

N° 1504.

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## ALLEMAGNE ET POLOGNE

Traité concernant le règlement des questions de frontière, avec annexes, protocole final et protocole additionnel. Signés à Poznan, le 27 janvier 1926.

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## GERMANY AND POLAND

Treaty for the Settlement of Frontier Questions, with Annexes, Final Protocol and Additional Protocol. Signed at Poznan, January 27, 1926.

<sup>1</sup> TRANSLATION.

## No. 1504. — TREATY BETWEEN GERMANY AND POLAND FOR THE SETTLEMENT OF FRONTIER QUESTIONS. SIGNED AT POZNAN, JANUARY 27, 1926.

The Polish-German Boundary Commission, having met in pursuance of Article 87, paragraph 4, of the Treaty of Versailles, concluded on June 28, 1919, between the Allied and Associated Powers and Germany, and having completed its work, POLAND, of the one part, and GERMANY, of the other part, being desirous of settling questions concerning the frontier line, have agreed to conclude a treaty in accordance with the provisions of Articles V and VI of the Final Protocol of the Boundary Commission, dated October 18th, 1924. Accordingly, the Plenipotentiaries of the two Parties, namely ;

FOR POLAND :

M. Maciej KOCZOROWSKI ;

FOR GERMANY :

Dr. Paul ECKARDT, Minister Plenipotentiary ;

Having communicated their full powers found in good and due form, have agreed on the following provisions :

## SECTION I.

## DETERMINATION OF THE FRONTIER AND DOCUMENTS RELATING TO THE FRONTIER.

*Article 1.*

1. The frontier between Poland and Germany has been fixed, marked and delimited on the spot by the Boundary Commission which met in pursuance of Article 87, paragraph 4, of the Treaty of Versailles, concluded between the Allied and Associated Powers and Germany on June 28, 1919. Under the provisions of No. 1 of Additional Protocol (*a*) to the Final Protocol of the Boundary Commission, dated October 18, 1924, this frontier forms the territorial boundary between the contracting States.

2. The documents describing the frontier line are enumerated in the Final Protocol referred to in paragraph 1 of this Article.

3. The documents referred to in paragraph 2 also show where the frontier crosses bridges and locks.

4. The frontier line, as fixed and described in the documents, also determines the territorial boundary under the ground and in the air.

Annex 1-3.

5. The Final Protocol referred to in paragraph 1 and Additional Protocols (*a*) and (*b*) are attached to the present Treaty.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

## SECTION II.

## DEMARCATON, PRESERVATION AND MAINTENANCE OF THE FRONTIER.

*Article 2.*

1. The frontier shall be marked out on the ground by common frontier marks in so far as it is not already constituted by the median line of roads or indicated by ditches, waterways or other waters.

2. Wherever the frontier is marked by common frontier marks (stones, posts, mounds, etc.) it shall run straight from the centre of one frontier mark to the centre of the next frontier mark. The frontier stones or posts bearing serial numbers and the initial letters of the names of the two States shall mark the limits of the sovereignty of the two States.

3. On the roads and waterways referred to in paragraph 1 the frontier shall be indicated by frontier marks placed alternately in the territory of one or the other Party. The frontier stones or posts shall bear the initial letter of the name of the Contracting State on whose territory they are placed.

*Article 3.*

1. In accordance with the provisions of III of the Additional Protocol (*a*) to the Final Protocol of October 18, 1924, the roads mentioned in paragraph 1 of Article 2 shall be designated in the present Treaty as frontier roads. The median line of the frontier roads shall be held to be the territorial frontier between the Contracting States.

2. The ditches referred to in paragraph 1 of Article 2 are those which are intended solely for the demarcation of the frontier and not for regulation of waterways. In the present Treaty they shall be referred to as frontier ditches. Ditches which are also used for the regulation of the system of waterways shall be regarded as waterways within the meaning of the following provisions.

3. The waterways referred to in paragraph 1 of Article 2 shall be designated in the present Treaty as frontier waterways. In the case of navigable frontier waterways the median line of the main channel shall constitute the territorial frontier. In the case of other frontier waterways the territorial frontier shall be fixed by the median line of the waterways at its normal level in accordance with the provisions of paragraph 1 of II of the above-mentioned Additional Protocol (*a*). The normal level of the waterway shall be regarded as being the level which, during the last ten years, has been exceeded on a number of days equal to that on which it has not been reached.

4. The other waters referred to in paragraph 1 of Article 2 shall be designated in the present Treaty under the name of frontier waters. The territorial frontier in the case of the said waters is indicated in the documents referred to in Article 1.

*Article 4.*

In accordance with the provisions of paragraph 2 of II of Additional Protocol (*a*) to the Final Protocol of October 18, 1924, the frontier shall follow the frontier waterways in the course of their gradual and natural deviations; should there be a sudden considerable deviation of a waterway, the median line existing before the said deviation shall continue to be the territorial frontier until a final agreement has been concluded between the contracting States. The Contracting Parties also reserve the right to conclude such an agreement should the frontier line be altered in any other manner by *force majeure* or by mining operations.

*Article 5.*

In Poland the starosts and in Germany the Prussian district administrators (*Landräte*) shall be responsible for the preservation and maintenance of the frontier. These authorities shall communicate direct with each other in matters concerning the carrying out of their duties.

*Article 6.*

1. Should the competent authorities be unable to arrive at an agreement with regard to the carrying out of the duties incumbent upon them under Article 5, Mixed Committees shall be called upon to settle the matter. These Committees shall consist of three Polish and three German members. The members of the Committees, and an equal number of substitutes, shall be appointed by the central authorities of the two Contracting States or by other departments designated by these authorities. Both national groups in the Committees shall have the right to call in experts in an advisory capacity.

2. For the purpose of carrying out the duties of the Mixed Committees, there shall be established on the basis of the frontier sectors I-V and A-O, as defined in the documents of the Boundary Commission, the following five sectors :

- 1st sector, consisting of frontier sector V ;
- 2nd sector, consisting of frontier sectors I, II, III, IV ;
- 3rd sector, consisting of frontier sectors A, B, C, D ;
- 4th sector, consisting of frontier sectors E, F, G, H, J, K ;
- 5th sector, consisting of frontier sectors L, M, N, O.

A special Committee shall be formed to deal with each sector.

3. The Committees shall themselves draw up their rules of procedure. The chair shall be taken in each Committee alternately year by year by a Polish and by a German representative. For the first year the chairman shall be chosen by the drawing of lots.

4. The Committees shall be convened by the chairman as required ; the letter convening the members shall state the date and place of the meeting. Each Committee shall meet alternately on the territory of the one and of the other State. The minutes of the Committees shall be drawn up in the two languages ; each of the two Governments shall receive a copy of the minutes in both languages.

5. Unless otherwise provided in the present Treaty, the decisions of the Committees shall be taken by a two-thirds majority. All the members or their substitutes must be present for the decisions of the Committees to be valid. Any question in respect of which a Committee has already taken a decision cannot form the subject of a new decision of the same Committee unless all the members or their substitutes consent to reconsider the question.

6. Questions in respect of which a Mixed Committee has failed to reach a decision may be settled through the diplomatic channel.

*Article 7.*

1. The Contracting States undertake to maintain the frontier line so that it is clearly recognisable throughout its whole length.

2. New buildings may not be erected within less than five metres of either side of the frontier line unless the consent of the Committees, provided for in Article 6, has previously been obtained. The consent of the said Committees need not be obtained in respect of the erection of buildings intended for occupation by officials and employees responsible for the supervision or maintenance of the frontier nor for the setting up of light fences. Such buildings and fences may not be set up within one metre of the frontier line. In the case of frontier waterways the distance shall be calculated from the nearest bank.

3. When the frontier passes through woods or thickets, a strip of territory on each side of the frontier line of a width of at least one metre must be kept constantly free of trees and bushes.

*Article 8.*

The Contracting States undertake to ensure that frontier marks and other frontier installations are not removed or damaged, whether as a result of neglect or deliberately. The same shall apply to the banks and beds of frontier waterways and frontier waters.

*Article 9.*

Government officials who carry out their duties in the neighbourhood of the frontier shall be responsible for the maintenance of the frontier, and it is their duty to report to the authorities designated in Article 5 any damage occurring on the frontier and any case in which the frontier is inadequately marked.

*Article 10.*

1. The officials in charge of the maintenance of the frontier and the workmen accompanying them shall be entitled to move from place to place along the frontier and to cross it freely. On such occasions they shall be entitled to carry with them free of all Customs duties and other charges, and without having to pass through the Customs office, provisions for their own consumption and (on condition that they bring them back with them) all used tools and instruments necessary for the carrying out of their duties. The above-mentioned officials must be provided with identity cards stating in both languages the official position and duties of the holder. The said cards shall be made out by the authorities referred to in Article 5, and shall be shown to the authorities at the frontier when demanded. Should workmen be employed, it will be sufficient for the number of men accompanying the official to be shown on the pass of the official in charge of the work. The workmen must wear a white armband on the left arm bearing a serial number. The same shall also apply to persons whose duty it is to carry out official land survey operations on the frontier.

2. The authorities referred to in Article 5 shall notify each other in the case of work for the maintenance of the frontier or land survey work in respect of which it is necessary for officials or workmen to cross the frontier; when possible, such notification shall be made six days previous to the commencement of the work.

3. Persons other than those referred to in paragraph 1, unless they are members of the Committees provided for in Article 6 or substitute members, or experts called in by the Committees, are forbidden to trespass on the frontier ditches, frontier mounds and frontier hedges.

*Article 11.*

1. Each of the Contracting States shall maintain the frontier marks situated wholly on its territory.

2. The maintenance of the common frontier marks and the stretches of the frontier situated between them shall, subject to the provisions of Articles 15 and 16, be regulated as follows:

Poland shall be responsible for the maintenance of frontier marks with even numbers and of those parts of the frontier which lie between the frontier mark with an even number and the frontier mark with the next highest number. Germany shall be responsible for the maintenance of frontier marks with odd numbers, and of those parts of the frontier between the frontier mark with an odd number and the frontier mark with the next highest number.

*Article 12.*

1. Missing frontier marks or marks which have been displaced shall be replaced by agreement between the authorities designated in Article 5 under the direction of the official surveyors of the two Parties and in accordance with the documents relating to the frontier. The fact that the frontier mark has been replaced at the proper spot shall be put on record in special survey documents (*Feldbücher*).

2. Should it be impossible for special reasons to keep a frontier mark in its previous position, or should a mark have been taken away and should it be impossible to replace it at the same spot, the official surveyors of the two Parties shall decide on its new position, taking account of local conditions. The new position shall be determined by means of the polygon and linear system used for the demarcation of the frontier.

3. Should it be necessary to complete the demarcation of the frontier by the establishment of new frontier marks, the necessary steps shall be taken by joint agreement between the authorities designated in Article 5 with the consent of the Committees referred to in Article 6.

4. Marks on the frontier line showing the boundaries of properties may not be set up or altered save with the permission of the authorities designated in Article 5.

*Article 13.*

Once every ten years commencing in 1935 during the period between the beginning of May and the end of September, there shall be a joint inspection of the frontier after previous agreement between the authorities designated in Article 5. This inspection shall be carried out in each administrative district by the Government official surveyors of both Parties with the collaboration of the Committees provided for in Article 6. The technical work necessary to remedy small defects in the demarcation of the frontier, which is found to be necessary as a result of the inspection of the frontier (for instance, fixing of loose frontier marks, replacement of damaged or missing marks, clearing of trees or shrubs on the frontier line), shall be taken in hand or immediately carried out.

*Article 14.*

A record drawn up in duplicate in both languages shall be kept of all survey work carried out on the territorial frontier and of inspections of the frontier. The competent central authorities of the two Parties shall each receive a copy through the authorities designated in Article 5, with the survey documents (sketches) which have been prepared.

*Article 15.*

Conservancy work in respect of frontier ditches and the drainage ditches connected with them shall be carried out simultaneously on both sides of the frontier. The extent of the work to be done each year shall be settled by the authorities of the two Parties designated in Article 5. Experts appointed by the authorities designated in Article 5 will proceed each year to examine such work immediately on its completion.

*Article 16.*

Frontier waterways must be cleared out every year. In principle this should be carried out in the following manner, namely: each of the contracting States shall execute the work which is required for the part of the waterway situated in its territory. Should circumstances seem to require it, the Committees provided for in Article 6 may decide that the clearing of the waterway shall be executed entirely by one or the other contracting State.

*Article 17.*

1. When frontier ditches and frontier waterways are cleared, the earth taken out shall be placed at a distance of not less than 50 centimetres from the top of the bank. It shall be spread out or, if necessary, carried away.

2. The slopes leading down into the ditches and waterways and the banks of other waters situated along the frontier and entirely in the territory of one of the contracting States, shall be wholly maintained by that State in such a manner that the adjacent land or dykes shall not be in any way endangered.

3. The contracting States shall take the necessary measures in order that the ditches and waterways situated in their territory which are intended for the regulation of the frontier waterways may be cleared in such a way as to guarantee the free flow of water from the frontier ditches and waterways.

*Article 18.*

The costs of maintaining the frontier marks and of clearing and maintaining the frontier ditches, waterways and other waters shall be borne by the Party responsible for the carrying out of the work.

## SECTION III.

## CROSSING OF THE FRONTIER.

*Article 19.*

1. As regards general traffic, the frontier may be crossed at those places concerning the retention or creation of which an agreement already exists between the Parties or may subsequently be reached.

2. Unless otherwise provided in the said agreement, the places referred to in paragraph 1 may be done away with by agreement between the competent authorities of the two contracting States.

3. The temporary closing of frontier crossing-places may not be ordered by one of the Contracting Parties alone, save for urgent reasons connected with public health or other considerations. The closing of frontier crossing-places shall, unless otherwise provided in special agreements, be notified by the competent authorities of the one Party to the competent authorities of the other Party at least twenty-four hours beforehand, and the frontier shall be re-opened as soon as the reasons for which it was closed no longer exist.

4. The above provisions shall not apply to places at which the frontier is crossed by rail.

*Article 20.*

Special frontier marks shall be set up by both Parties at places at which the frontier intersects public roads. Such barriers as may be set up at these places must be lighted after dark. Moreover, when erecting and maintaining barriers at the frontier, the Parties shall endeavour to interfere as little as possible with public traffic and not to prevent access to landed property situated on the other side of the frontier. Barriers must be set up at a distance of not less than one metre from the frontier line.

*Article 21.*

Frontier crossing places the use of which is not provided for in the present Treaty or in other provisions binding on both Parties shall be abolished.

*Article 22.*

Subject to compliance with the Customs and police regulations, public bridges, foot-bridges and ferries over frontier waterways and frontier waters, and fords through such waters, may, in so far as they serve for the crossing of the frontier in accordance with the above provisions be used by the inhabitants of both contracting States to the extent allowed at the time of the signing of the present Treaty.

*Article 23.*

Subject to any regulations to the contrary made by the Committees provided for in Article 6, bridge-tolls may only be levied in accordance with a uniform scale of charges and on account of that Contracting Party which is responsible for the upkeep of the bridge. Should both Parties be responsible for upkeep, the bridge-tolls shall be levied according to a scale fixed by mutual agreement, and revenue therefrom shall be divided between the two Parties in proportion to their responsibilities for upkeep.

*Article 24.*

1. Maintenance of the bridges, foot-bridges and ferries referred to in Article 22 shall be carried out in accordance with the legislation of the country. Conservancy work shall be carried out after agreement between the authorities designated in Article 5.

2. The Committees provided for in Article 6 may by unanimous decision otherwise regulate the obligation to maintain the bridges, foot-bridges and ferries, and proceed to an equitable allocation of the costs.

*Article 25.*

The establishment of new bridges and ferries and any considerable alterations in those existing can only be carried out by unanimous agreement of the Committees provided for in Article 6.

*Article 26.*

The provisions of Articles 22 to 25 shall not apply to railway bridges.

## SECTION IV.

UTILISATION OF FRONTIER WATERWAYS AND FRONTIER WATERS AND THE  
CONVEYANCE OF WATER AND ELECTRIC POWER.*Article 27.*

As regards frontier waterways and frontier waters, both contracting States shall regard the territorial frontier as their boundary in respect of supervision and the enforcement of Customs regulations.

*Article 28.*

1. Unless otherwise provided in the following Articles, frontier waterways and frontier waters may be utilised up to the frontier by persons having a right of user under the laws of the country.



2. Navigation on frontier waterways shall be regulated by the agreements for that purpose. On non-navigable frontier waterways, the inhabitants of both contracting States without distinction shall be allowed to use boats and to float timber over the whole breadth of the waterway, subject to any restrictions that may be imposed by the national legislation of one or the other Party.

3. The inhabitants of each of the contracting States, in so far as they possess rights of user, whether real or personal, on the other side of the frontier over frontier waterways and frontier waters, including former branches and sectors cut off at low water, may exercise the said rights in accordance with the laws of the country and provided they are in possession of the identity cards required, for crossing the frontier, may carry out on the territory of the other State such work as is necessary for the exercise of their rights.

*Article 29.*

The strengthening of the banks, work on, or alterations in, the watercourse, and the linking up of inflow and outflow may, in the case of frontier waterways and frontier waters, only be carried out with the permission of the competent authorities of the country in which the work is to be executed. The said authorities shall before granting such permission notify the corresponding authorities of the other Party. The carrying out of new work, the effects of which might extend to the territory of the neighbouring State, particularly the construction of dams, watermills or other installations by which the course of a frontier waterway might be altered, or the water level of a frontier waterway or of frontier waters might be influenced, or the discharge of flood water might be impeded, shall only be allowed on permission being given by the Committees provided for in Article 6.

*Article 30.*

Subject to reciprocity, the two contracting States shall each on its own side take all the measures provided for by the laws of the country with a view to maintaining the frontier waterways and frontier waters in a clean condition and also for the purpose of guarding against the danger of floods in the frontier waterways and frontier waters area. In so far as joint measures may be necessary for this purpose, an agreement shall be arrived at between the two contracting States.

*Article 31.*

The flow of the water must not be impeded by installations set up on and in frontier waterways for the purpose of utilising the water. Places for watering cattle and geese must be situated on the banks so that they do not interfere with the flow of the water. The slopes and banks of such frontier waterways as come under the regulations concerning protection against flood must be kept free of trees and bushes.

*Article 32.*

The two contracting States shall ensure, each on its own territory, that in the case of frontier waterways the working of joint installations for drainage and irrigation, of installations for the purpose of regulating the water level and of mill-races and installations for the outflow of water from mills is not interfered with, and that such installations are properly kept up. The persons responsible for the working and supervision of common drainage and irrigation installations must not be interfered with in the territory of the other Party in carrying out their duties provided they are in possession of the identity cards required for crossing the frontier.

*Article 33.*

The competent authorities of the two Parties shall conclude more detailed arrangements with regard to the regular and immediate exchange of information concerning floods and ice conditions.

*Article 34.*

The provisions of Articles 30 to 33 shall apply by analogy to waterways in the frontier district which, without being frontier waterways, flow into such waterways or lead water from the territory of one Party to that of the other. As regards the strengthening of the banks, work on, or alterations in the watercourse, and the linking up of inflow and outflow ditches, the competent authorities of the one Party shall not be obliged to notify the competent authorities of the other Party in cases in which the said work does not affect the out-flow or the water level in the territory of the other Party. The area within four kilometres of the frontier shall be regarded as the frontier district.

*Article 35.*

1. Existing surface and underground conduits used for the conveyance of water for ordinary consumption, electric power, and industrial drainage water from the territory of the one Party into the territory of the other may continue to be used as before without Customs duties and other taxes being levied therefor. Tools necessary for the maintenance of the above-mentioned installations may be taken over the frontier free of Customs duty and other taxes on condition that they are brought back again. Similarly, should the said installations unexpectedly break down or be damaged, the quantities of material required for their repair may be imported free of Customs duty and other taxes.

2. The provisions of Chapters V and VI of Part 5 of the Convention on Upper Silesia of May 15, 1922, shall not be hereby affected.

## SECTION V.

## FISHING IN FRONTIER WATERWAYS AND FRONTIER WATERS.

*Article 36.*

Fishing in frontier waterways and frontier waters shall be dealt with in a special agreement.

## SECTION VI.

EXEMPTION FROM TAXATION IN THE CASE OF ALIENATION OF LANDED PROPERTY  
INTERSECTED BY THE FRONTIER.*Article 37.*

1. Should owners of landed property which is situated on both sides of the frontier and which has formed an economic unit up to June 18, 1920, alienate portions of their land before January 1, 1928, the said portions being separated by the frontier from the main part of the property, the parties concerned shall be exempted from such transfer taxes, legal expenses and fees as would

ordinarily be chargeable on these portions of land by reason of the alienation, the conveyance of the rights of property, the making out of deeds and the necessary entries in the land register.

2. The exchange of landed property shall also be regarded as alienation within the meaning of paragraph 1; nevertheless, exemption from taxation will only be granted in respect of the portion of land obtained in exchange should the said portion satisfy the conditions laid down in paragraph 1.

3. In case of doubt the Minister of Finance in Poland, and the Reich Minister of Finance in Germany shall decide finally whether the conditions necessary to obtain exemption from taxation are satisfied or not.

## SECTION VII.

### GENERAL AND FINAL CLAUSES.

#### *Article 38.*

Whenever under the present Treaty expenses are reimbursable to one of the contracting States, payment shall be made in the currency of the State entitled to receive the sums in question.

#### *Article 39.*

The decisions of the Boundary Commission in connection with the present Treaty are enumerated in a special list and are hereby recognised by both Parties as binding. These decisions shall be executed by the Committees provided for in Article 6 in so far as the latter still regard this as necessary.

#### *Article 40.*

The provisions of the present Treaty shall not apply to cases for which different Regulations have been made or may in future be made by means of agreements between the contracting States or in any other manner. The previous agreements and other provisions referred to in the present Article are enumerated in the attached list (Annex 4).

#### *Article 41.*

The present Treaty shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Warsaw. The Treaty shall come into force four weeks after the exchange of the instruments of ratification and shall remain in force until modified or terminated by mutual agreement.

Done at Poznan on January 27, 1926, in duplicate in the Polish and German languages, both texts being equally authentic.

(L. S.) (*Signed*) Maciej KOCZOROWSKI.

(L. S.) (*Signed*) Paul ECKARDT.

## ANNEX I.

## COMMISSION FOR DELIMITATION OF THE GERMAN-POLISH FRONTIERS.

## FINAL DELIMITATION PROTOCOL.

*Article I.*

In accordance with the provisions of Article 87 of the Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles on June 28, 1919, the under-signed, being duly accredited by their respective Governments as members of the Commission provided for in the said Treaty to determine on the spot the new frontier line between Poland and Germany, have proceeded to the delimitation of the said frontiers.

*Article II.*

The frontier line has been settled in pursuance of :

- (1) Articles 27, 28, 88, 94, 95, 96, 97 of the Treaty of Versailles (June 28, 1919) ;
- (2) The instructions for the Boundary Commissions approved by the Supreme Council on October 15, 1919, and modified by the Conference of Ambassadors at its meeting on July 22, 1920, and the modifications of those instructions made later ;
- (3) The decision of the Conference of Ambassadors of August 12, 1920, following on the plebiscites in the territories of Allenstein and Marienwerder ;
- (4) The decision of the Conference of Ambassadors dated October 20, 1921, following on the plebiscite in the territory of Upper Silesia.

*Article III.*

The frontier line has been divided into sections which have received the following names or designations :

- (1) For the part of the frontier from the Baltic Sea to the Czechoslovak frontier the letters A, B, C, D, E, F, G, H, J, K, L, M, N, O ;
- (2) For the part of the frontier known as the " East Prussian sector " the numbers I, II, III, IV, V.

The frontier line has been marked and surveyed and is shown :

- (a) On a map, scale 1 : 100,000 ;
- (b) On a map, scale 1 : 25,000, showing the position and the number of the frontier marks ;
- (c) On a plan, scale 1 : 5,000, having attached to it sketches showing details, giving all the measurements required for indicating the position of the frontier marks (dossiers and papers for the frontier marks for sections A-K inclusive ; atlases, maps and diagrams for sections L-O inclusive, in Upper Silesia, and sections I to V inclusive in the so-called East Prussian sector).

*Note* : So far as concerns the course of the Netze river (Section F) no map on the scale 1 : 5,000 has been made.

*Article IV.*

The frontiers are defined :

(a) In the description agreed on for each of the sections at the moment of the taking of the decision by the Commission and in the additions or rectifications relating to the modifications subsequently made in this first description ;

(b) In the detailed description of the frontier from frontier mark to frontier mark ;

(c) In the general description drawn up in accordance with the rules laid down by the Conference of Ambassadors on May 21, 1924.

The atlases and papers for frontier marks prepared by the Commission give a detailed description of the frontiers.

Should there be any divergence between the text of the descriptions of the frontiers and the cartographical documents (atlases, plans, diagrams, papers), the particulars given on these cartographical documents as measurements of distances or of angles shall prevail in so far as the said particulars correspond to measurements made from apex to apex of the broken line constituting the frontier line or correspond to the angular measurements (angle, abscissae, ordinates, accessory measurements).

If, in spite of the verification carried out, there should be any difference between the measurements given in the cartographical documents and those subsequently made on the ground, the frontier marks (principal, normal and auxiliary) being in their correct position, the new measurements once settled by technical experts of the two Parties and checked by them shall be marked on a sketch attached to the part in question of the documents that have been drawn up.

*Article V.*

There have been attached to the documents in respect of the delimitation of the frontiers :

(a) An additional Protocol (common waterways and roads) ;

(b) A Protocol concerning bridges and locks intersected by the frontier.

Protocols regulating legal questions raised by the tracing of the frontier line have been or shall subsequently be dealt with in direct agreements concluded between the Governments concerned.

*Article VI.*

The maintenance and upkeep of marks and signs indicating the frontier shall be dealt with in a special convention to be concluded between the Governments concerned.

A provisional agreement has been arrived at between Germany and Poland under which Germany is responsible for the maintenance of the frontier marks bearing odd numbers and of auxiliary marks or signs between the frontier mark bearing an odd number and the next frontier mark bearing an even number, and Poland is responsible for the maintenance of frontier marks bearing even numbers and auxiliary marks or signs between a frontier mark bearing an even number and the next frontier mark bearing an odd number.

*Article VII.*

The Boundary Commission after having satisfied itself :

That the line of the frontier, as marked out on the spot, is in accordance with the decisions of the Commissions ;

That the cartographical documents which have been drawn up are in agreement with the actual lie of the land ;

That the information given in respect of the position of the frontier marks is accurate ;

And after having carried out on the spot the handing over of the territory up to the frontier to the two Governments concerned ;

And having satisfied itself that the three copies of the documents attached, intended for the Conference of Ambassadors, for Germany and for Poland, respectively, are identical ;

And whereas by a decision of the Conference of Ambassadors dated March 28, 1923, the abstention of the Japanese Commissioner, who left the Commission in February 1923, does not in any way affect the validity of the Protocol ;

Unanimously declares that the frontiers between Germany and Poland from the Baltic Sea to the point at which the three States, Germany, Poland and Czechoslovakia meet, and from the point at which the three States, Germany, Lithuania and Poland meet up to the common point at which the three States, Germany, Poland and the Free City of Danzig meet, are indicated in the descriptions and on the maps, plans, sketches and diagrams attached to the present Protocol.

#### *Article VII.*

By the signature of the present Protocol the work of the Boundary Commission for the demarcation of the German-Polish frontiers is hereby concluded.

Done at Paris in three original copies intended for the Conference of Ambassadors, for the German Government and for the Polish Government.

October 18, 1924.

Major Etzel,  
*German Commissioner :*  
(Signed) ETZEL.

Count Szembek,  
*Polish Commissioner :*  
(Signed) SZEMBEK.

Lieut-Colonel Boger,  
*British Commissioner :*  
(Signed) R. A. BOGER.

Lieut-Colonel Tonini,  
*Italian Commissioner :*  
(Signed) TONINI.

Lieut-Colonel Gardan,  
*French Commissioner, President of the Commission :*  
(Signed) GARDAN.

#### ANNEX 2.

#### ADDITIONAL PROTOCOL (Common waterways and roads).

I. — The frontier line, as fixed and marked by the Boundary Commission and given in the official documents, is hereby accepted by the States concerned as their territorial frontier. The same shall apply in all cases in which the frontier line described in the minutes of the negotiations

concerning the frontier and marked out on the spot, does not coincide with the information given in the land registers in respect of the boundaries of plots of land.

II. — In those parts of the frontier in which the frontier is situated in a waterway, the territorial frontier shall consist of the median line of the waterway at its normal level. The territorial frontier shall thus follow the waterways in their gradual and natural deviations. Should there be a sudden and considerable modification in the course of a frontier waterway, the median line existing previous to the modification shall constitute the territorial frontier pending the conclusion of a final agreement between the two States concerned.

III. — In the case of the frontier roads which are described as "common to both States" in the official documents, the median line of the said roads shall be regarded as the territorial frontier.

PARIS, October 16, 1924.

*German Commissioner :*  
(Signed) ETZEL.

*Polish Commissioner :*  
(Signed) SZEMBEK.

*British Commissioner :*  
(Signed) BOGER.

*French Commissioner :*  
*President :*  
(Signed) GARDAN.

*Italian Commissioner :*  
(Signed) TONINI.

### ANNEX 3.

### PROTOCOL

#### CONCERNING BRIDGES AND LOCKS INTERSECTED BY THE FRONTIER.

So far as concerns bridges of any kind and locks which are intersected by the frontier, the decisions originally taken by the Commission are hereby annulled and replaced by the following decision :

The frontier line at the points referred to in the above paragraph shall be determined by the large-scale cartographical documents which are authentic for the allocation between the two Parties of the bridges and locks.

An agreement shall be concluded between the two Governments concerned in respect of the maintenance of the said constructions.

PARIS, October 18, 1924.

*German Commissioner :*  
(Signed) ETZEL.

*Polish Commissioner :*  
(Signed) SZEMBEK.

*British Commissioner :*  
(Signed) R. A. BOGER.

*Italian Commissioner :*  
(Signed) TONINI.

*French Commissioner :*  
*President :*  
(Signed) GARDAN.

## ANNEX 4.

## LIST

OF THE POLISH-GERMAN AGREEMENTS AND OTHER PROVISIONS REFERRED TO IN ARTICLE 40 OF THE TREATY FOR THE REGULATION OF FRONTIER QUESTIONS.

- (1) Agreement of July 18, 1923, concerning the maintenance of the bridge over the Skottau river.
- (2) Agreement of January 27, 1923, regarding a common dyke administration in the "Marienwerder Plain".
- (3) Regulations issued in December 1924 by the Conference of Ambassadors concerning the access of the population of East Prussia to the Vistula and the use of the river.
- (4) Agreement of June 6, 1921, concerning the use of the station of Gardeja (Garnsee) and the right of access thereto from the German side.
- (5) Minutes (February 12, 1923) of the negotiations which took place concerning maintenance of the frontier road Nadoller-frontier-Rauschendorf-Kartoschin.
- (6) Provisional agreement of September 27, 1921, between the voivodeship at Posnan and the administrative authorities (*Regierung*) of Schneidemühl concerning the upkeep of those sections of the Netze and Küddow, which form the frontier.
- (7) Minutes (June 1, 1921) of the negotiations concerning the use of a field-path in the neighbourhood of Saborwitz.
- (8) Article 11 of the Agreement of June 15, 1922, regarding the property of the state mines and foundries in the part of Upper Silesia attributed to Poland, dealing with the right of residence of officials of the Delbrück pits.

## FINAL PROTOCOL

[OF THE POLISH-GERMAN TREATY OF JANUARY 27th, 1926, FOR THE REGULATION OF FRONTIER QUESTIONS.

During the negotiations on the Polish-German Treaty signed this day for the regulation of frontier questions, the Plenipotentiaries of the two Parties have further agreed on the following provisions, which shall form an integral part of the Treaty and be ratified at the same time :

I. *Ad Articles 3, 15 and 18.*

The Contracting States shall endeavour, whenever possible, to do away with the frontier roads mentioned in paragraph 1 of Article 3 and, if necessary, to replace them by other roads. So long as the said frontier roads exist, the use of the same shall be regulated as follows :

- (1) The provisions of Articles 15 and 18 shall, when relevant, apply to frontier roads.
- (2) Each of the Contracting States shall exercise police powers on frontier roads up to the median line of the said roads. The inhabitants of the territory of both Parties shall be allowed to use the whole of the frontier roads, even if they are not in possession of the identity cards required in other cases for crossing the frontier. Should they have permission in writing from the Customs authorities of both Parties, they shall be entitled to carry with them on the said frontier roads



articles subject to Customs duties, or in respect of which export, import and transit prohibitions exist, free of duty and similar charges and notwithstanding the export, import or transit prohibition in force in the two States. The frontier roads cannot be used by bodies of troops or by individual armed members of the armed forces of either of the Contracting States.

## II. *Ad Article 19.*

Pending the conclusion of the agreement provided for in Article 19, paragraph 1, the existing frontier crossing places may continue to be used provisionally. Should one of the Contracting Parties regard it as desirable that one of these crossing places should be closed, the said Party shall inform the other Party at least three months in advance.

The provisions of Article 19, paragraph 3, concerning the temporary closing of crossing places shall apply by analogy to existing crossing places.

## III. *Ad Article 25.*

The owners of land intersected by frontier waterways do not require the authorisation provided for in Article 25 when they desire provisionally to erect footbridges and wooden crossing places at points at which the said owners are permitted by special agreements to cross the frontier for the purpose of working on their land.

## IV. *Ad Paragraph 2 of Article 28.*

The provisions of the last sentence of paragraph 2 of No. 1 of the present Final Protocol shall, when relevant, apply to frontier waterways.

## V. *Ad Articles 16, 28 and 29.*

Special agreements shall be concluded with regard to the frontier sectors of the Oder and the Warthe.

## VI. *Ad Article 40.*

The agreement concerning the use of a field-path in the neighbourhood of Saborwitz, mentioned in No. 7 of the List attached to Article 40 (Annex 4 of the present Treaty), shall remain in force after the coming into force of the said Treaty.

POZNAN, *January 27th, 1926.*

*(Signed)* Paul ECKARDT.

*(Signed)* Maciej KOCZOROWSKI.

## ADDITIONAL PROTOCOL

### TO THE POLISH-GERMAN TREATY OF JANUARY 27th, 1926, FOR THE REGULATION OF FRONTIER QUESTIONS.

At the moment of signing the Polish-German Treaty of January 27th, 1926, for the regulation of frontier questions, the Plenipotentiaries of the two States have put on record that their Governments agree to recognise that the decisions of the Boundary Commission referred to in Article 39 of the Treaty are the decisions enumerated in the Annex. The two Contracting Parties shall give the necessary instructions with regard to this matter to the competent authorities.

POZNAN, *January 27th, 1926.*

*(Signed)* Paul ECKARDT.

*(Signed)* Maciej KOCZOROWSKI.

## LIST

## OF THE DECISIONS OF THE POLISH-GERMAN BOUNDARY COMMISSION, RECOGNISED AS BINDING BY BOTH PARTIES IN ACCORDANCE WITH ARTICLE 39 OF THE POLISH-GERMAN TREATY FOR THE SETTLEMENT OF FRONTIER QUESTIONS.

Number	Date of Decision	Subject of the Decision
1.	15. II. 1920	<p>(a) An agreement shall be concluded between the parties concerned in respect of the maintenance of the canal between Wolla and Purgalken.</p> <p>(b) A protocol shall be drawn up authorising Franz Kasprowicz of Wansen, owner of plot No. 103/37 to carry his lime free into Poland.</p> <p>(c) The Powers concerned shall draw up a protocol authorising the inhabitants residing on the eastern side of the frontier who have interests in Poland to use that part of the road from Wansen to Seeben (passing the mill of Szczupliny) situated in the neighbourhood of the frontier.</p>
2.	2. 4. 1921.	<p>(a) A protocol shall be drawn up for the purpose of guaranteeing the rights of the owner of Lake Karasch. (The Boundary Commission has prepared a draft of such an agreement and has forwarded it to the States concerned.)</p> <p>(b) A protocol shall be drawn up for the purpose of granting Poland free access to Lake Traupel and allowing her to maintain the irrigation ditches up to the point at which they join the Lake at all places at which the shores of Lake Traupel form the frontier between Poland and Germany.</p> <p>(c) A protocol shall be drawn up for the purpose of guaranteeing Poland's right of maintenance of the drainage ditches running into the Gr. Guhring Lake.</p>
3.	11. 5. 1921.	Until it is possible to build a new railway station on German territory, the inhabitants of the town of Garnsec shall have free access to the railway station of Gardeja.
4.	13. 3. 1922. 7. 12. 1922.	The rights of ownership of three buildings in the village of Kurzebrack shall be transferred to the Polish State to enable it to make provision for the administration of the port of Kurzeniowo.
5.	2. 9. 1920.	<p>(a) In the communes of Wierzucin and Reckendorf those plots of land which are cut off by the frontier may be used without any restriction, particularly for the purpose of pasturage. The proprietors of the same, their employees and their livestock shall be allowed to use the roads crossing or running alongside the frontier to enable the land to be property cultivated. They shall be allowed to water and wash their livestock in Lake Zarnowitz. The provisions of the Treaty of Versailles concerning the liquidation of property shall not apply to owners of land which has been assigned to Poland.</p> <p>(b) In the commune of Rauschendorf those plots of land which are cut off by the frontier may be used without any restriction, particularly for the purpose of pasturage. The proprietors of the same, their employees and their livestock shall be allowed to use the roads crossing or running alongside the frontier to enable the land to be property cultivated. They may also water their livestock in Lake Zarnowitz. They shall also be permitted to wash, swim and exercise their horses up to a distance of 50 metres from the shore. They shall further be allowed to wash in the Lake and to take water from the same for domestic and agricultural purposes. The provisions of the Treaty of Versailles concerning the liquidation of property shall not apply in this case.</p> <p>(c) In the communes of Gross Konarczyn, Zechlau, Hohenkamp and Kupfermühle, the plots of land cut off by the frontier may be used without</p>

- | Number | Date of Decision | Subject of the Decision   |
|--------|------------------|---|
|        |                  | any restriction, particularly for the purpose of pasturage. The proprietors of the same, their employees and their livestock shall be allowed to use the roads crossing or running alongside the frontier to enable the land to be property cultivated. Leases concluded before July 1st, 1920, cannot be terminated by the Polish State before they expire. Questions concerning drainage and improvements in the Brahe meadows and the regulation of the River Braa, shall be settled by an agreement between the States concerned. The provisions of the Treaty of Versailles concerning the liquidation of property shall not apply to the land assigned to Poland. |
| 6.     | 6. 7. 1920.      | Poland shall have a right of access to the lock remaining on Polish territory at the point at which the " Alt-Klosterkanal " joins the " Odra-Südkanal ".   |
|        |                  | Germany shall have a right of access to the lock at the outlet of the Lupitz irrigation canal which has been assigned to Poland.  |
| 7.     | 6. 7. 1921.      | (a) The stretch of road on both sides of frontier stone J. 054 shall be regarded as common property, and may be used by the German proprietors concerned.   |
|        |                  | (b) The road between frontier stones J. 293 and J. 295 shall be regarded as common property and may be used by the German proprietors concerned.  |
|        |                  | (c) The German proprietor of plot No. 207 shall be authorised, for the purpose of proceeding to his property, to cross the frontier between frontier stones J. 001 and J. 003, over the territory near frontier stone J. 003 and the Polish plot No. 206.   |
| 8.     | 22. 7. 1921.     | (a) Those German nationals having rights of user over the fields alongside the frontier are entitled to use those parts of the Wildbahn-Smugen and Wildbahn-Bogday roads which have become Polish up to the point at which they meet the Bogday-Smugen frontier road for the purpose of agricultural work in the said fields.   |
|        |                  | (b) The German proprietors concerned or German nationals having a right of user may use the Polish road along the frontier between frontier stones K. 233 and K. 237.   |
| 9.     | 23. 6. 1922.     | It is recognised that Polish nationals having a right of user should be allowed to cross the territory near the spring south of Proschau which has been assigned to Germany.  |
| 10.    | 19. 8. 1922.     | A special agreement shall be concluded concerning the use of the part of the road remaining in German territory near plots No. 32, 33 and 123-34 of the Gr. Hannersdorf land register by the farmer on the Polish side of that road.  |
| 11.    | 28. 9. 1923.     | (a) A protocol shall be drawn up guaranteeing the landowner Balluch the right to mow the grass in and about the frontier ditch near Knurow, and the same protocol shall lay down regulations for the cleaning and maintenance of the said ditch by the owners in the neighbourhood.   |
|        |                  | (b) A protocol shall be drawn up for the purpose of enabling two German nationals owning land in Poland to use the bridge over the Skrupta pond. (Draft agreements to this effect have been prepared by the Boundary Commission.)   |
| 12.    | 26. 3. 1923.     | Measures to ensure the flow of water from the Lisswarthe ; use of a Polish road by the inhabitants of the Dzielna colony, and supervision and maintenance of the " Tiefe Friedrichstollen " by Poland. (The Boundary Commission has prepared draft agreements to this effect.)  |