

N° 3345.

ALLEMAGNE
ET TCHÉCOSLOVAQUIE

Traité concernant les cours d'eau
frontières et l'échange de territoires
dans le secteur prussien de la
frontière germano-tchécoslovaque.
Signé à Berlin, le 31 janvier 1930.

GERMANY
AND CZECHOSLOVAKIA

Treaty concerning Frontier Water-
ways and the Exchange of Terri-
tories in the Prussian Sector of
the German-Czechoslovak Fron-
tier. Signed at Berlin, January 31,
1930.

TEXTE TCHÉCOSLOVAQUE. — CZECHOSLOVAK TEXT.

N^o 3345. — SMLOUVA¹ MEZI REPUBLIKOU ČESKOSLOVENSKOU A NĚMECKOU ŘÍŠÍ O HRANIČNÍCH VODNÍCH TOCÍCH A O VÝMĚNĚ ČÁSTÍ ÚZEMÍ V PRUSKÉM DÍLU ČESKOSLOVENSKO-NĚMECKÉ HRANICE. PODEPSANÁ V BERLÍNĚ, DNE 31. LEDNA 1930.

Textes officiels allemand et tchécoslovaque communiqués par le délégué permanent de la République tchécoslovaque auprès de la Société des Nations. L'enregistrement de ce traité a eu lieu le 10 février 1934.

PRESIDENT REPUBLIKY ČESKOSLOVENSKÉ a NĚMECKÝ ŘÍŠSKÝ PRESIDENT dohodli se, že sjednají ustanovení o poloze a pohyblivosti československo-německé hranice ve vodních tocích v jejím pruském dílu a že při tom vymění části území.

Proto jmenovali svými zmocněnci :

PRESIDENT REPUBLIKY ČESKOSLOVENSKÉ :

československého komisaře pro věci hraniční pana Ing. Václava ROUBÍKA a

NĚMECKÝ ŘÍŠSKÝ PRESIDENT :

vyslance a zplnomocněného ministra pana Dr Paul ECKARDT-A.

Zmocněnci, sdělivše si navzájem své plné moci a shledavše je v dobré a náležité formě, sjednali toto :

A. USTANOVENÍ O POLOZE A POHYBLIVOSTI ČESKOSLOVENSKO-NĚMECKÉ HRANICE VE VODNÍCH TOCÍCH V JEJÍM PRUSKÉM DÍLU.

Článek I.

(1) Tam, kde československo-německá hranice v jejím pruském dílu probíhá vodním tokem (hraniční tok), tvoří ji střední čára vodního toku, případně jeho hlavního ramene. Tato střední čára budiž tak určována, aby držitelům pobřežních pozemků zajištěn byl přístup k vodě po území vlastního státu za každého stavu vody. Střední čarou rozumí se vyrovnaná, plynulá čára stejně

¹ L'échange des ratifications a eu lieu à Prague, le 10 octobre 1933.
Le traité est entré en vigueur le 10 février 1934, à 24 heures.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 3345. — VERTRAG¹ ZWISCHEN DER TSCHECHOSLOWAKISCHEN REPUBLIK UND DEM DEUTSCHEN REICH ÜBER GRENZ-WASSERLÄUFE UND GEBIETSAUSTAUSCH AN DER PREUSSISCHEN STRECKE AN DER TSCHECHOSLOWAKISCH-DEUTSCHEN GRENZE. GEZEICHNET IN BERLIN, AM 31. JANUAR 1930.

German and Czechoslovak official texts communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations. The registration of this Treaty took place February 10, 1934.

DER PRÄSIDENT DER TSCHECHOSLOWAKISCHEN REPUBLIK UND DER DEUTSCHE REICHSPRÄSIDENT sind übereingekommen, über Lage und Beweglichkeit der tschechoslowakisch-deutschen Grenze in Wasserläufen auf der preussischen Strecke Bestimmungen zu treffen und im Zusammenhang damit einen Gebietsaustausch vorzunehmen.

Zu diesem Zwecke haben zu Bevollmächtigten ernannt :

DER PRÄSIDENT DER TSCHECHOSLOWAKISCHEN REPUBLIK :

Den tschechoslowakischen Kommissär für Grenzangelegenheiten Herrn Ing. Václav ROUBÍK, und

DER DEUTSCHE REICHSPRÄSIDENT :

Den Gesandten und Bevollmächtigten Minister Herrn Dr. Paul ECKARDT.

Die Bevollmächtigten haben, nachdem sie ihre Vollmachten einander mitgeteilt und in guter und gehöriger Form befunden haben, Nachstehendes vereinbart :

A. BESTIMMUNGEN ÜBER LAGE UND BEWEGLICHKEIT DER TSCHECHOSLOWAKISCH-DEUTSCHEN GRENZE IN WASSERLÄUFEN AUF DER PREUSSISCHEN STRECKE.

Artikel 1.

(1) Soweit die tschechoslowakisch-deutsche Grenze auf der preussischen Strecke in einem Wasserlaufe (Grenzwasserlauf) verläuft, wird sie durch die Mittellinie des Wasserlaufs, gegebenenfalls seines Hauptarmes, gebildet. Bei der Feststellung dieser Mittellinie ist davon auszugehen, dass den Anliegern der Zutritt zum Wasser bei jedem Wasserstand über eigenes Staatsgebiet gewahrt wird.

¹ The exchange of ratifications took place at Prague, October 10, 1933. The Treaty came into force on February 10, 1934, at 12 p.m.

¹ TRANSLATION.

No. 3345. — TREATY BETWEEN THE GERMAN REICH AND THE CZECHOSLOVAK REPUBLIC CONCERNING FRONTIER WATERWAYS AND THE EXCHANGE OF TERRITORIES IN THE PRUSSIAN SECTOR OF THE GERMAN-CZECHOSLOVAK FRONTIER. SIGNED AT BERLIN, JANUARY 31, 1930.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC and THE PRESIDENT OF THE GERMAN REICH have agreed to adopt certain provisions with regard to the position and movability of the Czechoslovak-German frontier along waterways in the Prussian sector, and in connection therewith to proceed to an exchange of territories.

For this purpose, they have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Václav ROUBÍK, Engineer, Czechoslovak Commissioner for Frontier Questions ;
and

THE PRESIDENT OF THE GERMAN REICH :

Dr. Paul ECKARDT, Minister Plenipotentiary ;

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

A. PROVISIONS CONCERNING THE POSITION AND MOVABILITY OF THE CZECHOSLOVAK-GERMAN FRONTIER ALONG WATERWAYS IN THE PRUSSIAN SECTOR.

Article I.

1. When the Czechoslovak-German frontier in the Prussian sector is situated in a waterway (frontier waterway) it shall be constituted by the median line of such waterway, or according to circumstances, by the median line of its principal arm. In determining the said median line, the principle to be applied shall be that the riverain population shall have access to the water at all levels through their national territory. The median line shall be held to be a level and continuous line at an equal distance from both banks of the waterway (principal arm). Should it not be possible exactly to determine the banks, the word "bank" shall for the purposes of the present provision be held to be the line formed along the waterway by permanent vegetation or other features. Should the existing features not suffice for such a line to be accurately fixed, the national frontier shall be constituted by the median line of the water surface at a low level as existing at the time

¹ Translated by the Secretariat of the League of Nations, for information.

when it is established in the waterway or, according to circumstances, in its principal arm. The principal arm shall be held to be the arm in which there flows the greatest quantity of water (m³/sec.) at low water, as existing at the time when it is established.

2. The provisions of paragraph 1 shall not apply to the national frontier in the River Oder. The position of the Oder frontier line shall be determined by a line shown in the maps in the collection of frontier line documents begun in 1927.

Article 2.

1. The national frontier fixed in accordance with paragraph 1 of Article 1, as shown in the maps in the collection of frontier line documents begun in 1927, follows the gradual natural changes in the waterway (principal arm) — movable frontier. In the case of sudden considerable changes in the course of the waterway or of changes coming about through regulation of the waterway or of measures taken without previous agreement, the median line of the waterway (principal arm) which constituted the frontier line before the change shall continue to be the national frontier pending the conclusion of an agreement between the two States.

2. The national frontier in the Oder is permanently fixed by the line mentioned in the second sentence of paragraph 2 of Article 1; it shall therefore not be modified through changes in the course of the waterway (immovable frontier).

Article 3.

Should the movable frontier line undergo hereafter any changes at the points at which the boundary passes over on to dry land, such points shall be fixed in each case by agreement between the competent authorities designated by both Parties. In these cases, care shall be taken to make the national frontier coincide with the boundaries of properties, to avoid any considerable territorial changes and to safeguard the existing interests connected with the regime of waterways.

B. EXCHANGE OF TERRITORIES.

Article 4.

In consideration of the movable character of the national frontier on waterways and with a view to obtaining a more practical frontier line on the Prussian sector of the national boundary, the Contracting Parties agree to the following exchange of territories :

Serial Number	Frontier Section	Description of Place	To be transferred						Annex No. ¹	Remarks
			to the Czecho-slovak Republic			to the German Reich (Prussia)				
			the areas indicated in the annexes ¹							
			in red			in green				
ha	a	m ²	ha	a	m ²					
1	III	On the Oppa (total) . . .	4	95	67	9	43	95	1 to 5	Transfer of frontier in the waterway
2	IV	On the Goldoppa (total) .	—	56	95	—	13	69	6	
3		On the Trojabach (total) .	1	52	70	—	31	17	7	
4		On the Grossebach (total)	—	5	11	—	2	32	8	
5		Road to Matejovice between the frontier pillars ($\frac{IV}{16}$) 20 and $\frac{20}{2}$ (total)	—	—	29	—	—	11		Transfer of frontier by reason of road extension
6	Road from Leobschütz to Neustadt between the frontier pillars $\frac{IV}{17}$ and 8 .	—	—	—	2	50	87	Transfer of frontier in the middle of the road		
7		Lane from Fulstejn to Osoblaha between the frontier pillars ($\frac{IV}{20}$) 9 and $\frac{9}{2}$	—	—	47	—	—	—	Transfer of frontier in order to facilitate traffic	
8	V	Enclaves and exclaves near Pelhřimovy and Pilgersdorf (total)	36	00	10	84	05	65	9	Exchange of enclaves and exclaves including two inhabited Czechoslovak farms
9	VI	On the Prudnikbach (total)	—	77	03	—	32	88	10	Transfer of frontier in the waterway
10		On the Nassen Graben (total)	—	69	25	—	10	00	11	
11		On the Seifenbach	—	1	89	—	—	—		
12	VII	Lane from Cukmantl to Arnoldsdorf between the frontier pillars ($\frac{VII}{3}$) 61 and 62	—	2	30	—	—	—	12	Transfer of frontier to the edge of the lane
13		On the Mühlgraben between the frontier pillars ($\frac{VII}{3}$) 66 and 68 (total) . . .	—	6	25	—	8	58		Transfer of the frontier to the bank of the Mühlgraben
14		On the Goldbach (total) .	1	00	17	1	18	47		Transfer of frontier in the waterway
15		Exclaves on the Goldbach (total)	—	—	—	3	86	20		Abolition of exclaves

¹ Not reproduced.

Serial Number	Frontier Section	Description of Place	To be transferred						Annex No. ¹	Remarks
			to the Czecho-slovak Republic			to the German Reich (Prussia)				
			the areas indicated in the annexes ¹							
			in red			in green				
ha	a	m ²	ha	a	m ²					
16	VII	On the Elsnitz (total) . . .	1	20	18	2	21	32	13, 14	Transfer of frontier in the waterway
17		On the Beilfluss	—	29	41	—	—	03	15	
18		Lane from Mikulovice to Kolnovice between the frontier pillars $\frac{VII}{II}$ and 8 (total)	—	31	33	—	—	18		Transfer of frontier to the edge of the lane
19	VIII	Road from Vidnava to Javornik between the frontier pillars ($\frac{VIII}{2}$) 7 and 11	—	86	44	—	38	03		16
20		On the Krebsbach	—	9	55	—	3	34		
21		On the Jauernigbach (total)	—	3	70	—	4	22		
22	XIII	On the Erlitz (total) . . .	—	9	95	—	1	40	17	Transfer of frontier in the waterway
23	XIV	On the Tschermabach (total)	—	—	—	—	—	96	18	
24		Forest property of the town of Náchod near Birkhagen between the frontier pillars $\frac{24}{16}$ and 26 .	20	96	20	—	—	—		Transfer of frontier for the purpose of territorial equalisation
25	XV	On the Mettau	21	43	29	—	—	—	19	Transfer of frontier in the waterway
26		On the Berlenkabach (total)	—	1	95	—	8	06		
27	XVI	Kolonie Brunnkress . . .	15	46	70	—	—	—	20	Transfer of frontier for the purpose of territorial equalisation ; includes two inhabited Prussian farms
28	XVIII	On the Raspenauer Flössel	—	1	76	—	1	81	21	Transfer of frontier in the waterway
29	XXII	On the Iser (total) . . .	1	23	80	2	98	18	22	
30	XXIV	On the Katzbach (total) .	—	28	31	—	13	73	23	
31		On the Wittichfluss (total)	—	11	80	—	17	40		
		Total	108	12	55	108	12	55		

¹ Not reproduced.

Article 5.

The exchange of territory provided for in Article 4 shall not affect the nationality of persons domiciled in the territories exchanged.

Article 6.

1. The land tenure registers and cadastral surveys, together with their annexes (deeds, documents and maps), relating to the lands to be exchanged (Article 4) shall be handed over in the original or, if that is not possible, in certified copies, by the courts and survey authorities which have hitherto kept them to the courts or survey authorities of the other State. The courts and survey authorities concerned shall hand over such documents directly to each other. Any difficulties that may arise in that connection or in the course of official business between the said authorities shall be settled by direct negotiation between the central authorities concerned.

2. In so far as concerns the land tenure registers and cadastral surveys, the exchange of territory shall be carried out as a Government transaction, free of cost and of stamp duty or other official charge.

Article 7.

1. Rights and obligations which, according to the law of the recipient State may be entered in its land tenure register, shall be entered therein, provided that such entries shall in compass and in subject-matter be in conformity with the entries therein existing at the time of the coming into force of the present Treaty.

2. Other rights and obligations shall not be entered in the land tenure register of the recipient State ; claims and liabilities arising out of these rights and obligations shall not be affected thereby.

3. Rights possessed by one State over land which, by reason of the exchange, becomes part of the territory of the other State, shall lapse unless they relate to a money claim or are based on a title in private law.

Article 8.

The contracting States will ensure that detached fragments of an estate are transferred as far as possible, free of all obligation, and that joint liabilities shall be divided as far as possible.

Article 9.

The Courts of the transferring State shall remain competent in respect of actions at law in which rights are claimed over a property exchanged and which are pending at the time of the entry into force of this Treaty. The general arrangements in force between the contracting States shall apply in respect of the recognition of legal decisions and of the conditions required for their execution.

C. FINAL CONCLUSIONS.

Article 10.

The present Treaty has been drawn up in duplicate, in the Czechoslovak and German languages. Both texts are equally authentic.

Article II.

The Treaty shall be ratified as soon as possible. The instruments of ratification shall be exchanged at Prague. The Treaty shall enter into force four months after the exchange of the instruments of ratification.

In faith whereof the Plenipotentiaries of both Parties have signed the present Treaty and have affixed thereto their seals.

Done at Berlin, January 31, 1930.

(L. S.) V. ROUBÍK, *Engineer, m. p.*

(L. S.) Dr. P. ECKARDT, *m. p.*
