

N° 1462.

ALLEMAGNE ET BELGIQUE,
GRANDE-BRETAGNE
ET FRANCE

(Haute Commission interalliée
des Territoires rhénans).

Echange de notes comportant un
accord en vue des mesures à
prendre à l'occasion de l'évacua-
tion de la zone de Cologne.
Coblence, le 10 septembre 1926.

GERMANY AND BELGIUM,
GREAT BRITAIN
AND FRANCE

(Inter-Allied Rhineland High
Commission).

Exchange of Notes constituting an
Agreement with regard to Mea-
sures to be taken on the Occasion
of the Evacuation of the Cologne
Zone. Coblenz, September 10,
1926.

N^o 1462. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT ALLEMAND ET LA HAUTE COMMISSION INTERALLIÉE DES TERRITOIRES RHÉNANS (BELGIQUE, GRANDE-BRETAGNE ET FRANCE) COMPORTANT UN ACCORD EN VUE DES MESURES A PRENDRE A L'OCCASION DE L'ÉVACUATION DE LA ZONE DE COLOGNE. COBLANCE, LE 10 SEPTEMBRE 1926.

Textes officiels allemand et français communiqués par le consul général d'Allemagne à Genève. L'enregistrement de cet échange de notes a eu lieu le 4 mai 1927.

German and French official texts communicated by the German Consul-General at Geneva. The registration of this Exchange of Notes took place May 4, 1927.

TEXTE ALLEMAND. — GERMAN TEXT.

I.

NOTE DES DEUTSCHEN REICHSKOMMISSARS IN KOBLENZ AN DEN PRÄSIDENTEN UND DIE MITGLIEDER DER INTERALLIIERTEN RHEINLANDOBERKOMMISSION

KOBLENZ, den 10. September 1926.

DER REICHSKOMMISSAR FÜR DIE BESetzten RHEINISCHEN GEBIETE AN DEN HERRN PRÄSIDENTEN UND DIE HERREN MITGLIEDER DER INTERALLIIERTEN RHEINLANDOBERKOMMISSION IN KOBLENZ.

MEINE HERREN !

Wie Ihnen bekannt ist, haben auf Anregung der Botschafterkonferenz zwischen Delegierten der Deutschen Regierung und der in der Interalliierten Rheinlandoberkommission vertretenen Regierungen Besprechungen stattgefunden über die Massnahmen, die aus Anlass der Räumung der sogenannten Kölner Zone beiderseits ergriffen werden können, um die von beiden Seiten gewünschte Befriedung zu fördern, die Beziehungen zwischen den deutschen Behörden und der deutschen Bevölkerung einerseits und den Besatzungsbehörden anderseits im Rahmen der dafür massgebenden Verträge dem Geiste der Abmachungen von Locarno¹ anzupassen und Schwierigkeiten, die noch entstehen könnten, gütlich beizulegen.

Die Delegierten haben sich darüber geeinigt, ihren Regierungen vorzuschlagen, unbeschadet der Bestimmungen des Artikel 7 der Anlage III des Londoner Schlussprotokolls², die auch weiterhin beiderseits in weitherzigster Weise angewandt werden sollen, folgende Erklärungen auszutauschen :

¹ Vol. LIV, page 289, de ce recueil.

² Vol. XXX, page 75, de ce recueil.

¹ Vol. LIV, page 289, of this Series.

² Vol. XXX, page 75, of this Series.

den beteiligten Regierungen nur auf folgendem Wege ausgeräumt werden : Die Interalliierte Rheinlandoberkommission oder der deutsche Reichskommissar beziehungsweise jede andere deutsche Behörde, die von ihrer Regierung dazu bestimmt ist, werden von Amts wegen oder auf Antrag der Beteiligten in Vorbesprechungen eintreten, um eine gütliche Verständigung zu suchen.

Es besteht Einverständnis darüber, dass die mit der Sache befasste Behörde, wenn ihr ein solcher Fall angezeigt wird und die Fortsetzung des Verfahrens den Abmachungen zuwider sein würde, keine Massnahmen treffen wird, die den anderen Teil vor vollendete Tatsachen stellen würden, solange die oben vorgesehenen Erörterungen schweben.

Sollten die Vorbesprechungen nicht zu einer Einigung führen, so ist jeder Teil berechtigt, die Angelegenheit mangels einer anderweitigen Abrede in ein zu vereinbarendes Schiedsverfahren zu bringen.

III.

Die vorstehenden Abmachungen enthalten für die vertragschliessenden Teile nicht die Verpflichtung, gesetzgeberische Massnahmen zu ergreifen. Die Abmachungen treten eine Woche, nachdem sie durch einen Notenaustausch zwischen dem Reichskommissar in Koblenz und dem Präsidenten und den Mitgliedern der Interalliierten Rheinlandoberkommission bestätigt worden sind, in Kraft.“

Im Auftrage meiner Regierung habe ich die Ehre, Sie zu benachrichtigen, dass sie diese Vorschläge der beiderseitigen Delegierten bestätigt, und Sie um die Bestätigung namens der in der Interalliierten Rheinlandoberkommission vertretenen Regierungen zu bitten.

Genehmigen Sie, meine Herren, den Ausdruck meiner vorzüglichen Hochachtung.

gez. LANGWERTH.

¹ TRADUCTION. — TRANSLATION.

NOTE DU COMMISSAIRE ALLEMAND DU REICH A COBLENCE AU PRÉSIDENT ET AUX MEMBRES DE LA HAUTE COMMISSION INTERALLIÉE DES TERRITOIRES RHÉNANS.

COBLENCE, le 10 septembre 1926.

LE COMMISSAIRE DU REICH POUR LES TERRITOIRES RHÉNANS OCCUPÉS A MONSIEUR LE PRÉSIDENT ET MESSIEURS LES MEMBRES DE LA HAUTE COMMISSION INTERALLIÉE DES TERRITOIRES RHÉNANS A COBLENCE.

MESSIEURS,

Comme vous le savez, des pourparlers ont eu lieu, à l'instigation de la Conférence des Ambassadeurs, entre les délégués du Gouvernement allemand et ceux des Gouvernements représentés à la Haute Commission interalliée des territoires rhénans, sur les mesures qui pourront être prises, de part et d'autre, à l'occasion de l'évacuation de la zone dite de Cologne, pour favoriser la pacification désirée par les deux Parties, adapter les relations entre les autorités allemandes et la population allemande d'une part, et les autorités d'occupation de l'autre, dans le cadre des traités qui les déterminent, à l'esprit des Arrangements de Locarno, et régler à l'amiable toutes difficultés qui pourraient encore surgir.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

¹ TRADUCTION. — TRANSLATION.

No. 1462. — EXCHANGE OF NOTES BETWEEN THE GERMAN GOVERNMENT AND THE INTER-ALLIED RHINELAND HIGH COMMISSION (BELGIUM, GREAT BRITAIN AND FRANCE) CONSTITUTING AN AGREEMENT WITH REGARD TO MEASURES TO BE TAKEN ON THE OCCASION OF THE EVACUATION OF THE COLOGNE ZONE. COBLENZ, SEPTEMBER 10, 1926.

I.

NOTE FROM THE COMMISSIONER OF THE GERMAN REICH AT COBLENZ TO THE PRESIDENT AND MEMBERS OF THE INTER-ALLIED RHINELAND HIGH COMMISSION.

COBLENZ, *September 10, 1926.*

THE COMMISSIONER OF THE REICH FOR THE OCCUPIED RHINE TERRITORIES TO THE PRESIDENT AND MEMBERS OF THE INTER-ALLIED RHINELAND HIGH COMMISSION AT COBLENZ.

GENTLEMEN,

As you are aware, conversations took place at the instance of the Conference of Ambassadors between the delegates of the German Government and those of the Governments represented on the Inter-Allied Rhineland High Commission regarding the measures which might be reciprocally adopted in connection with the evacuation of the Cologne Zone in order to promote the pacification desired by both parties, to bring the relations between the German authorities and people on the one side and the Occupation authorities on the other into harmony with the spirit of the Locarno Agreements, while conforming to the treaties governing these relations and to settle by friendly agreement any further difficulties which might arise.

The delegates have agreed to propose that their Governments, without prejudice to the stipulations of Article 7 of Annexe III of the London Protocol, which both parties shall continue to apply in the most liberal spirit, should exchange the following declarations :

“ I.

Being desirous of obliterating past memories even more completely than is done by the London Protocol, the High Contracting Parties hereby declare :

(1) In the name of the German Government :

(a) That it will employ all the means in its power, including such means as are furnished by the administration of justice, to prevent direct or indirect reprisals against any persons whatsoever, on the ground of the compliance of such persons with

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

the orders of the Occupation authorities, or of services they may have rendered, or dealings they may have had with the said authorities.

This clause relates in particular to persons who have reported to the Occupation authorities infringements of the German laws, or of the ordinances, instructions or decisions of the Inter-Allied Rhineland High Commission, or of the orders of the competent military authorities.

With the exception of the cases mentioned in the second paragraph, services rendered to the Occupation authorities and dealings with these authorities are not covered by this declaration when such services or dealings constitute high treason (*Hochverrat* or *Landesverrat*) or espionage.

The present declarations apply to all acts done in the occupied territories, including the evacuated zone known as the Cologne Zone, from the beginning of the Occupation to January 10, 1923, and from September 1, 1924, to February 1, 1926, and relating to matters connected with the occupied territories, including the evacuated zone known as the Cologne Zone.

(b) That questions which may arise in the evacuated territories in regard to the effects of decisions taken by the Inter-Allied Rhineland High Commission during the period of occupation, when such decisions have come to the notice of the German authorities, shall be dealt with according to the procedure of conciliation provided for hereinafter under II, with the exception of questions directly affecting the political, financial and other relations between the German Government and the Government represented on the Inter-Allied Rhineland High Commission.

It is, however, understood that no measures having retrospective force shall henceforth be taken in connection with the decisions referred to above, and that, in particular, no payment shall be demanded in respect of the past from persons who were exempted from such payment when the above-mentioned decisions were in force. Payments already made shall not, however, be refunded by the authorities by whom they were collected.

(2) In the name of the Governments represented on the Inter-Allied Rhineland High Commission :

(a) That within two weeks from the coming into force of the agreements, German nationals detained in prisons in the occupied territories and prosecuted or sentenced by military courts for offences committed in the Ruhr territories, in the Duisburg-Ruhrort and Dusseldorf bridgeheads or in the zone known as the Cologne Zone, shall be handed over to the German authorities by the Allied authorities.

Only such persons as have committed crimes against the person, with fatal consequences, shall be excepted from this stipulation.

(d) That a full amnesty shall be granted for all offences committed in the occupied territories from the beginning of the Occupation to February 1, 1926, with the exception of common law offences and espionage.

It is understood that fines and law costs which have already been paid shall not be refunded.

“ II.

It is understood that if difficulties should arise in applying the present Agreement, the only procedure to be adopted to remove these difficulties, failing direct agreement on the subject between the Governments concerned, shall be the following :

⁵⁴⁷ The Inter-Allied Rhineland High Commission or the Commissioner of the Reich for the occupied territories, or any other German authority appointed by the Government for this purpose, shall, either *proprio motu* or at the request of the parties concerned, open negotiations with a view to arriving at an amicable settlement.

It is understood that the competent authorities, when such a case is brought to their notice and a continuation of the procedure would in their opinion be at variance with present agreements, shall adopt no measure which would place the other party in presence of an accomplished fact, so long as conciliation proceedings are in progress.

Should these negotiations prove unsuccessful, the case may, in the absence of any other arrangement, be submitted by either party to arbitration in accordance with a procedure determined by common consent.

“ III.

By the above Agreement the Contracting Parties do not pledge themselves to enact new legislation. The Agreement comes into force one week after it has been confirmed by an exchange of Notes between the Commissioner of the German Reich at Coblenz and the President and Members of the Inter-Allied Rhineland High Commission. ”

I am instructed by my Government to inform you that it has confirmed these proposals by the delegates of both Parties and to request you to confirm them in the name of the Governments represented on the Inter-Allied Rhineland High Commission.

I have the honour to be, etc.

(Signed) LANGWERTH.

II.

NOTE FROM THE PRESIDENT AND MEMBERS OF THE INTER-ALLIED RHINELAND HIGH COMMISSION TO THE COMMISSIONER OF THE GERMAN REICH AT COBLENZ.

FROM THE PRESIDENT AND MEMBERS OF THE INTER-ALLIED RHINELAND HIGH COMMISSION, REPRESENTING THEIR RESPECTIVE GOVERNMENTS, TO THE COMMISSIONER OF THE GERMAN REICH FOR THE OCCUPIED RHINE TERRITORIES, REPRESENTING THE GERMAN GOVERNMENT.

COBLENZ, *September 10, 1926.*

SIR,

We have the honour to acknowledge receipt of your Note of September 10th, 1926. As mentioned therein, conversations took place at the instance of the Conference of Ambassadors between the delegates of the German Government and those of the Governments represented on the Inter-Allied Rhineland High Commission regarding the measures which might be reciprocally adopted in connection with the evacuation of the Cologne Zone in order to promote the pacification desired by both parties, to bring the relations between the German authorities and people on the one side and the Occupation authorities on the other, into harmony with the spirit of the Locarno Agreements, while conforming to the treaties governing these relations, and to settle by friendly agreement any further difficulties which might arise.

The delegates have agreed to propose that their Governments without prejudice to the stipulations of Article 7 of Annex III of the London Protocol, which both Parties shall continue to apply in the most liberal spirit should exchange the following declarations :

“ I.

Being desirous of obliterating past memories even more completely than is done by the London Protocol, the High Contracting Parties hereby declare :

(1) In the name of the German Government :

(a) That it will employ all the means in its power, including such means as are furnished by the administration of justice, to prevent direct or indirect reprisals against any persons whatsoever, on the ground of the compliance of such persons with the orders of the Occupation authorities, or of services they may have rendered, or dealings they may have had with the said authorities.

This clause relates in particular to persons who have reported to the Occupation authorities infringements of the German laws, or of the ordinances, instructions or decisions of the Inter-Allied Rhineland High Commission, or of the orders of the competent military authorities.

With the exception of the cases mentioned in the second paragraph, services rendered to the Occupation authorities and dealings with these authorities are not covered by this declaration when such services or dealings constitute high treason (*Hochverrat* or *Landesverrat*) or espionage.

The present declarations apply to all acts done in the occupied territories, including the evacuated zone known as the Cologne Zone, from the beginning of the Occupation to January 10, 1923, and from September 1, 1924, to February 1, 1926, and relating to matters connected with the occupied territories, including the evacuated zone known as the Cologne Zone.

(b) That questions which may arise in the evacuated territories in regard to the effects of decisions taken by the Inter-Allied Rhineland High Commission during the period of occupation, when such decisions have come to the notice of the German authorities, shall be dealt with according to the procedure of conciliation provided for hereinafter under II, with the exception of questions directly affecting the political, financial and other relations between the German Government and the Governments represented on the Inter-Allied Rhineland High Commission.

It is, however, understood that no measures having retrospective force shall henceforth be taken in connection with the decisions referred to above, and that, in particular, no payment shall be demanded in respect of the past from persons who were exempted from such payment when the above-mentioned decisions were in force. Payments already made shall not, however, be refunded by the authorities by whom they were collected.

(2) In the name of the Governments represented on the Inter-Allied Rhineland High Commission :

(a) That within two weeks from the coming into force of the agreements, German nationals detained in prisons in the occupied territories and prosecuted or sentenced by military courts for offences committed in the Ruhr territories, in the Duisburg-Ruhrort and Dusseldorf bridgeheads or in the zone known as the Cologne Zone, shall be handed over to the German authorities by the Allied authorities.

Only such persons as have committed crimes against the person, with fatal consequences, shall be excepted from this stipulation.

(b) That a full amnesty shall be granted for all offences committed in the occupied territories from the beginning of the Occupation to February 1, 1926, with the exception of common law offences and espionage.

It is understood that fines and law costs which have already been paid shall not be refunded.

“ II.

It is understood that if difficulties should arise in applying the present Agreement, the only procedure to be adopted to remove these difficulties, failing direct agreement on the subject between the Governments concerned, shall be the following : The Inter-Allied Rhineland High Commission or the Commissioner of the Reich for the occupied territories, or any other German authority appointed by the Government for this purpose, shall, either *proprio motu* or at the request of the parties concerned, open negotiations with a view to arriving at an amicable settlement.

It is understood that the competent authorities, when such a case is brought to their notice and a continuation of the procedure would in their opinion be at variance with the present agreements, shall adopt no measure which would place the other party in presence of an accomplished fact, so long as conciliation proceedings are in progress.

Should these negotiations prove unsuccessful, the case may, in the absence of any other arrangement, be submitted by either party to arbitration in accordance with a procedure determined by common consent.

III.

By the above Agreement the Contracting Parties do not pledge themselves to enact new legislation.

The Agreement shall come into force one week after it has been confirmed by an exchange of Notes between the Commissioner of the German Reich for the Occupied Territories, and the President and Members of the Inter-Allied Rhineland High Commission. ”

In taking note, on behalf of the Governments represented on the Inter-Allied Rhineland High Commission, of your communication conveying the information that the German Government has confirmed these proposals, we have the honour to inform you that these Governments likewise confirm the proposals.

We have the honour to be, etc.,

(Signed) KILMARNOCK.

P. FORTHOMME.

Paul TIRARD.