

N° 267. 

AUTRICHE ET TCHÉCOSLOVAQUIE

Convention relative à la ligne frontière austro-tchécoslovaque et aux questions connexes, signée à Prague, le 10 mars 1921.

AUSTRIA AND CZECHOSLOVAQUIA

Convention concerning the delimitation of the frontier between Austria and Czechoslovakia and various questions connected therewith, signed at Prague, March 10, 1921.

TRANSLATION.¹

N^o. 267. — CONVENTION BETWEEN THE AUSTRIAN AND CZECHOSLOVAK REPUBLICS CONCERNING THE DELIMITATION OF THE FRONTIER BETWEEN AUSTRIA AND CZECHOSLOVAKIA AND VARIOUS QUESTIONS CONNECTED THEREWITH, SIGNED AT PRAGUE MARCH 10, 1921.

The Governments of the AUSTRIAN and CZECHOSLOVAK REPUBLICS, being desirous, by the conclusion of an agreement, of facilitating the final determination of the frontiers between the Austrian and Czechoslovak States and of hastening the solution of various questions connected therewith, have appointed as their plenipotentiaries :

FOR THE GOVERNMENT OF THE AUSTRIAN REPUBLIC :

Dr. Robert DAVY, Head of a Department in the Federal Ministry for Home Affairs and Instruction ;

FOR THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC :

M. Vaclav ROUBIK, Engineer, and Head of a Department in the Ministry of Public Works, who, after having exchanged their full powers, found in good and due form, have agreed as follows :

I.

UTILISATION OF THE WATER-POWER OF THE RIVER THAYA IN THE AREA EXTENDING FROM THE BEGINNING OF THE COMMON FRONTIER NEAR CIZOW(ZAISA) TO THE END OF THAT FRONTIER NEAR PODMOL(BAUMÖL).

Article 1.

1. The Austrian Government agrees that the whole water-power of the River Thaya in the section of the frontier from Cizow(Zaisa) to Podmol(Baumöl) shall be exploited as a single undertaking by an enterprise to be promoted by the Czechoslovak Republic.

2. The exploitation of this water-power will involve the erection of structures standing partly on Austrian and partly on Czechoslovak territory.

Article 2.

As regards the works and secondary structures built on Austrian soil and territory, or in contact with that soil and territory, the Austrian Government undertakes to grant a valid concession, in

¹ Translated by the Secretariat of the League of Nations.

accordance with the provisions of the existing laws, for the construction and utilisation of the works, not later than six months after the submission of an application in due form, subject to the following conditions :

(a) The concession shall be granted for an unlimited time and shall be irrevocable.

(b) The Austrian Government shall concede to the enterprise the right of expropriation.

(c) The Austrian Government shall not impose any taxes or other duties whatsoever upon the materials and requisites for the construction, maintenance and exploitation of the whole of the works, in so far as they stand on Austrian soil, nor shall it impose such charges upon the enterprise itself.

(d) Dams and water-power installations shall be built and worked with due regard to the requirements of public safety. In the working of these installations in connection with the Frain dam, due regard shall be paid to agricultural interests in the Thaya district below Znaim within the territory of the two States so that these interests may be benefited as far as possible.

(e) Free access to Austrian soil and territory shall be granted by the Austrian Government to the agents of the enterprise with a view to the execution of preliminary operations and for the completion, upkeep and operating of the works ; as regards the preparatory work, this access should be granted immediately, and as regards other work, as soon as both Governments have given their approval to the agreement.

(f) The Czechoslovak Republic shall require the enterprise to undertake to give full compensation to the owner of the Lower Hardegger weir for the loss caused by the backwash from the Podmoler-(Baumöler) barrage.

(g) The enterprise shall be liable for damage occasioned by its negligence in the construction or maintenance of the works ; disputes shall be decided by a court of arbitration, on which the two States shall appoint one arbitrator each and a third member shall be nominated conjointly by the two States.

Article 3.

In the event of important alterations in the works within the frontier section, which, according to the laws of the one State or of the other, require the consent of the authorities, the latter shall be guided by the same principles as were taken into account when granting the concession.

Article 4.

The Czechoslovak Government shall require the enterprise, after the construction and starting of all the works in the Freistein-Znaim area, to supply, if requested to do so by the Federal Ministry for Commerce, Trade, Industry and Public Works, six million kilowatt-hours annually to the parties whose interests are concerned in Lower Austria, delivered at the frontier near one of the power-stations, at a suitable price—net cost plus a moderate profit.

Article 5.

Should the Austrian Government fail to make by March 31, 1921, a declaration finally binding upon it to the effect that in the same manner as for the Czechoslovak territory the formal method of grant of an irrevocable concession, unlimited in point of time, is chosen, the said Government

undertakes to cede the Austrian soil and territory required for the construction of the works for the exploitation of the whole of the water-power in the frontier area, to the sovereignty of the Czechoslovak Republic, at latest within two months after the Czechoslovak Government shall have declared that the work is to be begun and finished within a reasonable period. If the work of construction shall not have been begun within five years after such last-mentioned declaration, the ceded territory shall return to the sovereignty of the Austrian Republic.

All documents required in connection with the cession of the territory shall be delivered to the Austrian Government at the same time as the above-mentioned declaration of the Czechoslovak Government.

The cadastral surveys required for effecting the transfer of the territory shall be delivered with the least possible delay by the Austrian Government to the Moravian Land Commission, on the application of the latter body.

Article 6.

In case this transfer of territory should take place, the conditions already set forth in Articles 1 to 4 shall hold good in so far as they may be applicable.

Article 7.

The Czechoslovak Government undertakes not to move military forces for any reason whatever to the south bank of the Thaya — in the frontier area in question — or to cause any military defence works to be constructed on this bank of the Thaya.

Article 8.

¶ Should the provisions of Article 5 come into force, the two Governments shall request the Frontier Delimitation Commission to rectify the frontier in the afore-mentioned Thaya section, having due regard to the terms of the Agreement, taken as a whole.

II.

DELIMITATION OF THE FRONTIER NEAR FELDSBERG.

The national frontier in the Feldsberg district shall run as follows, described from west to east according to the 1/25,000 survey oleate :

It shall start from a point 660 metres to the south-west of the junction of the old provincial boundary between Moravia and Lower Austria with the Nikolsburg-Feldsberg Railway where the communal boundary between Drasenhofen and Steinabrunn crosses this provincial boundary.

a) *Communes of Steinabrunn and Herrenbaumgarten (Austria), and parish of Garschöntal (Czechoslovakia).*

The frontier shall follow the above-mentioned communal boundary to the southern corner of Lot 1242, thence in a straight line to the north-eastern border of Lot 1281/2, across the road, and thence in a straight line to a point in the Feldsberg water-main 170 metres from the south-western corner of Lot 1452. It shall then run along this water-main and 15 metres from it, till it reaches the high road leading westward, along the ridge of the Koller Heath near the chief water reservoir and near Point 279 Koller Heath. The frontier shall then run along the middle of this highroad as far as the junction of the latter with the Garschöntal-Steinabrunn road — Lot 2609 ; thence along the middle of this road to the cross-roads, Lot 2607, and thence along the middle of the last-named road towards the south (from Lot 1503, Commune of Garschöntal, onwards

this road constitutes the Garschönthal-Steinabrunn and Garschönthal-Herrenbaumgarten communal boundary), as far as the southernmost point of the Commune of Garschönthal.

(b) *Communes of Garschönthal and Feldsberg (Czechoslovakia), Communes of Schrattenberg (Austria).*

The frontier shall follow the south-eastern boundary of the Communes of Garschönthal as far as the junction of the dividing-line between Lots 5639 and 5640 (commune of Schrattenberg) with the road in Lot 2540 (Commune of Garschönthal) and thence along this dividing-line to the south-eastern corner of Lot 5640; thence in an easterly direction along the southern border of Lots 5554 to 5550 (Commune of Schrattenberg), the western border of Lot 5475, the southern border of Lots 5561 to 5655 inclusive, the western border of Lots 5666 to 5668, thence along the middle of the road in Lot 7085 as far as the junction with the northern border of Lot 6078/1. The frontier shall run thence along the northern border of Lots 6078/1, 6077, 6076, 6075, 6069 and 6716; thence across the Schrattenberg-Feldsberg road (Lot 7092/2) along the eastern border of Lot 6560, the northern border of Lot 6654, the eastern border of Lots 6654 and 6652, and thence along the northern border of Lot 6651 as far as the road in Lot 7009. Thence along the middle of that road, and along the southern border of Forest Lot 6674 as far as the junction with the Feldsberg-Schrattenberg communal boundary; thence along the southern boundary of Lot 1511 and the western boundary of Lot 1510 (Commune of Feldsberg); it shall twice again cross the communal boundary referred to, thus assigning Lots 842 and 843 (Commune of Schrattenberg) to Czechoslovakia and Lots 1492 to 1495/2 (Commune of Feldsberg) to Austria. It shall then run in an easterly direction along the communal boundary between Feldsberg and Schrattenberg.

(c) *Commune of Feldsberg (Czechoslovakia), Commune of Katzelsdorf (Austria).*

The frontier shall then follow the communal boundary between the communes mentioned as far as the junction with the road in Lot 3185 — Commune of Katzelsdorf — whence it shall run along the middle of that road, and along the middle of the road in Lots 661 and 660; continuing in the direction of the last-named road, it shall cross Lot 1762, running thence in a northerly direction along the middle of the Katzelsdorf-Feldsberg road till it intersects a line prolonging the north-eastern boundary of Lot 1928, thence along the last-mentioned line as far as the southern border of Lot 1927/1.

The frontier shall then run along the southern border of the Gelschink Forest (Lot 1927/1 together with Lots 3128/1 and 1926/1) as far as its southernmost point, and thence along the southern border of Lots 1927/1 and 1924 as far as the Katzelsdorf-Reinthal communal boundary.

(d) *Communes of Reinthal and Bernhardsthal (Austria), Commune of Unter-Themenau (Czechoslovakia).*

The frontier shall first run in a northerly direction along the western boundary of the Commune of Reinthal, entering almost immediately the middle of Road Lot 2863, which it follows as far as the branching-off of Road Lot 2854. It shall then run along the middle of the last-named lot as far as the junction with the Reinthal-Feldsberg road (Lot 2860) thence along the middle of that road, then along the southern border of Lot 1185 and finally along the middle of the Reinthal-Lundenburg road (Lot 2854/1) as far as the Reinthal Unter-Themenau communal boundary.

The frontier shall then follow the southern boundary of the Commune of Unter-Themenau over Hill 187, first in an easterly and then in a north-easterly direction, thus crossing the Vienna-Lundenburg railway-line and the Rabensburg Unter-Themenau road as far as the southern corner of Lot 1455 (Commune of Bernhardsthal).

It shall then run along the south-eastern boundary of the lot just mentioned until that boundary rejoins the communal boundary, which it will then follow as far as the southern corner of Lot 1742 (Commune of Unter-Themenau), thence along the north-eastern boundary of the last-named lot, and then between Lots 1751/1 and 2 on the one side and Lots 1749/2 and 1 on the other, all within the Commune of Unter-Themenau, until it again joins the communal boundary.

The frontier shall then follow the communal boundary between Unter-Themenau and Bernhardsthal as far as the junction between Lots 1515 and 1516 (Commune of Bernhardsthal), thence between Lots 1515, 1514, 1513/1 and 2, 1512, 1511/2, 1510/2, 1497, 1503, 1549, 1583, 1582, 1567,

1569 and 1570 to the west and Lots 1516, 1518/1, 1519, 1511/1, 1510/1, 1511/3, 1509, 1508, 1504, 1505, 1548, 1550, 1551, 1566, 1565, and 1564 to the east as far as Lot 1592 and finally along the northern border of Lots 1592 and 1595 as far as the River Thaya, which the frontier reaches about two kilometres south-west of the point where the Rabensburg-Themenau road crosses the Rabensburg-Lundenburg Railway.

In cases in which the frontier-line described above may run along a road or path, it is hereby provided that both parties shall, without exception, have the right to use the section of road or path in question, even if the whole road lot is situated on the boundary of a commune and shall have heretofore been entirely within the territory of one of the frontier communes.

III.

FRONTIER TRAFFIC BETWEEN THE DISTRICT OF FELDSBERG AND THE AUSTRIAN HINTERLAND.

I.

TRANSIT.

The Czechoslovak Republic shall grant all facilities, compatible with the protection of Czechoslovak Customs interests, for the transit traffic of the inhabitants of the Austrian communes which lie in the immediate neighbourhood of the district round Feldsberg ceded to the Czechoslovak Republic by the Treaty of Saint-Germain; and in particular the said Republic shall refrain from issuing special transit prohibitions, or from imposing special transit duties, applicable only to this traffic.

The Czechoslovak and Austrian Governments propose to act in concert, so far as possible, in regard to Customs control in connection with this form of traffic. The two Governments shall, at the earliest possible moment, come to an agreement as to the Customs control offices and as to the points at which the frontier may be crossed. In this connection special consideration shall be given to the present road-communications through Feldsberg.

In order to prevent the crossing of the frontier at unauthorised places in the frontier traffic between the districts in question, the two Governments undertake to give each other effective assistance with a view to preventing and discovering such irregularities.

2.

TRAFFIC IN CONNECTION WITH FARMING AND GRAZING.

On manors and estates which are situated in the Austrian and Czechoslovak frontier districts referred to in Section I, and which are traversed by the Customs frontier, the products of the soil and of the cattle-raising industry may pass free of duty when being transported, by the natural frontier-crossings, from the places where they have been produced to the buildings and places provided for their keeping: the same applies to farm stock and farm implements, fertilizers and seed for agriculture, when being transported from one part of an estate to another.

Both Governments reserve the right to withdraw the above privileges, in case of abuse, in respect of any particular crossing-place.

Inhabitants of the frontier districts who have to carry out agricultural work on the other side of the frontier on their own land, or on fields or meadows which they have leased or otherwise, (provided that the work lies near their dwellings) may take across the frontier, free of duty, the animals, vehicles and implements necessary for the performance of the work, and also fertilizers, seed for their land, and sheaves of corn of their own sowing which are being carted away from the land, and other crops (besides green folder, coarse fodder, feeding herbs, hay, litter and firewood). The above articles may also be taken across the frontier by by-roads, if the local conditions or the nature of the work to be done appear to render this necessary, and provided that the regulations for the protection of the Customs are duly complied with, and that the inhabitants in question return to their homes on the other side of the frontier on the same day that they crossed it.

Similar privileges are granted in respect of grass and hay which have been grown in the border districts affected by these provisions and which have been purchased by persons dwelling on one side of the frontier, at auctions in the territory on the other side.

Cattle being driven to pasture, or returning from pasture, across the frontier shall be exempt from duty, provided that their identity is established. The products of such cattle — such as milk, butter and cheese — and also any young animals that have been born in the interval, in quantities proportionate to the number of the cattle and the time they have been at pasture, may be taken back across the frontier free of duty.

If the local conditions require it, by-roads may be used when crossing the frontier for the purpose of thus pasturing cattle, provided that the local regulations which will be issued to cover such cases are duly observed.

Neither of the Contracting Parties shall require export licences to be taken out in respect of movements carried out under Section 2, nor shall persons dwelling on either side of the frontier, who farm pieces of land on the further side, become liable thereby to make compulsory deliveries to the State on the further side.

As regards the movements dealt with under Section 2, both parties shall be entitled to adopt such measures as are customary in regard to minor frontier traffic when they appear necessary for the maintenance of public health or of veterinary control.

3.

The provisions of this section shall remain valid until the coming into force of an Agreement between the Czechoslovak and Austrian Republics regarding minor traffic across the common Customs-frontier, but in no case beyond the end of 1921.

IV.

USE OF THE NIKOLSBURG-FELDSBERG-LUNDENBURG RAILWAY.

The Czechoslovak Government shall allow the inhabitants of the communes of Ottental, Steinabrunn, Drasenhofen, Gutenbrunn, Stützenhofen, Klein-Schweinbarth, Falkenstein, Poysbrunn, Schrattenberg, Katzelsdorf, Pottenhofen and Wildendürnbach, in the political district of Mistelbach, to have access to Czechoslovak territory in order to make use of the Nikolsburg-Feldsberg-Lundenburg Railway for the through journey to or from Austria, on production of the frontier passes usual in minor frontier traffic, provided that such passes are clearly marked: "Valid only for the through journey to and from Austria by the Nikolsburg-Feldsberg-Lundenburg route".

V.

WATER-WORKS OF THE BŘECLAVA-LUNDENBURG MUNICIPALITY.

The Austrian Government undertakes, within six months after the submission of an application in proper form from the Břeclava-Lundenburg Municipality, to grant a valid concession, in accordance with the provisions of the existing laws, for the construction and operation of the water-works and minor installations for the supply of the municipality in question with drinking water and washing water from Föhrenwald at the northern edge of the Bernhardsthal Commune, in so far as these works (or minor installations) are erected on, or are in contact with, Austrian soil or territory; in respect of this provision the Austrian Government further agrees to the following conditions:

- (a) The concession shall be granted for an unlimited time and shall be irrevocable.
- (b) The Austrian Government shall concede to the enterprise the right of expropriation.
- (c) The Austrian Government shall not impose any taxes or other duties whatsoever upon the materials and requisites for the construction, maintenance and exploitation of the waterworks, in so far as these works stand on Austrian soil.
- (d) The Austrian Government shall allow the agents of the enterprise free access to Austrian territory for the planning, preparation, carrying out, maintenance and supervision of the works.
- (e) The construction of the works must be completed within six years from the date of the granting of a legally valid concession.

Article 2.

The Czechoslovak Government shall be entitled, in case of complications involving danger of war with any neighbouring State, to occupy with its troops such parts of the waterworks to be built in Föhrenwald and of the conduit leading thence to Lundenburg as are in Austrian territory, for such a period as shall be absolutely necessary. The Czechoslovak outposts shall not, however be advanced beyond the southern edge of Föhrenwald.

The Austrian Government shall be duly notified of such military measures before they are carried out.

VI.

TRAFFIC ACROSS THE FRONTIER BETWEEN THE MARCH-THAYA TRIANGLE
AND THE ADJOINING AUSTRIAN TERRITORY.*Article 1.*

AREA AND PERIOD WITHIN WHICH THESE PROVISIONS SHALL BE VALID.

1. The March-Thaya triangle is to be understood, for the purposes of this Agreement, as the territory, belonging to the Czechoslovak State, which is bounded: *on the south and west* by the Thaya, from its mouth to its junction with the former administrative frontier between Lower

Austria and Moravia, running from the Thaya to the March ; *on the north* by the above-mentioned administrative frontier ; *and on the east* by the March from its junction with the above-mentioned administrative frontier as far as the mouth of the Thaya.

2. The provisions of this section are intended to secure, in perpetuity, to the inhabitants concerned in the Austrian political districts of Mistelbach and Gänserndorf which adjoin the March-Thaya triangle, the use of the produce of the land and forests in the said triangle which are indispensable to them and which they have enjoyed from time immemorial.

Article 2.

MOVEMENT OF COMMODITIES.

1. Natural manures, green and coarse forage, feeding herbs, hay, straw, chaff, moss, rushes, timber and planks, game and fish obtained from the March-Thaya triangle and being carried or carted into the Austrian political district of Mistelbach shall be exempted from duty in both States.

2. The same immunity shall be extended to seed required for purposes of agriculture and forestry in the March-Thaya triangle, and to the natural and artificial manures required for the same purpose, which are brought into the area in question.

3. Sacks and other receptacles in which the above-mentioned commodities are being moved from one of the frontier districts concerned to the other, and which are afterwards taken back by the same route, shall be exempted from duty on both sides of the frontier.

Article 3.

MOVEMENT OF CATTLE.

Cattle driven to pasture in the March-Thaya triangle or returning from that district shall in both cases be exempt from duty provided their identity is established. The produce of such cattle, such as milk, butter, cheese, wool and, in addition, young animals which have been born in the interval shall also be allowed to return free of duty in quantities proportionate to the number of the cattle and the time they have been at pasture.

Article 4.

MOVEMENT OF INDIVIDUALS

Persons residing on the frontier, and workers who are engaged in agricultural work or forestry in the March-Thaya triangle, shall be free to cross the Customs frontier, using by-paths if necessary, provided that they observe the regulations made for the protection of the Customs. They shall be permitted to convey across the frontier, free of duty, both coming and going, and using by-paths if necessary, any animals, vehicles or implements they may require for their work, as also any food, fodder and beverages they may require for the day. The above-mentioned persons and workers shall be permitted to cross the frontier into the March-Thaya triangle and to return to the Austrian frontier-zone on production of the frontier passes provided for minor frontier traffic.

Article 5.

TRAFFIC ON BY-WAYS. — MEASURES OF CONTROL.

1. The movements specified in Articles 2 and 3 may also take place on by-ways.
2. With regard to the traffic dealt with in the present agreement, the Contracting Parties shall have the right to take any suitable measures which are customary in regulating minor frontier traffic and which may be rendered necessary by considerations of public health, veterinary control and Customs and excise control. The Customs authorities of the two Contracting Parties shall agree upon such regulations as may become necessary for verifying the origin of products, the export of which from the March-Thaya triangle is provided for under this agreement. These regulations shall be made as simple and shall involve as little expenditure as possible.

Article 6.

IMPORT AND EXPORT PROHIBITIONS, IMPORT AND EXPORT DUTIES, COMPULSORY DELIVERIES.

1. The Contracting Parties undertake not to hamper traffic of the territories mentioned at the beginning of this Agreement in the commodities mentioned in Articles 2 to 4 by imposing any import or export prohibitions or duties on imports or exports, or compulsory deliveries for public requirements. Import and export licences shall not be required.
2. The quantities of firewood, timber and planks which, in accordance with the present Agreement, may annually be exported duty-free from the March-Thaya triangle, shall be fixed at 9,000 cubic metres of firewood and 6,000 cubic metres of timber and planks. The Customs authorities of the two parties shall agree upon the necessary measures for verifying these quantities.

Article 7.

FINAL PROVISIONS.

1. The present provisions shall be entitled « Frontier-Traffic Facilities. »
2. Should any subsequent agreement be concluded between the Contracting Parties to provide increased facilities for frontier traffic, such provisions shall also, *mutatis mutandis*, apply to the territories mentioned at the beginning of the present agreement.

VII.

DELIMITATION OF THE FRONTIER MARKED BY THE COURSES OF THE THAYA AND THE MARCH.

1. The frontier-line shall follow any “ changes of the course or channel (of the watercourse) which may take place ” (Article 30 of the Treaty of Saint-Germain).
2. Both Governments agree that by the expression “ changes of the course or channel ” shall be understood only changes of the course due to natural phenomena or to agreements between the two neighbouring States.

VIII.

METHOD OF SETTLING LEGAL QUESTIONS.

Both Governments agree that questions of a legal nature arising out of or connected with the fixing of the frontier-line shall be settled directly between themselves, in accordance with the Resolution of the Conference of Ambassadors adopted on October 30, 1920.

They further agree that, with a view to simplifying the procedure, these questions shall be settled by the Governments themselves in the simplest possible manner, the necessary legal authority being obtained by the Governments.

IX.

PAYMENT AND ALLOCATION OF THE EXPENDITURE INCURRED BY THE AUSTRO-CZECHO-SLOVAK FRONTIER DELIMITATION COMMISSION.

(a) *Expenditure incurred by Non-Interested Powers.*

1. Extra pay of the staff of delegations of non-interested Powers and of the Secretariat.
2. Transport expenses outside the territories of the two interested Powers (within their territories all transport shall be free of cost).
3. Amounts paid for the amortisation of the cost of the material supplied by non-interested Governments to their delegations.

The manner in which this expenditure is to be reimbursed was determined by the Note of the Conference of Ambassadors dated July 22, 1920.

The Note in question lays it down that the delegations of non-interested Powers shall not make any other payments. Should any of these delegations be obliged, in unforeseen and exceptional circumstances, to make any cash payments, such payments shall at once be refunded directly to them through the delegation of the interested Power in whose territory the payment was made.

(b) *Expenditure incurred by the Interested Powers for the Non-Interested Delegations and the Secretariat of the Commission.*

All expenditure incurred for purposes not expressly mentioned under (a), such as accommodation, offices, transport (e. g., benzine and oil for motors, and necessary repairs which do not increase the actual value, in which case they can be allowed for in the share of the amortisation), and so forth, will be paid by the Government of the interested Power on whose territory the headquarters of the Commission is situated at the time when the expenditure was incurred.

Such expenses will be equally divided and settled by direct agreement between the two interested Governments (delegations); they will only be referred by the Commission to the Conference of Ambassadors in cases where a decision is required on account of some uncertainty or difference of interpretation.

(c) *Expenditure of the Interested Powers in connection with Topographical Work.*

All this expenditure, in particular the cost of boundary-posts and stones and the transport of the same, cost of manual labour engaged temporarily on the spot, cost of maps and plans, including correction on the ground, shall be divided equally and settled directly between the two interested Governments (delegations). Each of the interested Governments shall transmit to the other full

accounts of such expenditure and also of expenditure incurred under heading (b) and shall place at its disposal detailed documentary evidence of the same for auditing purposes.

(3) The heads of the two delegations shall settle details, such as office, postal and similar expenditure in connection with sub-committees working on the frontier, by direct negotiation and summarily.

(d) Expenditure to be borne separately by each of the interested Governments.

This heading comprises all expenditure incurred by either Government for its own delegation including office, telegraph and telephone expenses, together with the emoluments of technical organisations and their permanent technical assistants on the frontier, except the wages for the manual labour referred to under (c).

(No indemnification shall be allowed for the provision of necessary office accommodation.)

X.

MUTUAL AGREEMENT TO ABSTAIN FROM APPLYING FOR REVISION OF
THE FORMER ADMINISTRATIVE FRONTIER.

1. Both States undertake to abstain from unilateral attempts to obtain the alteration of any part of the former administrative frontier by applying for revision (Article 29 of the Treaty of St. Germain) by the International Frontier Delimitation Commission.

2. In this connection it is assumed that both parties will endeavour to facilitate minor rectifications of the frontier of purely local interest by means of suitable agreements.

This Agreement shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Prague and shall be forthwith transmitted to the Secretariat of the League of Nations for registration. The Agreement shall come into force as from the date of registration.

The Agreement is drawn up in two copies, in the Czechoslovak and German languages. Both texts shall be authentic. The Agreement, when ratified, shall be published by both States in the official statute books in both authentic texts.

Done at Prague, on the tenth of March, in the year nineteen hundred and twenty-one.

For the Austrian Republic :

Dr. ROBERT DAVY.

For the Czechoslovak Republic :

Ing. VACLAV ROUBIK.

FINAL PROTOCOL.

At the time of the signature of the above Agreement the undersigned plenipotentiaries have agreed as follows :

(1) Both parties agree that the words "in accordance with the provisions of the existing laws" in Section I, Article 2, paragraphe 1 and Section V, are intended to refer to the Imperial Decree of October 16, 1914 (Reichsgesetzblatt No. 284) and that, therefore a formal enquiry on this point is *ipso facto* unnecessary.

2. Both parties agree that the provisions of Section III (frontier traffic between the Feldsberg district and the Austrian hinterland) shall actually be put into force as from the date of the signing of the Final Protocol, by means of instructions from both Governments to their respective subordinate authorities, and that these provisions shall be declared applicable in the same form, *mutatis mutandis*, to all other parts of the frontier district.

The foregoing shall also apply to the provisions of Section IV.

3. M. Roubik desires, and M. Davy has consented, that, as regards the agreement in respect of the frontier traffic between the March-Thaya triangle and the adjoining Austrian territory :

- (a) This agreement shall not come into force if the Austrian Government has not, before March 31, 1921, made a binding declaration that it is prepared to grant a formal concession, which shall be irrevocable and unlimited in point of time, for the construction of waterworks for the municipalities of Břeclava-Lundenburg (Föhrenwald) and the commune of Bernhardsthal, and
- (b) This agreement shall cease to be valid if the concession to establish the above-mentioned waterworks shall not have been granted within the period referred to in Section V, Article 1.

4. Both Governments declare that, in order to give effect to Section VIII, they are prepared to take steps for the passing of the necessary enactments by their respective legislatures.

5. As regards Section IXa 1, the Austrian plenipotentiary declares, and the Czechoslovak plenipotentiary notes, that the special circumstances of the case justify the application made to the Frontier Delimitation Commission by the Austrian Delegate, asking that the expenditure in question, incurred under "Instructions" (Section II, Sub-Section F, No. 2, Paragraph 3, Sentence 2) may be met by an advance from the non-interested Governments.

6. In so far as it is necessary, in order to carry out the engagements undertaken by both parties under the various sections of the Agreement which has been concluded, that identical proposals should be made to the International Frontier Delimitation Commission and should be supported by votes, the Governments of both parties shall instruct their delegates to act accordingly.

This provision shall come into force as from the date of the signing of the Final Protocol.

This Final Protocol forms an integral part of the Agreement and does not require separate ratification.

PRAGUE, March 10, 1921.

For the Republic of Austria :

Dr. ROBERT DAVY.

For the Czechoslovak Republic :

Ing. VÁCLAV ROUBIK.