

No. 2233

**YUGOSLAVIA
and
ITALY**

Agreement (with annex and exchange of notes) with respect to the apportionment of archives and documents of an administrative character or of historical interest relating to the territories ceded under the terms of the Treaty of Peace. Signed at Rome, on 23 December 1950

Official text : French.

Registered by Yugoslavia on 23 July 1953.

**YUGOSLAVIE
et
ITALIE**

Accord (avec annexe et échange de notes) concernant la répartition des archives et des documents d'ordre administratif ou d'intérêt historique se rapportant aux territoires cédés aux termes du Traité de paix. Signé à Rome, le 23 décembre 1950

Texte officiel français.

Enregistré par la Yougoslavie le 23 juillet 1953.

[TRANSLATION—TRADUCTION]

NO. 2233. AGREEMENT¹ BETWEEN THE ITALIAN REPUBLIC AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA WITH RESPECT TO THE APPORTIONMENT OF ARCHIVES AND DOCUMENTS OF AN ADMINISTRATIVE CHARACTER OR OF HISTORICAL INTEREST RELATING TO THE TERRITORIES CEDED UNDER THE TERMS OF THE TREATY OF PEACE.² SIGNED AT ROME, ON 23 DECEMBER 1950

THE GOVERNMENT OF THE ITALIAN REPUBLIC and the GOVERNMENT OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA, with a view to regulating the apportionment of archives and documents of an administrative character or of historical interest relating to the territories ceded under the terms of the Treaty of Peace,² have agreed as follows :

Article 1

The Italian Government shall deliver to the Yugoslav Government all archives and documents of an administrative character or of historical interest, specified in Annex XIV, paragraph 1, of the Treaty of Peace, which are in the possession, or which will come into the possession of the Italian State, of local authorities, of public institutions and publicly owned companies and associations.

Should the material referred to not be in Italy, the Italian Government shall endeavour to recover and deliver it to the Yugoslav Government.

Article 2

The expression "archives and documents of an administrative character" shall be construed as covering the documents of the central administration and those of the local public administrative authorities.

The following shall be considered as having particular reference to the territories ceded under annex XIV, paragraph 1 :

Documents relating to the territory properly speaking and documents relating to property ceded, pursuant to the aforesaid paragraph, such as cadastral registers, maps and plans ; blueprints, drawings, drafts, statistical and other similar docu-

¹ Came into force on 23 December 1950, as from the date of signature, in accordance with article 10.

² United Nations, *Treaty Series*, Vols. 49 and 50.

ments of technical administration, concerning *inter alia* the public works, railways, mines, public waterways, seaports and naval dockyards ;

Documents of interest either to the population as a whole or to part of the population, such as those dealing with births, marriages and deaths, statistics, registers or other documentary evidence of diplomas or certificates testifying to ability to practise certain professions ;

Documents concerning certain categories of property, situations or private juridical relations, such as authenticated deeds, judicial files, including court deposits in money or other securities, provided the property in question is situated within the ceded territory or the persons in question are domiciled therein, and the court files concerning the criminal procedure conducted by legal authorities who were competent for the territories ceded and to whom were subject persons having their effective residence within these same territories but excluding files concerning crimes not punishable by extradition.

The expression "historical archives and documents" shall be construed as covering not only the material from archives of historical interest properly speaking but also documents, acts, plans and drafts concerning monuments of historical and cultural interest.

Article 3

For the execution of this Agreement a Joint Commission is hereby established, consisting of six members, each party appointing three of these members, who may be assisted by experts whenever they deem it necessary.

Article 4

The Joint Commission shall have its seat at Gorizia. It shall begin its work not later than two months after this Agreement enters into force.

Each of the two Contracting Parties shall undertake to defray the expenses of its own representatives.

Article 5

The Commission shall itself determine in advance the rules of procedure for the conduct of its own work.

It may sit in the reduced form of a sub-commission consisting of one representative of each Party.

In order to examine the material covered by this Agreement, the places where this material is to be found shall be accessible to the Joint Commission and to the sub-commissions with which the competent authorities shall collaborate as closely as possible.

The decisions of the Joint Commission and joint sub-commissions shall be definitive.

Should disagreement arise in a sub-commission, the decision shall be referred to the Commission, which shall meet in plenary session.

Should disagreement arise in the plenary Commission, the decision shall be referred to the two Governments.

Article 6

Cadastrés, land registers, records of births, marriages and deaths, tax registers, acts and documents concerning the assessment and collection of taxes and duties, plans and drafts of the technical administrations and whatever material the Commission may consider to be of common interest to both Parties, as well as any material the Commission may consider to be indivisible, shall be assigned to that Party which, in the Commission's judgement, is more interested in the possession of the documents in question, according to the extent of the territory or the number of persons, institutions or companies to which these documents relate. In this case, the other Party shall receive a copy of such documents, which shall be handed over to it by the Party holding the original.

Should there be more than one original copy, the delivery of only one of these originals shall be considered sufficient.

Article 7

The delivery of the archives and documents shall be effected as soon as practicable.

The Italian Government, in particular, shall adopt all the necessary measures to locate and deliver to the Yugoslav Government, as quickly as possible, the material specified in the annex to this Agreement.

The Italian Government shall inform the Yugoslav Government at an early date, if possible, within three months from the entry into force of this Agreement, of the result of its inquiries and of the places where the documents in question are to be found. However, the material mentioned in point 1 of the annex shall be delivered to the Government of the Federal People's Republic of Yugoslavia at the earliest opportunity, in other words immediately after the decision by the Joint Commission.

In regard to the documents referred to in points 4, 7 and 8 of the annex, relating to the construction, installations, works, etc., not undertaken, the Italian Government shall in each case examine, in the most liberal spirit and at the request of the Yugoslav Government, the possibility of ceding these documents or of facilitating their sale if the property of private individuals is involved.

Article 8

The transfer of the material shall be exempted from all kinds of taxes and duties.

Each of the two Contracting Parties shall defray the costs of transporting the material in question to its own territory.

Article 9

The Italian Government undertakes to keep all the material until final delivery and not to sort it out in any way without informing the Government of the Federal People's Republic of Yugoslavia accordingly. Only if the Yugoslav Government raises no objection within three months from the date of this communication may such sorting out be undertaken.

Article 10

This Agreement shall come into force on the date of its signature.

DONE at Rome, in duplicate in the French language, on 23 December 1950.

For Italy :

(Signed) SFORZA

For the Federal People's Republic
of Yugoslavia :

(Signed) IVEKOVIC

A N N E X

MATERIAL MENTIONED IN ARTICLE 7

1. Cadastres, land registers and registers of births, marriages and deaths in respect of the ceded territories.
2. Judicial files of the former prefectures of Ajdovscina (Aidussina), Kanal (Canale), Kobarid (Caporetto), Sezana (Sezana), Ilirska Bistrica (Villa del Nevoso), Idrija (Idria), Cerčno (Cerchina).
3. Technical documents concerning roads and railways.
4. Copy of the goods and passenger traffic statistics ; documents relating to the construction and reconstruction of the ports, including all plans, drafts, etc., and all the documents relating to the existing naval constructions (dockyards, works, warehouses, lighthouses, etc.) and to the construction of vessels permanently engaged in serving ports of the ceded territories.
5. Technical archives and documents concerning the electric plants, high-tension cables and the transformation stations of the ceded territories.
6. Topographical maps, mining profiles, drafts and sketches ; extracts from the mining registers dealing with mining rights and all other contingent material relating to mining in the ceded territories.
7. Plans, memoranda and other material relating to the industries in the ceded territories.

8. Statistics, hydrographic documents and documentation on the hydraulic installations in the ceded territories.

9. Statistics and documentation on agriculture in the ceded territories, including archives and the records of the Lipica (Lipizza) stud-farm.

10. Forestry archives, plans and statistics.

11. Detailed plans of the 45-kilometre-long international cable which enters Yugoslav territory near Kobarid (Caporetto) and leaves it near Predil.

12. File material of historical interest concerning the ceded territories in the Gorizia Provincial Library.

EXCHANGE OF NOTES

I

Rome, 23 December 1950

Your Excellency,

I have the honour to inform you that the Government of the Federal People's Republic of Yugoslavia has decided to consider favourably the desire expressed by the Government of the Italian Republic, namely, that the competent Yugoslav authorities should deliver, with all due speed, the various documents which may be required by persons formerly domiciled within the territories ceded to Yugoslavia and at present residing in Italy.

Consequently, the said persons may request and obtain these documents directly from the competent Yugoslav authorities, free of any authentication fee. The Government of the Federal People's Republic of Yugoslavia will take the necessary action to ensure that the competent authorities deliver the documents in question as soon as possible.

The Yugoslav Government will also transfer to the Italian Government :

(1) Extracts from the records which are held in the civil registries of the communes of Fiume, Pola and Zara and which refer to persons who have acquired Italian nationality under the treaties of Saint-Germain, Rapallo and Nettuno and are at present residing in Italy ;

(2) Documents relating to taxpayers who had previously resided within the ceded territories, or were entered in the registers of these territories and who have now settled in Italy and have elected to establish their new domicile there, especially documents dealing with direct taxes (excluding land taxes), indirect taxes and duties on business transactions and, in respect of the latter, state articles of public receipts (*articoli dei campioni*) dealing with all sums owing to the public treasury in process of auditing or collection which were left in the possession of the audit offices of the ceded territories.

The above mentioned documents may be handed over in original whenever they are no longer of interest to Yugoslavia ;

(3) The personal files of the officials and employees (titulary and auxiliary) of the Italian central administration and of local or autonomous administrations, who formerly served within the ceded territories and who are at present in Italy ;

(4) Duplicates, if such exist, or photographic copies (at the expense of Italy) of civil registers (births, deaths, marriages, nationality, etc.) of the towns of Fiume, Pola and Zara.

It is understood that the material mentioned under 1 to 3 shall be delivered to Italy unless it has been destroyed by war action.

This letter, together with your reply, forms an integral part of the Agreement, which we have just signed, concerning the apportionment of archives.

I have the honour to be, etc.,

(Signed) IVEKOVIC

H. E. Count Carlo Sforza
Minister of Foreign Affairs
Rome

II

Rome, 23 December 1950

Your Excellency,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

[See note I]

I have the honour to inform you that the Italian Government is in agreement with the above.

I have the honour to be, etc.,

(Signed) SFORZA

H. E. Dr. Mladen Ivekovic
Minister of the FPR of Yugoslavia
Rome