

TREATY SERIES. 1919.

No. 17.

TREATY

BETWEEN THE

PRINCIPAL ALLIED AND ASSOCIATED
POWERS

AND THE

SERB-CROAT-SLOVENE STATE,

Signed at Saint-Germain-en-Laye, September 10,
1919.

Presented to Parliament by Command of His Majesty.



LONDON :

PRINTED AND PUBLISHED BY

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1919.

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[Cmd. 461.]

TREATY BETWEEN THE PRINCIPAL ALLIED
AND ASSOCIATED POWERS AND THE SERB-
CROAT-SLOVENE STATE.

Signed September 10, 1919.

THE UNITED STATES OF AMERICA, THE BRITISH
EMPIRE, FRANCE, ITALY, AND JAPAN,
the Principal Allied and Associated Powers,

on the one hand;

And THE SERB-CROAT-SLOVENE STATE,

on the other hand;

Whereas since the commencement of the year 1913 extensive territories have been added to the Kingdom of Serbia, and

Whereas the Serb, Croat and Slovene peoples of the former Austro-Hungarian Monarchy have of their own free will determined to unite with Serbia in a permanent union for the purpose of forming a single sovereign independent State under the title of the Kingdom of the Serbs, Croats and Slovenes, and

Whereas the Prince Regent of Serbia and the Serbian Government have agreed to this union, and in consequence the Kingdom of the Serbs, Croats and Slovenes has been constituted and has assumed sovereignty over the territories inhabited by these peoples, and

Whereas it is necessary to regulate certain matters of international concern arising out of the said additions of territory and of this union, and

Whereas it is desired to free Serbia from certain obligations which she undertook by the Treaty of Berlin of 1878 to certain Powers and to substitute for them obligations to the League of Nations, and

Whereas the Serb-Croat-Slovene State of its own free will desires to give to the populations of all territories included within the State, of whatever race, language or religion they may be, full guarantees that they shall continue to be governed in accordance with the principles of liberty and justice;

For this purpose the High Contracting Parties have appointed as their Plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

The Honourable Frank Lyon POLK, Under-Secretary of State ;
 The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris ;
 General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council ;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

The Right Honourable Arthur James BALFOUR, O.M., M.P., His Secretary of State for Foreign Affairs ;
 The Right Honourable Andrew BONAR LAW, M.P., His Lord Privy Seal ;
 The Right Honourable Viscount MILNER, G.C.B., G.C.M.G., His Secretary of State for the Colonies ;
 The Right Honourable George Nicoll BARNES, M.P., Minister without portfolio ;

And

for the DOMINION of CANADA :

The Honourable Sir Albert Edward KEMP, K.C.M.G., Minister of the Overseas Forces ;

for the COMMONWEALTH of AUSTRALIA :

The Honourable George Foster PEARCE, Minister of Defence ;

for the UNION of SOUTH AFRICA :

The Right Honourable Viscount MILNER, G.C.B., G.C.M.G. ;

for the DOMINION of NEW ZEALAND :

The Honourable Sir Thomas MACKENZIE, K.C.M.G., High Commissioner for New Zealand in the United Kingdom ;

for INDIA :

The Right Honourable Baron SINHA, K.C., Under-Secretary of State for India ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

Mr. Georges CLEMENCEAU, President of the Council, Minister of War ;

Mr. Stephen PICHON, Minister for Foreign Affairs ;

Mr. Louis-Lucien KLOTZ, Minister of Finance ;

Mr. André TARDIEU, Commissary General for Franco-American Military Affairs ;

Mr. Jules CAMBON, Ambassador of France ;

HIS MAJESTY THE KING OF ITALY :

The Honourable Tommaso TITTONI, Senator of the Kingdom,
Minister for Foreign Affairs ;

The Honourable Vittorio SCIALOJA, Senator of the Kingdom ;

The Honourable Maggiorino FERRARIS, Senator of the
Kingdom ;

The Honourable Guglielmo MARCONI, Senator of the Kingdom ;

The Honourable Silvio CRESPI, Deputy ;

HIS MAJESTY THE EMPEROR OF JAPAN :

Viscount CHINDA, Ambassador Extraordinary and Plenipotentary of H.M. the Emperor of Japan at London ;

Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentary of H.M. the Emperor of Japan at Paris :

Mr. H. LUJIN, Ambassador Extraordinary and Plenipotentary of H.M. the Emperor of Japan at Rome ;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS,
AND THE SLOVENES :

Mr. Nicholas P. PACHITCH, formerly President of the Council of Ministers ;

Mr. Ante TRUMBIĆ, Minister for Foreign Affairs ;

Mr. Ivan ZOLGER, Doctor of Law ;

Who, after having exchanged their full powers, found in good and due form, have agreed as follows :

The Principal Allied and Associated Powers, taking into consideration the obligations contracted under the present Treaty by the Serb-Croat-Slovene State, declare that the Serb-Croat-Slovene State is definitely discharged from the obligations undertaken in Article 35 of the Treaty of Berlin of July 13, 1878.

CHAPTER I.

ARTICLE 1.

The Serb-Croat-Slovene State undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognised as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 2.

The Serb-Croat-Slovene State undertakes to assure full and complete protection of life and liberty to all inhabitants of the Kingdom without distinction of birth, nationality, language, race or religion.

All inhabitants of the Kingdom of the Serbs, Croats and Slovenes shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

ARTICLE 3.

Subject to the special provisions of the Treaties mentioned below the Serb-Croat-Slovene State admits and declares to be Serb-Croat-Slovene nationals *ipso facto* and without the requirement of any formality, Austrian, Hungarian or Bulgarian nationals habitually resident or possessing rights of citizenship (*pertinenza, heimatsrecht*) as the case may be at the date of the coming into force of the present Treaty in territory which is or may be recognised as forming part of the Serb-Croat-Slovene State under the Treaties with Austria, Hungary or Bulgaria respectively, or under any Treaties which may be concluded for the purpose of completing the present settlement.

Nevertheless, the persons referred to above who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in the territory of the Serb-Croat-Slovene State. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

ARTICLE 4.

The Serb-Croat-Slovene State admits and declares to be Serb-Croat-Slovene nationals *ipso facto* and without the requirement of any formality persons of Austrian, Hungarian or Bulgarian nationality who were born in the said territory of parents habitually resident or possessing rights of citizenship (*pertinenza, heimatsrecht*) as the case may be there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident or did not possess rights of citizenship there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Serb-Croat-Slovene authorities in the country in which they are resident, stating that they abandon Serb-Croat-Slovene nationality, and they will then cease to be considered as Serb-Croat-Slovene nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

ARTICLE 5.

The Serb-Croat-Slovene State undertakes to put no hindrance in the way of the exercise of the right which the persons concerned

have, under the Treaties concluded or to be concluded by the Allied and Associated Powers with Austria, Bulgaria or Hungary, to choose whether or not they will acquire Serb-Croat-Slovene nationality.

ARTICLE 6.

All persons born in the territory of the Serb-Croat-Slovene State who are not born nationals of another State shall *ipso facto* become Serb-Croat-Slovene nationals.

ARTICLE 7.

All Serb-Croat-Slovene nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Difference of religion, creed or confession shall not prejudice any Serb-Croat-Slovene national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Serb-Croat-Slovene national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Serb-Croat-Slovene Government of an official language, adequate facilities shall be given to Serb-Croat-Slovene nationals of other speech than that of the official language for the use of their own language, either orally or in writing, before the courts.

ARTICLE 8.

Serb-Croat-Slovene nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Serb-Croat-Slovene nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 9.

The Serb-Croat-Slovene Government will provide in the public educational system in towns and districts in which a considerable proportion of Serb-Croat-Slovene nationals of other speech than that of the official language are resident adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Serb-Croat-Slovene nationals through the medium of their own language. This provision shall not prevent the Serb-Croat-Slovene Government from making the teaching of the official language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Serb-Croat-Slovene nationals belonging to racial, religious or linguistic

minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.

The provisions of the present Article apply only to territory transferred to Serbia or to the Kingdom of the Serbs, Croats and Slovenes since the 1st January, 1913.

ARTICLE 10.

The Serb-Croat-Slovene State agrees to grant to the Musulmans in the matter of family law and personal status provisions suitable for regulating these matters in accordance with Musulman usage.

The Serb-Croat-Slovene State shall take measures to assure the nomination of a Reiss-Ul-Ulema.

The Serb-Croat-Slovene State undertakes to ensure protection to the mosques, cemeteries and other Musulman religious establishments. Full recognition and facilities shall be assured to Musulman pious foundations (Wakfs) and religious and charitable establishments now existing, and the Serb-Croat-Slovene Government shall not refuse any of the necessary facilities for the creation of new religious and charitable establishments guaranteed to other private establishments of this nature.

ARTICLE 11.

The Serb-Croat-Slovene State agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the consent of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

The Serb-Croat-Slovene State agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

The Serb-Croat-Slovene State further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Serb-Croat-Slovene State and any one of the Principal Allied and Associated Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Serb-Croat-Slovene State hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

CHAPTER II.

ARTICLE 12.

Pending the conclusion of new treaties or conventions, all treaties, conventions, agreements and obligations between Serbia, on the one hand, and any of the Principal Allied and Associated Powers, on the other hand, which were in force on the 1st August, 1914, or which have since been entered into, shall *ipso facto* be binding upon the Serb-Croat-Slovene State.

ARTICLE 13.

The Serb-Croat-Slovene State undertakes to make no treaty, convention or arrangement and to take no other action which will prevent her from joining in any general convention for the equitable treatment of the commerce of other States that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present Treaty.

The Serb-Croat-Slovene State also undertakes to extend to all the Allied and Associated Powers any favours or privileges in customs matters which it may grant during the same period of five years to any State with which since August 1914 the Allied and Associated Powers have been at war, or to any State which in virtue of Article 222 of the Treaty with Austria has special customs arrangements with such States.

ARTICLE 14.

Pending the conclusion of the general convention referred to above, the Serb-Croat-Slovene State undertakes to treat on the same footing as national vessels or vessels of the most favoured nation the vessels of all the Allied and Associated Powers which accord similar treatment to Serb-Croat-Slovene vessels. As an exception from this provision, the right of the Serb-Croat-Slovene State or of any other Allied or Associated Power to confine its maritime coasting trade to national vessels is expressly reserved. The Allied and Associated Powers further agree not to claim under this Article the benefit of agreements which the States obtaining territory formerly belonging to the Austro-Hungarian Monarchy may conclude as regards coasting traffic between the ports of the Adriatic Sea.

ARTICLE 15.

Pending the conclusion under the auspices of the League of Nations of a general convention to secure and maintain freedom of communications and of transit, the Serb-Croat-Slovene State undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit to or from any Allied or Associated

State over Serb-Croat-Slovene territory, including territorial waters, and to treat them at least as favourably as Serb-Croat-Slovene persons, goods, vessels, carriages, wagons and mails respectively or those of any other more favoured nationality, origin, importation or ownership, as regards facilities, charges, restrictions and all other matters.

All charges imposed in the territory of the Serb-Croat-Slovene State on such traffic in transit shall be reasonable having regard to the conditions of the traffic. Goods in transit shall be exempt from all customs or other duties.

Tariffs for transit across the Serb-Croat-Slovene State and tariffs between the Serb-Croat-Slovene State and any Allied or Associated Power involving through tickets or waybills shall be established at the request of the Allied or Associated Power concerned.

Freedom of transit will extend to postal, telegraphic and telephonic services.

Provided that no Allied or Associated Power can claim the benefit of these provisions on behalf of any part of its territory in which reciprocal treatment is not accorded in respect of the same subject matter.

If within a period of five years from the coming into force of the present Treaty no general convention as aforesaid shall have been concluded under the auspices of the League of Nations, the Serb-Croat-Slovene State shall be at liberty at any time thereafter to give twelve months' notice to the Secretary-General of the League of Nations to terminate the obligations of this Article.

ARTICLE 16.

All rights and privileges accorded by the foregoing Articles to the Allied and Associated Powers shall be accorded equally to all States Members of the League of Nations.

THE PRESENT TREATY, in French, in English and in Italian, of which in case of divergence the French text shall prevail, shall be ratified. It shall come into force at the same time as the Treaty of Peace with Austria.

The deposit of ratifications shall be made at Paris.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A procès-verbal of the deposit of ratifications will be drawn up.

The French Government will transmit to all the signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

IN FAITH WHEREOF the above-named Plenipotentiaries have signed the present Treaty.

DONE at Saint-Germain-en-Laye, the tenth day of September one thousand nine hundred and nineteen, in a single copy which will

remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

(L.S.) FRANK L. POLK.
(L.S.) HENRY WHITE.
(L.S.) TASKER H. BLISS.
(L.S.) ARTHUR JAMES BALFOUR.
(L.S.)
(L.S.) MILNER.
(L.S.) GEO. N. BARNES.
(L.S.) A. E. KEMP.
(L.S.) G. F. PEARCE.
(L.S.) MILNER.
(L.S.) THOS. MACKENZIE.
(L.S.) SINHA OF RAIPUR.
(L.S.) G. CLEMENCEAU.
(L.S.) S. PICHON.
(L.S.) L.-L. KLOTZ.
(L.S.) ANDRÉ TARDIEU.
(L.S.) JULES CAMBON.
(L.S.) TOM. TITTONI.
(L.S.) VITTORIO SCIALOJA.
(L.S.) MAGGIORINO FERRARIS.
(L.S.) GUGLIELMO MARCONI.
(L.S.) S. CHINDA.
(L.S.) K. MATSUI.
(L.S.) H. IJUIN.
