

¹TRANSLATION.

No. I504. TREATY BETWEEN GERMANY AND POLAND FOR THE SETTLEMENT OF FRONTIER QUESTIONS. SIGNED AT POZNAN, JANUARY 27, 1926.

The Polish-German Boundary Commission, having met in pursuance of Article 87, paragraph 4, of the Treaty of Versailles, concluded on June 28, 1919, between the Allied and Associated Powers and Germany, and having completed its work, POLAND, of the one part, and GERMANY, of the other part, being desirous of settling questions concerning the frontier line, have agreed to conclude a treaty in accordance with the provisions of Articles V and VI of the Final Protocol of the Boundary Commission, dated October 18th, 1924. Accordingly, the Plenipotentiaries of the two Parties, namely ;

FOR POLAND :

M. Maciej KOCZOROWSKI;

FOR GERMANY:

Dr. Paul ECKARDT, Minister Plenipotentiary

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

SECTION 1.

DETERMINATION OF THE FRONTIER AND DOCUMENTS RELATING TO THE FRONTIER.

Article 1.

1. The frontier between Poland and Germany has been fixed, marked and delimited on the spot by the Boundary Commission which met in pursuance of Article 87, paragraph 4, of the Treaty of Versailles, concluded between the Allied and Associated Powers and Germany on June 28, 1919. Under the provisions of No. 1 of Additional Protocol (a) to the Final Protocol of the Boundary Commission, dated October 18, 1924, this frontier forms the territorial boundary between the contracting States.
2. The documents describing the frontier line are enumerated in the Final Protocol referred to in paragraph 1 of this Article.

¹ Translated by the Secretariat of the League of Nations.

3. The documents referred to in paragraph 2 also show where the frontier crosses bridges and locks.

4. The frontier line, as fixed and described in the documents, also determines the territorial boundary under the ground and in the air.

Annex I-3.

5. The Final Protocol referred to in paragraph 1 and Additional Protocols (a) and (b) are attached to the present Treaty.

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Article 22.

Subject to compliance with the Customs and police regulations, public bridges, foot-bridges and ferries over frontier waterways and frontier waters, and fords through such waters, may, in so far as they serve for the crossing of the frontier in accordance with the above provisions be used by the inhabitants of both contracting States to the extent allowed at the time of the signing of the present Treaty.

Article 23.

Subject to any regulations to the contrary made by the Committees provided for in Article 6, bridge-tolls may only be levied in accordance with a uniform scale of charges and on account of that Contracting Party which is responsible for the upkeep of the bridge. Should both Parties be responsible for upkeep, the bridge-tolls shall be levied according to a scale fixed by mutual agreement, and revenue therefrom shall be divided between the two Parties in proportion to their responsibilities for upkeep.

Article 24.

1. Maintenance of the bridges, foot-bridges and ferries referred to in Article 22 shall be carried out in accordance with the legislation of the country. Conservancy work shall be carried out after agreement between the authorities designated in Article 5.

2. The Committees provided for in Article 6 may by unanimous decision otherwise regulate the obligation to maintain the bridges, foot-bridges and ferries, and proceed to an equitable allocation of the costs.

Article 25.

The establishment of new bridges and ferries and any considerable alterations in those existing can only be carried out by unanimous agreement of the Committees provided for in Article 6.

Article 26.

The provisions of Articles 22 to 25 shall not apply to railway bridges.\

SECTION IV.

UTILISAION OF FRONTIER WATERWAYS AND FRONTIER WATERS AND THE CONVEYANCE OF WATER AND ELECTRIC POWER.

Article 27.

As regards frontier waterways and frontier waters, both contracting States shall regard the territorial frontier as their boundary in respect of supervision and the enforcement of Customs regulations.

Article 28.

1. Unless otherwise provided in the following Articles, frontier waterways and frontier waters may be utilized up to the frontier by persons having a right of user under the laws of the country.

2. Navigation on frontier waterways shall be regulated by the agreements for that purpose. On non-navigable frontier waterways, the inhabitants of both contracting States without distinction shall be allowed to use boats and to float timber over the whole breadth of the waterway, subject to any restrictions that may be imposed by the national legislation of one or the other Party.

3. The inhabitants of each of the contracting States, in so far as they possess rights of user, whether real or personal, on the other side of the frontier over frontier waterways and frontier waters, including former branches and sectors cut off at low water, may exercise the said rights in accordance with the laws of the country and provided they are in possession of the identity cards required, for crossing the frontier may carry out on the territory of the other State such work as is necessary for the exercise of their rights.

Article 29.

The strengthening of the banks, work on, or alterations in, the watercourse, and the linking up of inflow and outflow may, in the case of frontier waterways and frontier waters, only be carried out with the permission of the competent authorities of the country in which the work is to be executed. The said authorities shall before granting such permission notify the corresponding authorities of the other Party. The carrying out of new work, the effects of which might extend other installations by which the course of a frontier waterway might be altered, or the water level of a frontier waterway or of frontier waters might be influenced, or the discharge of flood water might be impeded, shall only be allowed on permission being given by the Committees provided for in Article 6.

Article 30.

Subject to reciprocity, the two contracting States shall each on its own side take all the measures provide for by the laws of the country with a view to maintaining the frontier waterways and frontier waters in a clean condition and also for the purpose of guarding against the danger of floods in the frontier waterways and frontier waters area. In so far as joint measures may be necessary for this purpose, an agreement shall be arrived at between the two contracting States.

Article 31.

The flow of the water must not be impeded by installations set up on and in frontier waterways, for the purpose of utilizing the water. Places for watering cattle and geese must be situated on the banks so that they do not interfere with the flow of the water. The slopes and banks of such frontier waterways as come under the regulations concerning protection against flood must be kept free of trees and bushes.

Article 32.

The two contracting States shall ensure, each on its own territory, that in the case of frontier waterways the working of joint installations for drainage and irrigation, of installations for the purposes of regulating the water level and of mill-races and installations for the outflow of water from sible for the working and supervision of common drainage and irrigation installations must not be interfered with in the territory of the other Party in carrying out their duties provided they are in possession of the identity cards required for crossing the frontier.

Article 33.

The competent authorities of the two Parties shall conclude more detailed arrangements with regard to the regular and immediate exchange of information concerning floods and ice conditions.

Article 34.

The provisions of Article 30 to 33 shall apply by analogy to waterways in the frontier district which, without being frontier waterways, flow into such waterways or lead water from territory of one Party to that of the other. As regards the strengthening of the banks, work on, or alterations in the watercourse, and the linking up of inflow and outflow ditches, the competent authorities of the one Party shall not be obliged to notify the competent authorities of the other Party in cases in which the said work does not affect the out-flow or the water level in the territory of the other Party. The area within four kilometres of the frontier shall be regarded as the frontier district.

Article 35.

1. Existing surface and underground conduits used for the conveyance of water for ordinary consumption, electric power, and industrial drainage water from the territory of the one Party into the territory of the other may continue to be used as before without Customs duties and other taxes being levied therefor. Tools necessary for the maintenance of the above-mentioned installations may be taken over the frontier free of Customs duty and other taxes on condition that they are brought back again. Similarly, should the said installations unexpectedly break down or be damaged, the quantities of material required for their repair may be imported free of Customs duty and other taxes.

2. The provisions of Chapters V and VI of Part 5 of the Convention on Upper Silesia of May 15, 1922, shall not be hereby affected..

SECTION V.

FISHING IN FRONTIER WATERWAYS AND FRONTIER WATERS.

Article 36.

Fishing in frontier waterways and frontier waters shall be dealt with in a special agreement.

SECTION VI.

EXEMPTION FROM TAXATION IN THE CASE OF ALIENATION OF LANDED PROPERTY INTERSECTED BY THE FRONTIER

Article 37.

1. Should owners of landed property which is situated on both sides of the frontier and which has formed an economic unit up to June 18, 1920, alienate portions of their land before January 1, 1928, the said portions being separated by the frontier from the main part of the property, the parties concerned shall be exempted from such transfer taxes, legal expenses and fees as would ordinarily be chargeable on these portions of land by reason of the alienation, the conveyance of the rights of property, the making out of deeds and the necessary, entries in the land register.

2. The exchange of landed property shall also be regarded as alienation within the meaning of paragraph 1 ; nevertheless, exemption from taxation will only be granted in respect of the portion of land obtained in exchange should the said portion satisfy the conditions laid down in paragraph 1.

3. In case of doubt the Minister of Finance in Poland, and the Reich Minister of Finance in Germany shall decide finally whether the conditions necessary to obtain exemption from taxation are satisfied or not.

SECTION VII.

GENERAL AND FINAL CLAUSES.

Article 38.

Whenever under the present Treaty expenses are reimbursable to one of the contracting States, payment shall be made in the currency of the State entitled to receive the sums in question.

Article 39.

The decisions of the Boundary Commission in connection with the present Treaty are enumerated in a special list and are hereby recognised by both Parties as binding. These decisions shall be executed by the Committees provided for in Article 6 in so far as the latter still regard this as necessary.

Article 40.

The provisions of the present Treaty shall not apply to cases for which different Regulations have been made or may in future be made by means of agreements between the contracting States or in any other manner. The previous agreements and other provisions referred to in the present Article are enumerated in the attached list (Annex 4).

Article 41.

The present Treaty shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Warsaw. The Treaty shall come into force four weeks after the exchange of the instruments of ratification and shall remain in force until modified or terminated by mutual agreement.

Done at Poznan on January 27, 1926, in duplicate in the Polish and German languages, both texts being equally authentic.

(L. S.) (Signed) Maciej KOCZOROWSKI.

(L. S.) (Signed) Paul ECKARDT.

ANNEX 1.
COMMISSION FOR DELIMITATION OF THE GERMAN-POLISH FRONTIERS.
FINAL DELIMITATION PROTOCOL.

Article I.

In accordance with the provisions of Article 87 of the Treaty of Peace between the Allied and .Associated Powers and Germany, signed at Versailles on June 28, 1919, the under-signed, being duly accredited by their respective Governments as members of the Commission provided for in the said Treaty to determine on the spot the new frontier line between Poland and Germany, have proceeded to the delimitation of the said frontiers.

Article II..

The frontier line has been settled in pursuance of :

- (1) Articles 27, 28, 88, 94, 95, 96, 97 of the Treaty of Versailles (June 28, 1919)
- (2) The instructions for the Boundary Commissions approved by the Supreme Council on October 15, 1919, and modified by the Conference of Ambassadors at its meeting on July 22, 1920, and the modifications of those instructions made later;
- (3) The decision of the Conference of Ambassadors of August 12, 1920, following on the plebiscites in the territories of Allenstein and Marienwerder ;
- (4) The decision of the Conference of Ambassadors dated October 20, 1921, following on the plebiscite in the territory of Upper Silesia.

Article III.

The frontier line has been divided into sections which have received the following names or designations :

- (1) For the part of the frontier from the Baltic Sea to the Czechoslovak frontier the letters A, B, C, D, E, F, G, H, J, K, L, M, N, O :
- (2) For the part of the frontier known as the " East Prussian sector " the numbers I, II, III, IV, V.

The frontier line has been marked and surveyed and is shown :

- (a) On a map, scale 1: 100,000 ;
- (b) On a map, scale 1 : 25,000, showing the position and the number of the frontier marks ;
- (c) On a plan, scale 1: 5,000, having attached to it sketches showing details, giving all the measurements required for indicating the position of the frontier marks (dossiers and papers for the frontier marks for sections A-K inclusive ; atlases, maps and diagrams for sections L-O inclusive, in Upper Silesia, and sections I to V inclusive in the so-called East Prussian sector).

Note : So far as concerns the course of the Netze river (Section F) no map on the scale 1: 5,000 has been made.

Article IV.

The frontiers are defined :

- (a) In the description agreed on for each of the sections at the moment of the taking of the decision by the Commission and in the additions or rectifications relating to the modifications subsequently made in this first description ;
- (b) In the detailed description of the frontier from frontier mark to frontier mark ;
- (c) In the general description drawn up in accordance with the rules laid down by the Conference of Ambassadors on May 21, 1924.

The atlases and papers for frontier marks prepared by the Commission give a detailed description of the frontiers.

Should there be any divergence between the text of the descriptions of the frontiers and the cartographical documents (atlases, plans, diagrams, papers), the particulars given on these cartographical documents as measurements of distances or of angles shall prevail in so far as the said particulars correspond to measurements made from apex to apex of the broken line constituting the frontier line or correspond to the angular measurements (angle, abscissas, ordinates, accessory measurements).

If, in spite of the verification carried out, there should be any difference between the measurements given in the cartographical documents and those subsequently made on the ground, the frontier marks (principal, normal and auxiliary) being in their correct position, the new measurements once settled by technical experts of the two Parties and checked by them shall be marked on a sketch attached to the part in question of the documents that have been drawn up.

Article V.

There have been attached to the documents in respect of the delimitation of the frontiers

- (a) An additional Protocol (common water-ways and roads)
- (b) A Protocol concerning bridges and locks intersected by the frontier.

Protocols regulating legal questions raised by the tracing of the frontier line have been or shall subsequently be dealt with in direct agreements concluded between the Governments concerned.

Article VI.

The maintenance and upkeep of marks and signs indicating the frontier shall be dealt with in a special convention to be concluded between the Governments concerned.

A provisional agreement has been arrived at between Germany and Poland under which Germany is responsible for the maintenance of the frontier marks bearing odd numbers and of auxiliary marks or signs between the frontier mark bearing an odd number and the next frontier mark bearing an even number, and Poland is responsible for the maintenance of frontier marks bearing even numbers and auxiliary marks or signs between a frontier mark bearing an even number and the next frontier mark bearing an odd number.

Article VII.

The Boundary Commission after having satisfied itself :

That the line of the frontier, as marked out on the spot, is in accordance with the decisions of the Commissions ;

That the cartographical documents which have been drawn up are in agreement with the actual lie of the land ;

That the information given in respect of the position of the frontier marks is accurate ;

And after having carried out on the spot the handing over of the territory up to the frontier to the two Governments concerned ;

And having satisfied itself that the three copies of the documents attached, intended for the Conference of Ambassadors, for Germany and for Poland, respectively, are identical ;

And whereas by a decision of the Conference of Ambassadors dated March 28, 1923, the abstention of the Japanese Commissioner, who left the Commission in February 1923, does not in any way affect the validity of the Protocol;

Unanimously declares that the frontiers between Germany and Poland from the Baltic Sea to the point at which the three States, Germany, Poland and Czechoslovakia meet, and from the point at which the three States, Germany, Lithuania and Poland meet up to the common point at which the three States, Germany, Poland and the Free City of Danzig meet, are indicated in the descriptions and on the maps, plans, sketches and diagrams attached to the present Protocol.

Article VIII.

By the signature of the present Protocol the work of the Boundary Commission for the demarcation of the German-Polish frontiers is hereby concluded.

Done at Paris in three original copies intended for the Conference of Ambassadors, for the German Government and for the Polish Government.

October 18, 1924.

Major Etzel,
German Commissioner

Count Szembek,
Polish Commissioner

(Signed) ETZFL.

(Signed) SZEMBEK.

Lieut-Colonel Boger,

British Commissioner

(Signed) R. A. BOGER.

Lieut-Colonel Tonini,

Italian Commissioner

(Signed) TONINI.

Lieut-Colonel Gardan,

French Commissioner, President of the Commission

(Signed) GARDAN

ANNEX 2.

ADDITIONAL PROTOCOL

(Common waterways and roads).

I. The frontier line, as fixed and marked by the Boundary Commission and given in the official documents, is hereby accepted by the States concerned as their territorial frontier. The same shall apply in all cases in which the frontier line described in the minutes of the negotiations concerning the frontier and marked out on the spot, does not coincide with the information given in the land registers in respect of the boundaries of plots of land.

II, In those parts of the frontier in which the frontier is situated in a waterway, the territorial frontier shall consist of the median line of the waterway at its normal level. The territorial frontier shall thus follow the waterways in their gradual and natural deviations. Should there be a sudden and considerable modification in the course of a frontier waterway, the median line existing previous to the modification shall constitute the territorial frontier pending the conclusion of a final agreement between the two States concerned.

III. In the case of the frontier roads which are described as "common to both States" in the official documents, the median line of the said roads shall be regarded as the territorial frontier.

PARIS, *October 16, 1924.*

German Commissioner

(Signed) ETZEL.

Polish Commissioner

(Signed) SZEMBEK.

British Commissioner

(Signed) BOGER.

French Commissioner President:

(Signed) GARDAN.

Italian Commissioner

(Signed) TONINI.

ANNEX 3.

PROTOCOL

CONCERNING BRIDGES AND LOCKS INTERSECTED BY THE FRONTIER.

So far as concerns bridges of any kind and locks which are intersected by the frontier, the decisions originally taken by the Commission are hereby annulled and replaced by the following decision :

The frontier line at the points referred to in the above paragraph shall be determined by the large-scale cartographical documents which are authentic for the allocation between the two Parties of the bridges and locks.

An agreement shall be concluded between the two Governments concerned in respect of the maintenance of the said constructions.

PARIS *October* 18, 1924.

German Commissioner
(Signed) ETZEL.

Polish Commissioner :
(Signed) SZEMBEK.

British Commissioner
(Signed) R. A. BOGER.

Italian Commissioner :
(Signed) TONINI.

French Commissioner
President
(Signed) GARDAN.

LIST

OF THE DECISIONS OF THE POLISH-GERMAN BOUNDARY COMMISSION, RECOGNISED AS BINDING BY BOTH PARTIES IN ACCORDANCE WITH ARTICLE 39 OF THE POLISH-GERMAN TREATY FOR THE SETTLEMENT OF FRONTIER QUESTIONS.

Number	Date of Decision	Subject of the Decision
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- | | | |
|----|------------|---|
| 1. | 15.11.1920 | (a) An agreement shall be concluded between the parties concerned in respect of the maintenance of the canal between Wolla and Purgalken.
(b) A protocol shall be drawn up authorizing Franz Kasproicz of Wansen, owner of plot No,103/37 to carry his lime free into Poland.
(c) The Powers concerned shall draw up a protocol authorizing the inhabitants residing on the eastern side of the frontier who have interests in Poland to use that part of the road from Wansen to |
|----|------------|---|

- Seeben (passing the mill of Szczupliny) situated in the neighbourhood of the frontier.
2. 2.4.1921 (a) A protocol shall be drawn up for the purpose of guaranteeing the rights of the owner of Lake Karasch. (The Boundary Commission has prepared a draft of such an agreement and has forwarded it to the States concerned.)
(b) A protocol shall be drawn up for the purpose of granting Poland free access to Lake Traupel and allowing her to maintain the irrigation ditches up to the point at which they joint the Lake at all places at which the shores of Lake Traupel form the frontier between Poland and Germany.
- (c) A protocol shall be drawn up for the purpose of guaranteeing Poland's right of maintenance of the drainage ditches running into the Gr.Guhring Lake.
3. 11.5.1921 Until it is possible to build a new railway station on German territory, the inhabitants of the town of Garnsee shall have free access to the railway station of Gardeja.
4. 13.3.1922 / 7.12.1922 The rights of ownership of three buildings in the village of Kurzebrack shall be transferred to the Polish State to enable it to make provision for the administration of the port of Kurzeniowo.
5. 2.9.1920 (a) In the Communes of Wierzucin and Reckendorf those plots of land which are cut off by the frontier may be used without any restriction, particularly for the purpose of pasturage. The proprietors of the same, their employees and their livestock shall be allowed to use the roads crossing or running alongside the frontier to enable the land to be property cultivated. They shall be allowed to water and wash their livestock in Lake Zarnowitz. The provisions of the Treaty of Versailles concerning the liquidation of property shall not apply to owners of land which has been assigned to Poland.
(b) In the commune of Rauschendorf those plots of land which are cut off by the frontier may be used without any restriction, particularly cut off by the frontier may be used without any restriction, particularly for the purpose of pasturage. The proprietors of the same, their employees and their livestock shall be allowed to use the roads crossing or running alongside the frontier to enable the land to be property cultivated. They may also water their livestock in Lake Zarnowitz. They shall also be permitted to wash, swim, and exercise their horses up to a distance of 50 metres from the shore. They shall further be allowed to wash in the Lake and to take water from the same for domestic and agricultural purposes. The Provisions of the Treaty of Versailles concerning the liquidation of property shall not apply in this case.

- (c) In the communes of Gross Konarczyn, Zechlau, Hohenkamp and Kupfermühle, the plots of land cut off by the frontier may be used without any restriction, particularly for the purpose of pasturage. The proprietors of the same, their employees and their livestock shall be allowed to use the roads crossing or running alongside the frontier to enable the land to be properly cultivated. Leases concluded before July 1st, 1920, cannot be terminated by the Polish State before they expire. Questions concerning drainage and improvements in the Brahe meadows and the regulation of the River Braa, shall be settled by an agreement between the States concerned. The provision of the Treaty of Versailles concerning the liquidation of property shall not apply to the land assigned to Poland.
6. 6.7.1920 Poland shall have a right of access to the lock remaining on Polish territory at the point at which the “Alt-Klosterkanal” joins the “Obra-Südkanal”.
- Germany shall have a right of access to the lock at the outlet of the Lupitz irrigation canal which has been assigned to Poland.
7. 6.7.1921 (a) The stretch of road on both sides of frontier stone J.054. shall be regarded as common property, and may be used by the German proprietors concerned.
- (b) The road between frontier stones J.293 and J.295 shall be regarded as common property and may be used by the German proprietors concerned.
- (c) The German proprietor of plot No.207 shall be authorised, for the purpose of proceeding to his property, to cross the frontier between frontier stones J.001 and J.003, over the territory near frontier stone J.003 and the Polish plot No.206.
8. 22.7.1921 (a) Those German nationals having rights of user over the fields alongside the frontier are entitled to use those parts of the Wildbahn-Smugen and Wildbahn-Bogday roads which have become Polish up to the point at which they meet the Bogday-Smugen frontier road for the purpose of agricultural work in the said fields.
- (b) The German proprietors concerned or German nationals having a right of user may use the Polish road along the frontier between frontier stones K.233 and K.237.
9. 23.6.1922 It is recognised that Polish nationals having a right of user should be allowed to cross the territory near the spring south of Proschau which has been assigned to Germany,
10. 19.8.1922 A special agreement shall be concluded concerning the use of the part of the road remaining in German territory near plots No.32,33 and 123-34 of the Gr.Hannersdorf land register by the farmer on the Polish side of that road.

11. 28.9.1923

(a) A protocol shall be drawn up guaranteeing the landowner Balluch the right to mow the grass in and about the frontier ditch near Knurow, and the same protocol shall lay down regulations for the cleaning and maintenance of the said ditch by the owners in the neighbourhood.

(b) A protocol shall be drawn up for the purpose of enabling two German nationals owning land in Poland to use the bridge over the Skrupta pond. (Draft agreements to this effect have been prepared by the Boundary Commission).

12. 26.3.1923

Measures to ensure the flow of water from the Lisswarthe; use of a Polish road by the inhabitants of the Dzielna colony, and supervision and maintenance of the “Tiefe Friedrichstollen” by Poland. (The Boundary Commission has prepared draft agreements to this effect.)