

# WESTERN GERMAN FRONTIERS

*Protocol signed at Paris March 22, 1949, with communique dated  
March 26, 1949*

*Entered into force March 22, 1949*<sup>1</sup>

Department of State files

## PROTOCOL

[TRANSLATION]

The Committee on Western German Frontiers established by the decisions of the Conference held at London in May and June 1948, and composed of representatives of the United States of America, Belgium, France, the United Kingdom of Great-Britain and Northern Ireland, Luxembourg and the Netherlands met in Paris again on February 22, 1949; it ended its work on March 22nd, 1949.

### I

#### *Communique*

The Committee has decided to publish on March 26th, 6 p.m., Paris Time, a communique which is attached as annex I to this protocol.

### II

#### *Entry Into Force of the Recommendations*

1. On Saturday, April 23, the Military Governors concerned, on the one hand, and the successor state, on the other, will promulgate and publish the legislative and administrative acts necessary to effect the provisional transfer of territory, in conformity with the general principles set forth in Part V below.

2. The transfer of the territories to the successor state will be effected the same day, according to the following procedure which will be applied to each of the transferred territories, taking account of the reservations set forth in para. d) below.

a) At 6 a.m., a representative of the Occupation Power concerned and a representative of the successor state, each assisted by technical experts, will

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<sup>1</sup> The Committee on Western German Frontiers held its final session at Paris Mar. 28-31, 1950, and on Mar. 31 signed a protocol approving, with minor changes, the reports of the Demarcation Commissions.

meet at a point agreed upon in advance. The two representatives will mark the provisional frontier line with flags, following as closely as possible the general line described in the Working Party's Report.

b) In case of disagreement, the opinion of the representative of the Occupation Power shall prevail.

c) At 12 noon at the latest, or at any other time on which the two representatives may agree, the German customs and administrative posts will be withdrawn to the new line and the customs and administrative posts of the successor state will be moved forward accordingly.

d) In cases where the new frontier line is drawn with sufficient precision on the maps attached to the Report of the Working Party on Provisional Adjustments of the Western Frontier of Germany, the Military Governor concerned and the successor state may agree that the demarcation procedure described in paras. a) and b) above is unnecessary.

### III

#### *Modification of Certain Recommendations*

The territorial transfers referred to above are those contained in the Report of the Working Party on Provisional Adjustments of the Western Frontiers of Germany, dated September 1, 1948.<sup>2</sup>

However, the French Government having decided to renounce the implementation of the rectification of the Franco-German boundary provided for in that Report (Part II, para. D), a rectification of the frontiers in the Forest of Mundat will give the Valley of Buchbach to France. In general, the new line will be that marked on the map (scale: 50/1000) annexed to this Protocol.<sup>2</sup> The delimitation commission will be ordered to study its application on the spot, taking into account the object of this border rectification, which is to give to the city of Wissembourg the springs necessary to its water supply.

The French Government, acting on behalf of the Saar, has furthermore decided to renounce the implementation of the rectification of the German-Saar boundary provided for in Part VI, paragraph 2 of the Paris Report of September 1st (Commune of Weldmohr).

Furthermore, the Netherlands Government has decided to renounce the implementation of the rectifications enumerated below:

Part II, paragraph A, of the Paris Report of September 1, 1948.

Sub-paragraph 2—Partially, insofar as the frontier between Nieuwe-Schans and stone 187 is concerned.

Sub-paragraph 3—Partially, insofar as the frontier between stones 49 and 41 is concerned.

Sub-paragraph 5—Entirely.

Sub-paragraph 13—Entirely.

<sup>2</sup> Not printed here.

## IV

*Demarcation Commissions*

The final demarcation of the frontiers will be determined on the spot in accordance with the following principles, by Demarcation Commissioners designated by the Committee on Western German Frontiers:

German-Netherlands frontier:	Representatives of the Commanders in Chief. A representative of the Netherlands Government.
German-Belgian frontier:	Representatives of the Commanders in Chief. A representative of the Belgian Government.
German-Luxembourg frontier:	Representatives of the Commanders in Chief. A representative of the Luxembourg Government.
German-Saar frontier:	Representatives of the Commanders in Chief. A representative of the High Commissioner of the French Republic in the Saar, assisted by a representative of the Saar Government.
German-French frontier:	Representatives of the Commanders in Chief. A representative of the French Government.

These Commissioners will be divided into two groups, one for the frontier between the Netherlands and Germany, the other for the frontiers between Belgium, Luxembourg, the Saar and France on the one hand and Germany on the other. They will be assisted by experts.

The Commissioners will begin their work immediately after the transfer of territory, those of the first group at Maastricht, those of the second group at Verviers; they will conclude their labors at the earliest possible moment, and in any case within six months.

The Commissioner representing the Occupation Power concerned will be Chairman and the Commissioner of the successor state will be Secretary of the group.

In the doubtful cases, the local authorities and the affected inhabitants may present to the Commissioners their views on the definitive line of the frontier, as far as technical considerations are concerned. They may not in any case set forth political considerations touching the general decision to transfer the areas in question or bringing into question the decisions of the Committee.

The expenses of the technical work of each group of Commissioners will be borne equally by the successor state and by the Occupation Power.

The demarcation decisions made by the Commissioners will be submitted for the approval of the Committee on Western German frontiers, which will reconvene as soon as the work of delimitation will have been completed. In case of dispute among the Commissioners, the Committee will settle the question by such method as it may choose.

## V

*Financial and Administrative Questions*

The report of the Working Party on Frontiers (Part I, paragraph 2) recommended the adoption of certain principles of a general nature for the set-

tlement of the various problems arising from border rectifications. Each of the interested Governments, and, as far as Germany is concerned, the Military Governors, shall be responsible for the enactment of necessary legal measures or regulations.

The Governments concerned have decided, however, to apply, or have the military Governors apply, the following general principles:

A) FINANCIAL QUESTIONS

1. The Governments concerned intend to proceed in the following manner as regards the monetary measures which the transfer of certain German territories renders necessary, following deposit by the interested persons of their cash assets in D.M. and a statement of all their other assets.

a) The immediate exchange, cash against cash, within the following limits: in a personal or family capacity, 100 D.M. for the head of the family and 50 D.M. for his spouse and for each minor child living in his household; and in the capacity of employer, for physical and corporate persons employing salaried personnel in a permanent manner, 80 D.M. per employee.

b) Subsequently, and after a period of time not exceeding four to five days, the placing at the disposal of interested persons of a further sum of 500 D.M. per head of family or employer, such sum to be chargeable either against receipt for cash deposit, or against their bank account credits in the attached territories, the balance of which would remain temporarily blocked.

c) As an exception the payment of an advance, not exceeding the equivalent of 500 D.M. to persons who were unable to benefit from the above provisions and who are in a position to assign to the Treasury an equivalent amount, from assets they may have in banking or similar establishments in Germany.

d) Finally, and following the implementation of such control measures as may possibly appear necessary, the exchange of remaining balances and the release of bank accounts.

e) The funds necessary for the exchange of notes and coins in D.M. shall be supplied by the Treasury. Banking or similar establishments situated in the attached territories shall be asked to prepare a "Statement of conversion" and shall receive from the Treasury the possible difference between their credit and debit conversion balances, on condition that they assign as a guarantee for this advance their credits in D.M.

f) The rate of exchange shall be fixed in relation to the respective values on the day of attachment of the territories of the D.M., the Dollar and the currency of each country concerned.

2. Contacts with the occupation authorities will be necessary in order to ascertain the amount of deposits in banking or similar establishments located in Germany, and to obtain access to declarations registered at the time of currency conversion in Germany. The latter information might use-

fully be compared with the present assets of each inhabitant in order to discover any speculative increase.

3. A number of problems will have to be covered by subsequent negotiations, particularly on the following points:

a) Disposition of assets in D.M. which banks or individuals may have surrendered to the powers concerned in guarantee for advances in national currencies.

b) facilities to be made available to inhabitants of attached territories for the transfer to the countries concerned of their assets deposited in banking or similar establishments in Germany.

c) methods of payment of premiums and benefits in connection with insurance policies subscribed with German companies; social insurance and pensions.

d) settlement of problems which might eventually arise from the existence of "frontalier" workers.

e) disposition of D.M. withdrawn from circulation following the operations of attachment.

f) methods of transfer to Germany of funds originating in attached territories.

g) methods of regulating debts and credits between persons resident in Germany and persons resident in the transferred territories, it being understood that these debts and credits will not be affected by the transfer of territory.

## B) ADMINISTRATIVE QUESTIONS

### 1) *Status of the Inhabitants*

German nationals normally resident in the attached territories before February 23, 1948, may acquire the nationality of the country to which the territory is attached either as of right or under conditions at least as favorable as those accorded to other foreigners resident in the country. However, no one shall be forced to accept the nationality of the country taking over the area. Persons not wishing to acquire this nationality will enjoy the protection accorded to persons and property by the laws of the country; no discrimination will be exercised against them.

Persons not desiring to acquire the nationality of the interested country will keep German nationality and may either move to Germany or continue to reside in the territory. In the latter case, measures of expulsion will only be taken as a defense against subversive elements and in accordance with the generally prevailing regulations concerning expulsions. The facts which have led to the decision to expel will be notified to the Occupation authorities concerned. The latter will communicate them to the occupation authorities of the two other zones.

The Belgian, French, Luxembourg and Netherlands delegations recognize that the rules of domestic law which will regulate the nationality status of the inhabitants of the attached territories should conform to the following principles:

a) The inhabitants of the attached territories will have full right to keep German nationality. They will have a reasonable period in which to manifest their wishes.

b) The procedure for manifesting their wishes shall be as simple as possible and shall be of such a nature as to guarantee entire freedom of expression. It will suffice, for example, for those who wish to remain German, to ask for a foreigner's identity card.

### 2) *Juridical Competence*

The juridical system of the successor state will come into force on the day of transfer, particularly as concerns the rules of civil and criminal competence, execution of warrants of arrest or judgments, fulfillment of sentences, the right of pardon and the obligation of all inhabitants without distinction to stand responsible for any infractions of police and security measures.

### 3) *Property*

a) Persons who do not wish to acquire the nationality of the country concerned and who decide to move to Germany will be allowed, after payment of debts or fiscal obligation against them in the transferred area, either to take with them their property or to sell it on the spot and transfer the funds which they possess, on condition that the property and funds have been legally acquired.

In addition, such persons will be authorized either to retain their real property or to sell it under the same conditions as apply to nationals of the successor state, and without any pressure being applied to force them to sell.

With a view to facilitating the reestablishment in Germany of persons who may sell their real property under the conditions set forth in the preceding paragraph, the successor state shall furnish to the military Governors concerned all the necessary information concerning such sales of real estate.

The method of the transfer of funds derived from the sales mentioned in the paragraph above will be handled by subsequent arrangements as is provided in paragraph V-A-3f.

No measure of sequestration will be taken against property situated on the attached territories and belonging to physical persons or to corporations other than public bodies resident in Germany.

b) The successor state will receive without payment the public and private property of the German state and of the Laender situated in the attached territory. The Administration of the successor states and the Military Governors of the zone of occupation will decide between themselves the share of the assets of local German public bodies which will revert to the

communes or parts of communes detached from Germany, excepting the property and debts of these public bodies which concern only the non-detached parts of the commune.

#### 4) *Pensions and Social Insurance*

In the matter of the payment of civil or military pensions acquired in the service of the German state or of municipal or local German public bodies Germany will give national treatment to persons resident in the transferred areas and acquiring the nationality of the successor state.

Special arrangements will regulate the conditions under which the obligations of German public or private social insurance agencies toward the inhabitants of the attached territories will be transferred to analogous agencies of the successor state, together with a proportional part of the accumulated reserves of these agencies.

Pending the establishment of the means of payment envisaged in paragraph V-A-3f, advances may be made in certain individual cases by the successor state.

#### 5) *Archives and Documents*

All the archives and all the documents of an administrative nature or of historical interest concerning the attached areas will be transferred to the successor state. In those cases in which the archives or documents constitute an inseparable part of a collection principally concerning the non-attached territories, the German authorities will be directed to accord to officials of the successor state free access to this documentation and authority to make copies of it.

#### 6) *"Frontalier" Agreements*

In order not to hinder or to interfere suddenly with the presently existing circulation of persons and goods between Germany and the transferred areas, special provisional arrangements granting facilities for border circulation will be concluded between the countries concerned and the Military Governors at the latest by the date of the transfer of the territories.

#### 7) *Public Services*

In the interest of the inhabitants of the attached territories, certain public services, notably electricity, water and gas services, telephone and telegraph services, and means of transport, will continue to be furnished provisionally under normal conditions by the public or private agencies which are presently responsible for them.

Done in Paris, in six copies, on March 22, 1949.

The Delegate of the United States of America

PERRY LAUKHUFF

The Delegate of Belgium

JACQUES DAVIGNON

The Delegate of France

PIERRE DE LEUSSE

The Delegate of the United Kingdom of Great Britain and Northern Ireland	HOOD
The Delegate of Luxembourg	P. MAJERUS
The Delegate of the Netherlands	J. A. RINGERS

## COMMUNIQUE

March 26th 1949

It was announced at the conclusion of the London talks on Germany on June 7, 1948, that proposals were being submitted to the Governments of the United States, France, the United Kingdom and the Benelux countries for bringing about provisionally certain minor territorial adjustments in the western boundary of Germany.

The six Governments, taking into account the unforeseen delays to which the conclusion of a final peace settlement with Germany has been subjected, considered it necessary to proceed to a preliminary examination of the problem of the frontiers and to put into effect the minor adjustments justified by administrative necessities and by conditions affecting communications along Germany's western frontier. The problem of Germany's frontiers will be reexamined and settled definitively in its entirety at the time of final peace settlement.

After detailed study, the six governments have approved the proposals for provisional adjustments of the frontier which have been submitted to them by a Working Party meeting in Paris.

The six governments have also examined the frontiers of the Saar territory and have agreed that, pending confirmation or modification by the terms of the final peace settlement, the present frontier shall be maintained with minor modifications.

The areas affected by the adjustments will be placed under the administration of the countries adjacent to Germany.

Those adjustments may be confirmed or modified by the terms of the final settlement concerning Germany.

The London recommendations fixed a very restricted frame of reference for the Working Party. Only those proposals might be examined which involved no appreciable loss to the German economy and which, being of minor character only, could be regarded as desirable to eliminate local anomalies and improve communications. This limited frame of reference did not permit the Working Party to take into consideration certain major territorial claims of Germany's western neighbours.

Within the limits thus defined, thirty-one minor rectifications will be effected, at a date to be announced later, along the frontier between Germany, on the one hand, and the Netherlands, Belgium, Luxembourg, the Saar and

France, on the other. They will affect a total area of approximately 135 square kilometers and a population of some 13,500 persons.

These modifications have been defined in general outline. Their exact limits will be fixed by delimitation commissions. These commissions will make their decisions after having heard, if this appears desirable, the local authorities and persons in the area capable of giving information or explanations necessary for the accomplishment of the Commissions' task.

All measures will be taken with a view to safeguarding the interests of the inhabitants, as regards both their personal status and their movable and real property. No one will be forced to accept the nationality of the country to which the area is attached. Persons not desiring to accept this nationality will enjoy the protection accorded to persons and property by the laws of the country; no discrimination will be exercised against them. They will have the right to settle in Germany, in which case they will be allowed to take with them their movable property, either retaining ownership of their real property or selling it, and being permitted to transfer the proceeds to Germany, under such special regulations as will be prescribed. On the other hand, they will have the right to continue to reside in the area concerned if they so desire.