

N° 3870.

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**ROUMANIE  
ET TCHÉCOSLOVAQUIE**

Convention concernant le partage  
des biens des circonscriptions  
administratives (districts, comitats,  
villes et villages) divisés par la  
frontière. Signée à Bucarest, le  
22 décembre 1930.

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**ROUMANIA  
AND CZECHOSLOVAKIA**

Convention regarding the Allocation  
of the Property of Administrative  
Units (Districts, Counties (Comi-  
tats), Towns and Villages) inter-  
sected by the Frontier. Signed at  
Bucharest, December 22nd, 1930.

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

No. 3870. — CONVENTION <sup>2</sup> BETWEEN THE KINGDOM OF ROUMANIA AND THE CZECHOSLOVAK REPUBLIC REGARDING THE ALLOCATION OF THE PROPERTY OF ADMINISTRATIVE UNITS (DISTRICTS, COUNTIES (COMITATS), TOWNS AND VILLAGES) INTERSECTED BY THE FRONTIER. SIGNED AT BUCHAREST, DECEMBER 22ND, 1930.

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*French official text communicated by the Roumanian Envoy Extraordinary and Minister Plenipotentiary to the League of Nations and by the Permanent Delegate of the Czechoslovak Republic to the League of Nations. The registration of this Convention took place April 6th, 1936.*

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HIS MAJESTY THE KING OF ROUMANIA and THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, being desirous of reaching an agreement for the purpose of settling the allocation of the property of the administrative units (districts, counties (comitats), towns and villages) divided by the frontier, have decided to conclude a Convention for this purpose and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ROUMANIA :

Monsieur Georges G. MIRONESCO, Prime Minister, Minister for Foreign Affairs ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Monsieur R. KÜNZL-JIZERSKÝ, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic at Bucharest ;

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

*Article 1.*

Partitioned counties, towns and villages shall be taken to mean the counties (comitats), towns and villages whose former administrative area has been divided by the frontier.

*Article 2.*

The whole of the assets and liabilities constituting the property of the counties, towns and villages, referred to in Article 1, shall be subject to allocation.

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<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.

<sup>2</sup> The exchange of ratifications took place at Prague, February 26th, 1936. Came into force February 26th, 1936.

*Article 3.*

Assets and liabilities constituting the property to be allocated shall be valued on the basis of their condition (whether defined by inventory or not) as at the date of the definitive establishment of the Czechoslovak or Roumanian administration in the territory attributed. For the allocation of funds and foundations the final account for the financial year in which the said date falls shall be taken as basis.

In making the valuation and determining the allocation, expenditure and investments of public utility made after the date of the definitive establishment of the administration concerned and in the common interest of the two separated parts, as also alterations in the inventory, if the latter are due not to the fault of the party in possession but to accident or *vis major*, shall be taken into account.

*Article 4.*

The allocation of the assets and liabilities constituting the property of counties, towns and villages shall be proportionate to the direct taxes levied in 1913 in the respective territories of the two separated parts. In establishing this proportion, direct taxes shall be taken to mean the taxes used in 1913 as a basis for the assessment of the county and communal additional taxes.

There shall also be added to the above the land tax on property (built over or otherwise) levied in 1913 on immovable property belonging to counties, towns and villages, but situated outside their administrative areas. In fixing the proportion for the allocation, these land taxes shall be placed to the credit account of that part of the divided area which belongs to the Contracting Party in whose territory the taxed immovable property is situated.

*Article 5.*

The allocation of the assets of counties, towns and villages shall be made in the proportion fixed in Article 4.

Within the limits of this proportion, allocation shall be carried out in kind as far as possible.

I. In conformity with the principle of allocation of assets in kind, immovable property shall be attributed to that separated part in whose territory it is situated. Immovable property situated outside the area of a partitioned county, town or village shall be attributed to the separated part belonging to the Contracting Party in whose territory such property is situated.

Immovable property allocated in kind shall be valued in conformity with the provisions of Article 7, and there shall be placed to the charge of the separated part to which such property is allocated the proportionate share due to the other part. Compensation and sums placed to the charge of the respective parts shall be paid in conformity with the provisions of Article 3.

II. Should the allocation of movable property in kind prove to be impossible or involve difficulty, the movable property to be allocated may, if the two Parties agree, be bought up by one of the separated parts or sold. If the property is bought up, the provisions of the second paragraph of section I shall apply. The price obtained by sale shall be allocated between the two parts in the proportion fixed in Article 4.

Movable property which forms an appurtenance to immovable property shall be allocated with the immovable property, its value being included in the account when allocation takes place.

Movable property of special interest to one of the separated parts (such as portraits, books, seals, arms, shields, flags and other similar objects) may be bought by that part if both separated parts agree.

III. Debts reckoned in former Austro-Hungarian crowns shall be allocated in the proportion laid down in Article 4.

In the relations of the separated parts with debtors, the parts shall be regarded for the purpose of allocating the respective shares in the debt as Czechoslovak or Roumanian nationals according as their territory belongs to Czechoslovakia or to Roumania.

The respective shares in the debts thus allocated shall be fixed in conformity with the provisions of the Convention<sup>1</sup> on the settlement of debts and claims in former Austro-Hungarian crowns.

The personal conditions (nationality and domicile) defined in the above-mentioned Convention shall be held to be combined in the person of the separated part to which the debt is due, in conformity with the second paragraph of the present section.

*Article 6.*

1. The liabilities of counties, towns and villages shall be allocated in the proportion laid down in Article 4.

2. Debts specially secured on one of the properties to be allocated shall be taken over by the separated part to which the property constituting the security is attributed in virtue of Article 5. Debts contracted for the purchase, construction, upkeep, improvement, etc., of any of the properties to be allocated shall be regarded as debts specially secured, and shall be taken over by the separated part to which the property in question is attributed in virtue of Article 5. The total debts to be met by the other separated part shall be deducted from the share due to that part in the property which has been made the security, or in respect of which the debt has been contracted.

3. The separated part which, in virtue of the preceding paragraphs, takes over the whole debt or a portion thereof, shall alone be responsible for the debt taken over, and shall be regarded in its relations with the creditors as a Czechoslovak or a Roumanian national, according as the territory belong to Czechoslovakia or to Roumania.

4. The respective shares in the debt thus allocated, reckoned in former crowns, shall, in the case of creditors who have their domicile (headquarters) in the territory of one of the two Contracting Parties, be determined in conformity with the provisions of the Convention between the Contracting Parties on the settlement of debts and claims in former Austro-Hungarian crowns. The portion of the debts referred to in paragraph 3 assumed by the other part shall be settled in the currency in which and at the amount at which payment would have been made (at the agreed place of payment) by that separated part if it had continued to be responsible for such portion of the debt.

5. The personal conditions (nationality and domicile) defined in the above-mentioned Convention shall be held to be combined in the person of the separated part which has become the debtor, in conformity with the third paragraph of the present Article.

6. Should the immovable property which has been made security for the debts referred to in the second paragraph have been intersected by the frontier, or should several immovable properties have been made security (some being situated in Czechoslovak territory and others in Roumanian territory), the amount of the debts to be allocated shall be divided between the two portions of the immovable property, or between the immovable properties situated respectively in Czechoslovak territory and in Roumanian territory. The amount of the debt to be allocated shall be divided in proportion to the revenue from the property entered in the land register, or, failing such entry, in proportion to the value of the immovable properties in question determined in accordance with Article 7.

7. The provisions of the preceding paragraph shall also apply to debts contracted for the purchase, construction, upkeep, improvement, etc., of the properties to be allocated.

8. The allocation between the two separated parts of debts divided in conformity with the preceding two paragraphs shall be effected in accordance with the provisions of the second paragraph.

<sup>1</sup> See page 221 of this volume.

9. The Commissions appointed to carry out the present Convention, and the Court of Arbitration and the umpire referred to in Article 10, shall notify the creditors concerned of the decisions they may take regarding the allocation of the debts. This information shall be communicated by registered letter within fifteen days following the date on which the decision is taken.

10. No account shall be taken of War Loan certificates.

#### *Article 7.*

Assets and liabilities constituting the property to be allocated shall be valued in conformity with the following principles :

(1) Immovable property not built over shall be valued in the currency of the State in which it is situated. The valuation shall be based on the average market prices current at the time of valuation in the district in which the immovable property is situated.

Account shall also be taken of prices offered and asked in the neighbourhood, even in the territory of the other Party.

(2) Immovable property built over shall, in general, be valued in accordance with the provisions of paragraph 1.

If, however, the value of built-over property cannot thus be fixed, in making the valuation account shall be taken of the price of the land, the material, and the constructional costs, in the currency of the Contracting Party in whose territory the property is situated.

(3) Movable property shall be valued on the basis of the average market prices current at the time of valuation. The valuation shall be made in the currency of the Contracting Party in whose territory the property is situated.

(4) Claims and debts shall be entered in the account in the currency determined in conformity with the provisions of Article 5, section III, or Article 6.

(5) With a view to adjusting the two sets of accounts, the valuations made in accordance with the preceding provisions shall be converted into Swiss francs.

#### *Article 8.*

Valuation and allocation shall be carried out separately for each partitioned county, town and village.

When the valuation and allocation have been completed, the competent Commissions referred to in Article 10 shall, as a separate operation, strike a balance between the sums owed and owing on either side and converted into Swiss francs.

The final settlement shall be made simultaneously for all the partitioned counties, towns and villages.

Each Contracting Party shall designate for this purpose a Central Organ for its territory. These Central Organs shall act as the agents of the separated parts belonging to each of the Contracting Parties.

These Central Organs shall, by common agreement, fix the day appointed for the conversion of national currencies into Swiss francs at the average rate of exchange fixed on the Zurich Exchange on the appointed day.

Within eight days as from the completion of the individual allocations in each county, town and village, the Commissions shall furnish each Central Organ with a statement of the debts and claims as established in conformity with the second paragraph.

Where the property of a town or village is allocated entirely in kind, the competent Commission shall communicate its decision to the Central Organs for their information. In such case settlement as between the Central Organs will not be necessary.

Within fifteen days following the receipt of the last statement, the Central Organs shall communicate to each other, and shall conjointly establish the total and final balance of the balances established individually for each county, town and village by the above-mentioned Commissions.

The Central Organ which is the debtor shall pay the balance for which it is responsible, either in Swiss francs or in the currency of the Central Organ to which the money is owed, at the rate of exchange fixed on the day appointed by common agreement between the two Organs. The debtor Organ may choose between these two methods of payment.

Payment shall be made, without any reduction, direct to the creditor Organ within six months following the date on which the balance is established.

#### *Article 9.*

As regards property and debts allocated in conformity with the provisions of the present Convention, the separated parts or their assigns shall, so far as third parties are concerned, become the legal successors, in proportion to the allocation, to the rights and obligations of the partitioned counties, towns or villages, in connection with the said property and debts.

The legal relations resulting for separated parts from the allocation of the property of counties, towns and villages, and from the execution of the present Convention, shall be subject, so far as they are not regulated by the present Convention, to the domestic law of the Contracting Party in whose territory the separated part in question is situated.

#### *Article 10.*

Valuation and allocation shall be effected separately in the case of each county, town and village by one or several special Joint Commissions.

Each Commission shall consist of four members, one appointed by each Contracting Party and one by each separated part of the county, town or village in question.

The Commissions shall be entitled to consult an expert or experts.

The decisions of each Commission must be unanimous. If opinions are divided, the dispute shall be submitted to a Court of Arbitration consisting of two members, one appointed by the Royal Roumanian Government and the other by the Government of the Czechoslovak Republic. Should the Court of Arbitration be unable to reach a unanimous decision, it shall choose an umpire.

Should it prove impossible to agree on an umpire, the Contracting Parties shall apply for the appointment of an umpire to the Member of the Federal Council of the Swiss Confederation who is head of the Department of the Interior.

The unanimous awards of the Commissions and the Court of Arbitration, as also the awards of the umpire, shall be final, and the Contracting Parties undertake to proceed to carry them into effect.

The Commissions must be constituted at the latest within one month following the coming into force of the present Convention. Should it be necessary, the Court of Arbitration shall be constituted within one month of the time at which failure to agree is noted.

The Commissions shall begin their work without delay and must conclude it within ten months following the date of their appointment. The Court of Arbitration shall render its awards not later than two months after the completion of the work of the Commissions.

The costs of this procedure shall be borne by the counties, towns and villages concerned, in the proportion fixed for the allocation of the property.

The Contracting Parties mutually undertake to grant to the Commissions and the Court of Arbitration all assistance and all facilities required, and to furnish them, within one month after receiving a request, with the official data necessary to enable them to pursue their enquiries.

#### *Article 11.*

The deposits of the administrative units partitioned shall be handed over, wholly or in part, to the separated part to which they have, wholly or in part, been allocated in virtue of the present Convention.

*Article 12.*

Amicable agreements concluded up to November 30th, 1930, between the administrative units partitioned shall remain unaffected by the present Convention.

*Article 13.*

The present Convention shall be ratified and the ratifications shall be exchanged at Prague as soon as possible. It shall come into force on the date of the exchange of ratifications.

In faith whereof the respective Plenipotentiaries have signed and affixed their seals.

Done at Bucharest, in two original copies, this 22nd day of December, 1930.

(L. S.) (Signed) G. G. MIRONESCO.

(L. S.) (Signed) R. KÜNZL-JIZERSKÝ.