receive salaries on the scale laid down in Article 10, § 1, Section 1 of the Treaty of October 1, 1919. Officials who are not yet in receipt of salaries of this amount shall at once be paid the difference for the period from October 1 to December 31, 1919. The difference, for the period from April 1 to October 1, 1919, between the German and Prussian salaries, on the one hand, and the higher Polish salaries on the other, shall be paid to the officials in two instalments, the first on January 15, 1920, and the second on April 15, 1920, provided that the officials are on those dates still in the Polish service. Article 10, § 2, of the Agreement comes into force at the same time as the Agreement itself.

(4) The rights specified in §§ 4 and 5 of Article 5 of the Agreement shall be accorded to the wives of the officials, to the members of officials' families included in the households on October 15, 1919, and to persons belonging to their household staff at that date.

This Protocol shall, without special confirmation, be considered as approved by both Governments as from the exchange of ratifications of the Agreement.

In faith whereof the Plenipotentiaries of both parties have signed this Protocol and affixed their seals thereto.

Done in duplicate at Berlin on November 9, 1919.

(Signed) VON SIMSON.

(Signed) LOEHRS.

(Signed) Dr. VON WROBLEWSKI.

(Signed) Dr. ZYGMUNT SEYDA.

CONVENTION ADDITIONNELLE ²

à l'arrangement allemand-polonais concernant la continuation des services des fonctionnaires allemands.

Le GOUVERNEMENT ALLEMAND et le GOUVERNEMENT POLONAIS ont convenu de faire une stipulation supplémentaire à l'Arrangement allemand-polonais concernant la continuation des services des fonctionnaires allemands sur les territoires cédés à la Pologne, et ont à cet effet nommé comme leurs plénipotentiaires :

Le GOUVERNEMENT ALLEMAND :

M. Ernst VON SIMSON, Directeur au Ministère des Affaires étrangères ;

Le GOUVERNEMENT POLONAIS :

M. Léon Janta POLCZYNSKI, Sous-Secrétaire d'Etat ;

M. le Général T. DE ROZWADOWSKI ;

M. l'Amiral Kazimierz POREBSKI ;

M. Kazimierz OLSZOWSKI, Directeur du Département au Ministère des Affaires étrangères.

Les plénipotentiaires, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, ont convenu des dispositions suivantes :

Article unique.

L'article 17 de l'arrangement sera modifié par la stipulation que l'arrangement entrera en vigueur dans le même temps que le Traité de Paix de Versailles.

Fait en double à Paris, le 9 janvier 1920.

VON SIMSON.

LÉON JANTA POLCZYNSKI.

Général T. DE ROZWADOWSKI.

KAZIMIERZ OLSZOWSKI.

KAZIMIERZ POREBSKI.

¹ TRADUCTION — TRANSLATIONSUPPLEMENTARY CONVENTION ²

to the German-Polish Agreement regarding the continued employment of German officials.

The GERMAN GOVERNMENT and the POLISH GOVERNMENT have agreed to add a supplementary provision to the German-Polish agreement regarding the continued employment of German officials in the territories ceded to Poland, and, for this purpose, have appointed the following as their plenipotentiaries :

The GERMAN GOVERNMENT :

M. Ernst VON SIMSON, Head of Department at the Ministry for Foreign Affairs ;

The POLISH GOVERNMENT :

M. Leon Janta POLCZYNSKI, Under-Secretary of States ;

General T. DE ROZWADOWSKI ;

Admiral Kazimierz POREBSKI ;

M. Kazimierz OLSZOWSKI, Head of Department in the Ministry for Foreign Affairs.

The Plenipotentiaries, having exchanged their full powers found in good and due form, have agreed to the following provisions :

Sole Article.

There shall be a modification of Article 17 of the Agreement to the effect that the Agreement shall come into force at the same time as the Treaty of Peace of Versailles.

Done in duplicate at Paris, on January 9, 1920.

VON SIMSON.

LEON JANTA POLCZYNSKI.

General T. DE ROZWADOWSKI.

KAZIMIERZ OLSZOWSKI.

KAZIMIERZ POREBSKI.

¹ Traduit par le Secrétariat de la Société des Nations.

² Texte officiel en français.

¹ Translated by the Secretariat of the League of Nations.

² Official text in French.