

N° 2376.

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ALLEMAGNE, FRANCE  
ET SUISSE

Protocole réglant les modalités de la collaboration technique et administrative de l'Allemagne, de la France et de la Suisse, pour l'exécution des travaux de régularisation du Rhin entre Strasbourg-Kehl et Istein. Signé à Genève, le 18 décembre 1929.

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GERMANY, FRANCE  
AND SWITZERLAND

Protocol determining the Methods of Technical and Administrative Co-operation between Germany, France and Switzerland in the Work for the Regulation of the Rhine between Strasburg-Kehl and Istein. Signed at Geneva, December 18, 1929.

<sup>1</sup> TRADUCTION. — TRANSLATION.

N<sup>o</sup> 2376. — PROTOCOL DETERMINING THE METHODS OF TECHNICAL AND ADMINISTRATIVE COOPERATION BETWEEN GERMANY, FRANCE AND SWITZERLAND IN THE WORK FOR THE REGULATION OF THE RHINE BETWEEN STRASBURG-KEHL AND ISTEIN. SIGNED AT GENEVA, DECEMBER 18, 1929.

The representatives of the German, French and Swiss Governments, namely :

FOR GERMANY : MM. SEELIGER, HOEBEL, FUCHS, SPIESS.

FOR FRANCE : MM. Albert MATHIEU, Silvain DREYFUS, F. HERRENSCHMIDT.

FOR SWITZERLAND : MM. HEROLD, PAYOT, STRICKLER.

Met at Strasburg from November 4 to 18, 1929, and at Geneva from December 15 to 18, 1929, for the purpose of drawing up the agreement provided for in the resolution of the Central Commission for Rhine Navigation dated April 29, 1925, (Chapter I, (3)) to determine the methods of technical and administrative co-operation between Germany, France and Switzerland in the work for the regulation of the Rhine between Strasburg and Istein.

The said representative agreed on the following provisions and undertook to recommend their respective Governments to adopt them as soon as possible and to communicate their approval to each other :

*Article 1.*

Germany and Switzerland shall carry out the regulation of the Rhine between Strasburg-Kehl and Istein, in accordance with the scheme approved by the Central Commission for Rhine Navigation (resolution of April 29, 1925). France shall give technical and administrative assistance in the execution of this undertaking.

*Article 2.*

1. The work shall be carried out according to a programme drawn up in conformity with Chapter I, section 1, of the resolution referred to in Article 1. It shall be begun simultaneously at two points, namely, 1) in the neighbourhood of Strasburg-Kehl, starting from km. Bad. 125.5 km. Fr. 127.4 ; and 2) in the neighbourhood of Hartheim, starting from km. Bad. 45.5 km. Fr. 47.5. The work starting from Strasburg shall be executed by successive stages upstream ; the work starting from Hartheim shall be carried out simultaneously upstream as far as the Istein "sill" and downstream as far as the point of junction with the work undertaken in the Strasburg section.

2. In each of these three sections the length of river on which improvement work is to be carried out may amount to 12 km. per year. If, however, in parts of these sections the configuration of the river-bed should be found temporarily unsuitable for the carrying out of the work, the improvement of that part of the river may be postponed until later years.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

3. Should the experience acquired during the work show that the scheme requires to be modified or enlarged to any considerable extent, the Works Commission set up by Article 7 shall be responsible for the decision to be taken, subject to approval by the Central Commission for Rhine Navigation.

4. It is fully understood that the work shall be carried out with the strictest economy and shall be expedited every year as rapidly as possible.

*Article 3.*

The regularisation work shall include :

- (a) Improvement of the low-water bed of the river between Strasburg-Kehl and the bar of rocks at Istein ;
- (b) Alteration of the confluences of tributaries, should the regulation work require such a change, and any other alterations in or measures for protecting the banks ;
- (c) Adaptation if necessary of permanent bridges, except where such adaptation is necessitated mainly by increased traffic and not by alterations in the channel resulting from regulation.

*Article 4.*

In the arrangement of the regulation works, account shall be taken as far as possible of existing constructions. The navigable channel shall be connected with the channel discharging water from the Kembs works and with the proposed entrance to the Port of Strasburg. All necessary steps shall be taken to provide for the continuance of existing water-supply or discharge channels.

2. Further, in the interests of navigation, every effort shall be made to bring about an agreement enabling a connection to be made in the future in as convenient a manner as possible between the provisional channels for discharging water from the main Alsace canal and the navigable channel.

3. Any adaptation of ports, landing places and ferries which may be rendered necessary by the regulation work shall be carried out by the riparian States ; any alterations in pontoon bridges shall be effected by the owners of such bridges.

*Article 5.*

1. The regulation work shall be carried out by the Badische Wasser und Strassenbandirektion, of Karlsruhe, which shall be known as the Works Board.

2. The Works Board shall engage personnel, obtain the necessary plant and purchase construction material. It shall keep and prepare accounts.

*Article 6.*

In pursuance of the undertaking entered into by Germany and Switzerland in Chapter I, No. 2 (a) of the resolution of the Central Commission for Rhine Navigation, dated April 29, 1925, the Works Board shall be instructed to take the necessary measures to ensure that navigation shall not be interfered with to any appreciable extent during the carrying out of the regulation work.

*Article 7.*

1. There shall be a Works Commission to deal with matters of a technical and administrative character connected with the regulation work. The Commission shall consist of six members, each

Contracting State appointing two. It shall meet at least once a year. Each Contracting State shall be responsible for the expenses of its own delegation.

2. The Works Commission shall approve the programmes for carrying out the work submitted to it by the Works Board for the whole of the regulation and for the various stages thereof, shall supervise the carrying out of the work, take decisions in the cases provided for in Article 2, (3), submit to the Governments concerned periodical reports on the progress of the work and on the proper observance of the time-limits, and inspect and approve the sections of the river on which improvement work has been completed.

3. The decisions of the Works Commission shall be unanimous. The Commission itself shall issue regulations, to be submitted to the Contracting States for approval, arranging the details of its organisation.

4. Should it prove impossible to obtain unanimity, the President of the Permanent Court of International Justice shall be requested by the Commission to appoint an engineer who shall give a final decision on the points on which agreement has not been reached. The appointment shall be made as far as possible from among the nationals of a different State on each occasion, nationals of the Contracting States being, however, excluded.

5. The duties of the Works Commission shall come to an end when all the work has been taken over for upkeep by the riparian States, as provided in Article 9 below.

#### *Article 8.*

1. Financial affairs connected with the carrying out of the regulation work shall be managed by a Financial Committee. This Committee shall consist of four members, two appointed by Germany and two by Switzerland; it shall meet at least once a year. Each State shall be responsible for the expenses of its own delegation.

2. On application being made, the Financial Committee shall place the necessary funds at the disposal of the Works Board, shall supervise the use made of them and shall give directions to the accountancy service. It shall submit periodical reports to the two Governments on the financial situation and on the extent to which expenditure keeps within the estimates.

3. The decisions of the Financial Committee must be unanimous. The Committee shall itself issue regulations, to be submitted to the two Governments for approval, arranging the details of its organisation.

#### *Article 9.*

1. As soon as a section has been regulated over a distance of not less than five kilometres, the Works Commission shall inspect and approve the work on that section.

2. After three years, if during that period the work has proved satisfactory, the State on whose territory the works are situated shall take possession of the works and shall thereupon begin to be responsible for their upkeep.

3. The competent authorities of the two riparian States shall confer every year with regard to the necessary measures for the upkeep of works.

4. France shall receive from Germany and Switzerland as her contribution to such upkeep a sum equal to the excess of the actual expenditure on the work over a normal annual quota fixed at 10,000 French francs per kilometre of section regulated and handed over for upkeep. This quota is calculated on the basis of the cost-of-living index in France for 1929 and shall vary with that index.

5. If, however, during one or more years the amount expended by France is less than the said normal quota, France, before applying to Germany and Switzerland in the following years for financial assistance towards such upkeep, shall bear the full cost of upkeep when necessary over and above the normal quota, up to not less than one-tenth of the said quota for each year until the whole amount she has saved is spent.

6. When France, in accordance with 2 of the present Article, has taken over all the parts of the regulation works situated in her territory, she shall be wholly responsible for the upkeep of the said works.

*Article 10.*

1. In order to provide for the execution of Chapter I, 2 (*b*) of the Resolution of the Central Commission for Rhine Navigation dated April 29, 1925, and if necessary to determine any consequences prejudicial to that part of the navigable waterway already regulated below Strasburg which may result from the execution and completion of the regulation work above Strasburg, the state of the river-bed below Strasburg shall be examined where necessary at the beginning of the work, diagrams being made showing cross-sections of the river at intervals of about 100 metres, lengthwise sections of each bank and the various levels of the river. The condition of the regulation works shall also be recorded. These diagrams shall be made at the expense of the undertaking and under the supervision of the Works Commission. The results shall be set forth in a report, accompanied by plans, to be submitted to the Governments of the Contracting States for approval.

2. These diagrams shall be made again whenever any of the three delegations on the Works Commission thinks necessary.

3. The Works Commission shall be responsible for ascertaining the prejudicial consequences referred to in 1 above and for deciding on the remedial measures to be taken.

4. After the completion of the duties entrusted to the Works Commission, the administrations of the riparian States of the river between Strasburg and Sonderheim shall be responsible for preparing diagrams, ascertaining damage and deciding on the remedial measures to be taken. These administrations shall inform each other of such proposed measures as may directly affect the parts of the river or of the banks situated in the territory of their respective countries, in order that the measures may be carried out in the manner most convenient for both countries. The administrations shall jointly settle any questions that may arise out of the said work.

5. Disputes which may arise with regard to the application of the preceding paragraph shall be brought before the Central Commission for Rhine Navigation, acting in accordance with the conditions laid down by the treaties and conventions in force.

*Article 11.*

The German, French and Swiss Governments shall decide by mutual agreement on a special procedure for assessing, if necessary, the amount of damage, other than that referred to in Article 10 above, which may be caused by the carrying out of regulation work, and for which the States carrying out such work are obliged to give compensation.

*Article 12.*

In pursuance of Chapter I, No. 3, of the resolution of the Central Commission for Rhine Navigation dated April 29, 1925, the riparian States undertake to promote by all means in their power the carrying out of regulation work, granting the following facilities :

(*a*) The Works Board shall be accorded the assistance of the administrative authorities in its relations with them, particularly in cases where a specified procedure is required by the laws or regulations of the country ;

(*b*) Public land necessary for the storage of material, for the establishment of yards and of provisional hutments, in so far as is compatible with the use for which such land is intended, may be occupied free of charge. Proposals for the erection of installations on such land shall be submitted to the administrations concerned for approval. The land shall be restored to its previous condition as the work is completed ;

(*c*) Necessary material may be taken from places situated on public land, if authority is granted by the administrations concerned, on the same terms as those governing the granting of authority to contractors for public works, and subject to payment of the customary dues ;

(*d*) Material and plant belonging to the various administrations shall be placed at the disposal of the undertaking carrying out the regulation work, in so far as is compatible

with the normal operation of services, subject to payment of the actual outlay plus expenses of upkeep and redemption ;

(e) Any facilities that administrations hold under the laws and regulations in force for obtaining wood for fascines or for quarrying stone or other material shall be granted to the undertaking carrying out the regulation work ;

(f) The personnel employed on the work shall be allowed to travel freely on the Rhine and on its banks up to a distance of 50 metres inland from the top of the correcting dyke, subject to the necessary police measures.

*Article 13.*

1. In recruiting the personnel necessary for carrying out the work, the Works Board shall engage nationals of each of the three Contracting States, according to the applications it receives from qualified persons (employees and workmen).

2. The Works Board shall recruit such personnel, giving reasonable priority to nationals of the State in whose territory the personnel will be employed, and shall make use of the public employment bureaux.

3. The conditions of labour applicable to the personnel shall be governed by the laws and regulations in force, in the district in which the work is executed, in regard to the labour market for public works carried out for the State.

*Article 14.*

Save where otherwise provided in Article 9, the riparian States shall during the work be responsible for the upkeep of the banks and the river-bed at their own expense, in so far as such upkeep is not necessitated by the carrying out or completion of the regulation work.

*Article 15.*

1. Should a dispute arise between the three Contracting States with regard to the interpretation or application of the present Agreement, it shall, if not settled within a reasonable time through the diplomatic channels be referred to the Chamber of the Permanent Court of International Justice which, under Article 29 of the Statute of the Court, has to settle cases by summary procedure. Should one of the parties so request, however, the dispute shall be submitted to the Court of Justice in plenary session.

2. The parties may also agree to submit a dispute to an arbitral tribunal set up in accordance with Article 45 of the Hague Convention of October 18, 1907, for the peaceful settlement of international disputes.

*Article 16.*

1. The present provisions shall come into force as soon as they have been approved by the three Governments concerned.

2. Each Government shall notify its approval to the other two. The German Government shall ascertain that all such notifications have been made and shall inform the other two Governments stating the date of the coming into force of the present provisions.

Done in triplicate in German and in French.

GENEVA, December 18, 1929.

(Signed) SEELIGER.

(Signed) S. DREYFUS.

(Signed) HEROLD.

(Signed) HOEBEL.

(Signed) SPIESS.