

No. 1177

NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY

Agreement for the settlement of questions relative to the restitution of inland water craft (with annexes and exchange of notes). Signed at Niederbreisig, on 14 December 1950

Official texts of the agreement : Dutch and German ; of the exchange of notes : German, English and French.

Registered by the Netherlands on 17 April 1951.

PAYS-BAS
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Accord concernant le règlement des questions relatives à la restitution de certains bateaux de navigation intérieure (avec annexes et échange de notes). Signé à Niederbreisig, le 14 décembre 1950

Textes officiels de l'accord : néerlandais et allemand ; de l'échange de notes : allemand, anglais et français.

Enregistré par les Pays-Bas le 17 avril 1951.

TRANSLATION — TRADUCTION

No. 1177. NETHERLANDS-GERMAN AGREEMENT¹ FOR
THE SETTLEMENT OF QUESTIONS RELATIVE TO
THE RESTITUTION OF INLAND WATER CRAFT.
SIGNED AT NIEDERBREISIG, ON 14 DECEMBER 1950

The Government of the Kingdom of the Netherlands
and

The Government of the German Federal Republic,

Desirous of reaching a final settlement of the restitution of inland water craft and related questions and of thus promoting co-operation between the two States in matters of inland navigation,

Have resolved to conclude an agreement concerning these matters and for this purpose have appointed as their respective plenipotentiaries :

The Government of the Kingdom of the Netherlands :

The Head of the Netherlands Missions in Germany, Vice-Admiral J. M. de Booy;

The Government of the German Federal Republic :

The Federal Minister of Transport, Dr. Ing. Hans Christoph Seebohm,

Who, having communicated their full powers, found in good and due form,

Having considered the Protocol (annex 1)² signed at Unkel on 11 October 1950 by the Head of the Netherlands Government delegation and the Head of the German Government delegation, and

Having regard to the communication of the Allied High Commission for Germany dated 12 December 1950, No. AGSEC (50) 2739 (annex 2)³,

Have agreed as follows :

The proposals set forth in the protocol signed on 11 October 1950 by the Heads of the two Government delegations at Unkel shall be amended so that the date 31 December 1950 mentioned in paragraphs 2, 3 (a), 3 (b), 5, 6 and 7 shall become 31 January 1951. The text of the Protocol, amended as aforesaid, shall constitute the substance of the present Agreement.

DONE at Niederbreisig, on 14 December 1950, in four copies, two in Dutch and two in German, the texts in both languages being authentic.

For the Government of the Kingdom of the Netherlands :

(Signed) J. M. DE BOOY

For the Government of the German Federal Republic :

(Signed) SEEBOHM

¹ Came into force on 14 December 1950, by signature.

² See p. 296 of this volume.

³ See p. 311 of this volume.

ANNEX I

PROTOCOL

CONCERNING THE RESULT OF THE NEGOTIATIONS BETWEEN THE NETHERLANDS GOVERNMENT AND THE GERMAN GOVERNMENT ON QUESTIONS CONNECTED WITH THE RESTITUTION OF INLAND WATER CRAFT

The delegation of the Kingdom of the Netherlands and the delegation of the German Federal Republic have met at Unkel-on-the-Rhine from 5 to 11 October 1950 and, in the presence of a representative of the Allied Control Commission, have continued and concluded the negotiations begun on 19 June 1950 with a view to a settlement of the questions relating to the restitution of inland water craft. They have agreed to propose to their Governments the conclusion of an agreement as follows:

(1) The Federal Republic recognizes that the authority to dispose of the N.V. vessels which are enumerated in appendix I as belonging to shipping companies is vested in the Netherlands N.V. shipping companies or in the authorities now competent to act for these companies (the Netherlands Government or the competent authorities), as the case may be. The Netherlands Government shall hire out or cause to be hired out those of the ships enumerated in appendix 1 that were in operation in Germany on 1 July 1950 to the German shipping companies which wish to continue to employ the vessels in their own service. This undertaking is subject to the reservation that the Netherlands Government still exercises control over the Netherlands N.V. shipping companies in question. The other particulars relating to the conditions of hire and to the duration of the hire contract shall be agreed upon between the parties to the hire contract. The rate of hire for barges shall be in accordance with the provisions of the last agreement which was in force up to and including 30 June 1950 and which governed the so-called N.V. vessels chartered by private persons (*NV-particuliere-charterschepen*); this shall be taken as the basis for the determination of rates of hire for other vessels. Each separate hire contract shall first be entered into for a period of one year beginning on 1 October 1950; any extension of the contract shall be negotiated in good time between the parties to the contract.

The Federal Republic shall take such steps within its powers as may be necessary to remove any difficulties that may arise in the performance of these hire contracts. This undertaking does not involve it in any financial commitments arising out of the hire contracts.

The Federal Republic is prepared to take all necessary steps to ensure that, if the Netherlands Government so desires, Netherlands personnel not exceeding twenty-five crews altogether shall be employed in German vessels or Netherlands vessels hired by German employers.

(2) The Netherlands Government shall transfer the ownership of the N.V. vessels which are enumerated in appendix 2 as belonging to shipping companies to the German shipping companies already in possession of the vessels; with this transfer, present restitution proceedings shall be regarded as concluded.

The transfer of ownership shall take place as soon as the Netherlands Government and an authority to be designated by the Federal Government have reached an agreement

concerning the extinction of any mortgage obligations encumbering the N.V. vessels and concerning the discharge of other obligations; these obligations are hereby fixed at a total of 500,000 DM. The Netherlands Government shall not be bound by this undertaking if the said agreement is not concluded by 31 December 1950.

The Federal Republic shall take such steps within its powers as may be necessary to remove any difficulties that may arise in the performance of the agreement. In giving this undertaking, it does not commit itself to the financial obligations arising out of the agreement. It has satisfied itself, however, that there are guarantees for raising the sum of 500,000 DM.

(3) (a) The Netherlands Government shall transfer the ownership and possession of the N.V. vessels which are enumerated in appendix 3 I as belonging to private persons and which are in the Netherlands, to the private masters designated by the Federal Government or by the competent authorities as entitled to accept the transfer. This transfer of ownership shall be effected by the transfer of the vessel to the Wasser- und Schifffahrtsdirektion Duisburg in return for a certificate of receipt, and shall be deemed to be completed thereby.

The transfer shall be carried out as soon as an agreement has been concluded between the Netherlands Government and the Schiffer-Betriebsverband Jus et Justitia of Duisburg-Ruhrort concerning the discharge of the obligations of the N.V. companies and the reimbursement of any repair expenses which may have been paid by the Netherlands Government or the Nederlandse Beheersinstituut, and as soon as the employment of Netherlands crews as provided in the third sub-paragraph of paragraph (1) of this agreement has in each case been ensured. The transfer should, if possible, be completed before 31 December 1950.

(b) The Netherlands Government shall transfer the ownership and possession of the N.V. vessels which are enumerated in appendix 3 II as belonging to private persons and which were in operation in Germany on 30 June 1950 under contracts of hire, or the wrecks of which lie in Germany, to the private masters designated by the Federal Government or the competent authorities as entitled to accept the transfer. This transfer of ownership shall be effected by the transfer of the vessel to the Wasser- und Schifffahrtsdirektion Duisburg in return for a certificate of receipt, and shall be deemed to be completed thereby. The transfer shall be carried out as soon as an agreement has been concluded between the Netherlands Government and the Schiffer-Betriebsverband Jus et Justitia of Duisburg-Ruhrort concerning the discharge of the obligations of the N.V. companies and the reimbursement of any repair expenses which may have been paid by the Netherlands Government or the Nederlandse Beheersinstituut, and as soon as the employment of Netherlands crews as provided in the third sub-paragraph of paragraph (1) of this agreement has in each case been ensured. The transfer should, if possible, be completed before 31 December 1950.

The Federal Republic shall, so far as the vessels enumerated in appendix 3 II are concerned, assume the obligations which were assumed by the former JLEA under the charter contract No. 3566 of April 1948, on the understanding that the obligations shall be deemed to have lapsed as from 30 June 1950, and that for the period 1 January 1950 to 30 June 1950 inclusive the hiring rate of 3.8 cents shall instead be 3 cents per ton per day (the corresponding figure for the tugs being reduced from 30 cents to 20 cents). Repairs not yet carried out shall cease to be chargeable to the Netherlands Government.

(c) The Netherlands Government withdraws its claims relating to the N.V. vessels which are enumerated in appendix 3 III as belonging to private persons, and its claims relating to the vessel *RW 3*.

(d) After the redemption of the mortgages and the discharge of other obligations of the N.V. companies in respect of the vessels referred to in sub-paragraphs (a) to (c), the Netherlands Government shall proceed to dissolve the N.V. companies and to remove the vessels from the Netherlands Register of Shipping.

(e) The Netherlands Government announces that it has already finally disposed of the vessels listed in appendix 3 IV.

(4) The Netherlands Government and the Federal Republic shall request the Allied High Commission for an early ruling on the claims for the restitution of the inland water craft referred to in appendix 4, which were bought or built in the Netherlands during the war or are described in the appendix as special cases. They shall consider this ruling as final. The rulings should, as desired by the contracting parties, be given exclusively on the basis of the existing restitution regulations and with due regard to the documents now in the possession of the restitution authority.

(5) In view of special considerations, the Netherlands Government, while maintaining its legal position, shall return to Germany not later than 31 December 1950 the inland water craft enumerated in appendix 5. The actual return of the vessels and the payment of expenses shall be governed by the same provisions as those set forth in paragraph 3 (a).

(6) The Netherlands Government shall return the inland water craft enumerated in appendix 6 to Germany, if possible, not later than 31 December 1950. The actual returning of the vessels shall be governed by the same provisions as those set forth in paragraph 3 (a). Both Governments undertake to reach an agreement regarding the payment of expenses incurred in connexion with these vessels and with vessels already returned. The Netherlands Government announces that it finally disposed of the vessels enumerated in appendix 7 before 20 January 1947.

(7) The Netherlands Government shall withdraw the claims pending on the tankers enumerated in appendix 8, which were built in the Netherlands during the war. The Netherlands Government and the Federal Republic undertake, upon the entry into force of the present agreement, to extend, in both territories, the same treatment in every respect to the inland waterway tankers with a carrying capacity exceeding 400 tons belonging to nationals of either State and to appoint a commission not later than 31 December 1950 consisting of equal numbers of representatives of the Netherlands and German tanker shipping industries. This commission, which shall be under the supervision of the respective Governments, shall be responsible for taking or proposing measures which will ensure that the tanker fleets of both countries are employed as rationally and as uniformly as possible and co-operate as much as possible with a view to meeting, as uniformly and as satisfactorily as possible, the traffic requirements of the contracting countries in the matter of tanker shipping. This settlement should, if possible, be the first stage in future multilateral co-operation with respect to tanker shipping.

(8) The Government of the Kingdom of the Netherlands and the Government of the German Federal Republic declare that appendices 1 to 8 contain all inland water

craft with regard to which there were still, at the time of the conclusion of this agreement, Netherlands or German claims under the restitution procedure and under the Agreement of 20 January 1947 and that no further claims under the restitution procedure or under the Agreement of 20 January 1947 shall be advanced by either party. Exceptions to this are the tanker *TRG 1* and the motor barge *Tiba*, concerning which further negotiations shall be conducted between the two Governments.

(9) The Netherlands Government and the Federal Republic undertake to submit any differences that may arise out of the interpretation or application of this agreement to the decision of a joint commission. This commission should consist of one representative of each Government and a chairman to be appointed by these two representatives. If no agreement is reached concerning the appointment of the chairman within one month after one of the contracting Governments has proposed to the other that the joint commission should be set up, the Chairman of the Central Commission for Rhine Navigation should be requested to appoint the chairman.

The decisions of the joint commission should be taken by a majority of votes.

The delegations have also given their attention to a number of special points which are regarded as conditions preliminary to the proposed agreement or which will arise in connexion with its application. With reference to these it was noted as follows :

(a) The German Federal Republic shall inform the Government of the Kingdom of the Netherlands as soon as possible which of the vessels enumerated in appendix I were in operation in Germany on 1 July 1950.

(b) The hiring out of the vessel *Amsterdam* mentioned in appendix I is subject to the prior conclusion of an agreement respecting the said hiring between the Fendel Company at Mannheim and the Rhenus Company at Basle or the authority now empowered to act for the Rhenus Company.

(c) The motor barge *Donar* mentioned in appendix I cannot be hired out until the decision of seizure made by the Tripartite Merchant Marine Commission has been revoked.

(d) The Netherlands delegation shall as soon as possible inform the German delegation finally whether the vessels *Heima*, *Greta*, *Mars*, *St. Joseph* and *Götterdämmerung* mentioned in appendix 3 I are still available. The Netherlands Government shall cause the search for the vessel *Istein* to be continued and shall return it to Germany in accordance with the provisions of paragraph (6), if the Netherlands Government is entitled to dispose of the vessel.

(e) The vessel *Martha (Catharina-Maria N.V. of Rotterdam)* shall be dealt with, *mutatis mutandis*, in the manner described in paragraph 3 (d) of this agreement, as soon as the vessel is brought within the territory of the German Federal Republic or within Netherlands territory.

(f) The Netherlands Government reserves the right to require German ship-owners or private persons to retransfer the ownership of vessels the ownership of which is transferred to them under this agreement if they are declared non-enemy persons according to Netherlands legislation and thereby acquire the right to dispose of the N.V. company in question or the proceeds of its liquidation, in so far as the N.V. company has received counter-value for the vessel. The claim for the retransfer of ownership shall lapse if the N.V. company waives the counter-value. The ownership of a vessel

shall not be transferred if the declaration of non-enemy status takes place at a time when the vessel is still an asset of the N.V. company.

(g) Should the transfer of ownership or delivery of vessels involve legal difficulties owing to the fact that non-Germans or private persons declared to be of non-enemy status have an interest in an N.V. company, the Netherlands Government shall take all steps within its powers to reach a solution in the spirit of this agreement. This undertaking does not imply the acceptance of any financial responsibility.

(h) The Government of the Kingdom of the Netherlands and the German Federal Republic shall request the Allied High Commission to take steps with a view to causing the seizure of the inland water vessels *Donar*, *Jacques* and *Pinguin* by the Tripartite Merchant Marine Commission to be revoked.

(i) The Netherlands delegation expects that, in view of the settlement contained in this agreement, the Allied High Commission will furnish the documents not yet supplied concerning the release of the vessels referred to in collective claims No. 946 and No. 2690, except for the N.V. vessels belonging to private persons *Alarich* and *Götterdämmerung* mentioned in appendix 3 I, the claims for which have been withdrawn, and the N.V. vessels belonging to a shipping company *Hermann* and *Ernst* mentioned in appendix 2.

(k) The Netherlands delegation expects that the Netherlands Government will reach agreement with the Allied High Commission concerning the application of the proposed agreement and concerning those parts of the whole settlement which are within the competence of the Allied High Commission. In particular, the steps are to be taken with a view to delivering the customary documents, carrying out the transfer and rescinding the Agreement of 20 January 1947.

Unkel, 11 October 1950.

For the delegation of the Government of the
Kingdom of the Netherlands :

(Signed) Charles D. MATTHIJSEN

For the delegation of the German Federal Republic :

(Signed) Dr. Ludwig SEIERMANN

Appendix I

N.V. VESSELS BELONGING TO SHIPPING COMPANIES

(a) at present in Germany

Serial No.	Type of vessel	Name <i>British Zone</i>	German shipping company
1	Rhine barge	Atlas 2	Winschermann
2	"	Atlas 3	"
3	"	Atlas 5	"
4	"	Atlas 10	"
5	"	Atlas 11	"
6	"	Brigitte	Schulte & Bruns
7	"	Drie Gebroeders	Niba
8	"	Gelderland 7	Stinnes
9	"	Gelderland 14	"
10	"	Gelderland 16	"
11	"	Alexander (Industrie 3)	Hansen, Neuerburg & Co.
12	Tug	Jo	Elskes
13	Motor barge	Josina	WTAG

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name</i>	<i>German shipping company</i>
14	Rhine barge	Kanaalvaart 3	WTAG
15	"	Kanaalvaart 12	"
16	"	Kanaalvaart 16	"
17	Motor barge	Kanaalvaart 26	"
18	Tug	Kronos 1	Fendel
19	Rhine barge	Ludwigshafen	Lehnkering
20	"	Neuwied	"
21	Mud lighter	Niba V	Niba
22	"	Niba VI	"
23	"	Niba VII	"
24	Dredger	Niba 9	"
25	Mud lighter	Niba IX	"
26	"	Niba X	"
27	"	Niba 18	"
28	"	Niba 19	"
29	"	Niba 21	"
30	"	Niba 23	"
31	"	Niba 36	"
32	"	Niba 39	"
33	"	Niba 40	"
34	"	Niba 45	"
35	"	Niba 49	"
36	"	Niba 41	"
37	"	Niba 46	"
38	"	Niba 50	"
39	"	Niba 52	"
40	"	Niba 53	"
41	"	Niba 61	"
42	"	Niba 62	"
43	"	Niba 71	"
44	Rhine barge	Oranje 1	Braunkohle
45	"	Oranje 5	"
46	"	Oranje 6	"
47	"	Oranje 7	"
48	"	Oranje 10	"
49	"	Oranje 12	"
50	"	Oranje 13	"
51	"	Petronella	Rheinumschlag
52	"	Rhenania 62	Allgem. Sped. Ges.
53	Work ship	Risico	Niba
54	Rhine barge	Rijnzeevaart 8	Raab-Karcher
55	"	Rijnzeevaart 16	"
56	"	Schürmann 63	Schürmann
57	"	Schürmann 64	"
58	"	Schweinfurt	Haniel
59	"	Seam 2	Raab-Karcher
60	"	Seam 5	"
61	"	Seam 9	"
62	"	Seam 11	"
63	"	Senior	Lehnkering
64	Tug	Spido	Niba
65	Rhine barge	Stroomvaart II	Stromeyer
66	"	Stroomvaart IV	"
67	"	Stroomvaart VII	"
68	"	Stroomvaart VIII	"
69	"	Stroomvaart XIII	"
70	"	Sybilla	Braunkohle
71	"	Theodoros	Raab-Karcher
72	"	Trinitas I	Haniel
73	"	Walsum 2	"
74	"	Walsum 5	"
75	"	Walsum 6	"
76	"	Walsum 13	"
77	"	Walsum 31	"

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name</i> <i>American Zone</i>	<i>German shipping company</i>
78	Tug	Amsterdam	Fendel
79	Rhine barge	Hedwig	Schulte & Bruns
80	"	Kanaalvaart II	WTAG
81	Motor barge	Donar (T.M.M.C.)	Fendel
82	Rhine barge	Freiheit	de Gruyter
(b) Released on loan, at present in the Netherlands			
1	Rhine barge	Walsum 32	Haniel
2	"	Trinitas 3	"
3	"	Trinitas 4	"
4	Motor barge	Express 113	"
5	Rhine barge	Mundenheim	Lehnkering
6	"	Rotterdam	"
7	Motor barge	Willemsburg	Fendel
8	Rhine barge	Transport 32	"
9	"	Waterweg	"
10	Tug	Kronos 2	"
11	Rhine barge	Rijntrans 4	"
12	"	Kanaalvaart 13	WTAG
13	"	Seam 1	Raab-Karcher
14	"	Seam 10	"
15	"	Seam 15	"
16	"	Oxia	"
17	"	Wylp	"
18	"	Rijnzeevaart 14	"
19	"	Atlas 9	Winschermann
20	"	Heinz	Stinnes
21	"	Gelderland 15	"

Appendix 2

N.V. VESSELS BELONGING TO SHIPPING COMPANIES
(At present in Germany)

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name</i> <i>British Zone</i>	<i>German shipping company</i>
1	Motor barge	Friederieke	Schulte & Bruns
2	Rhine barge	Charlotte	"
3	Motor barge	Ida	"
4	Rhine barge	Klara	"
5	"	Regina	"
6	"	Sophie	"
7	"	Helene	"
8	"	Caroline	"
9	"	Dorothea	"
10	"	Paula	"
11	"	Paul (Industrie 2)	Hansen, Neuerburg & Co.
12	"	Hermann (Industrie 4)	"
13	"	Ernst (Industrie 5)	"
14	"	Handel 2	Linden-Reederei
15	"	Handel 4	"
16	"	Schürmann 47	Schürmann
17	"	" 51	"
18	"	" 52	"
19	"	Klößkner 2	Klößkner
20	"	" 5	"
21	"	" 8	"
22	"	" 9	"
23	"	" 16	"
24	"	" 22	"
25	"	" 23	"

Serial No.	Type of vessel	Name	German shipping company
<i>American Zone</i>			
26	Rhine barge	Klöckner 1	Klöckner
27	"	" 3	"
28	"	" 17	"
29	"	" 18	"
30	"	" 20	"
<i>French Zone</i>			
31	"	Klöckner 4	Klöckner
32	"	" 6	"

Appendix 3 I

N.V. VESSELS BELONGING TO PRIVATE PERSONS
(At present in the Netherlands)

Serial No.	Type of vessel	Name	German ship-owner
1	Rhine barge	Merkurius	Hansen
2	"	Saturnus	"
3	"	Neptunus	"
4	"	Maria I	Gerlach
5	"	Der Rhein	W. Schuch
6	"	Heima	A. Wendt
7	"	Maria	Theodor Wendt
8	"	Paul	Passmann
9	"	Vigilia	Castor
10	Motor barge	Guro	Rosorius
11	Rhine barge	St. Therese	J. Gerlach
12	"	Maria 2	"
13	"	Mars	Paul Schmitt
14	"	St. Joseph	Peter Zell
15	"	Alarich	E. Becker
16	"	Götterdämmerung	"
17	"	Gloria Patri	Gebr. Bentheuer
18	"	Käthe	Ww. Selbst
19	"	Wilhelmine	Pr. Moebus
20	"	Jean	H. Kirdorf
21	"	Wiljo	"
22	"	Greta	J. Schmitt
23	"	Helios	Küppers
24	"	Minos	"

Appendix 3 II

N.V. VESSELS BELONGING TO PRIVATE PERSONS
(At present in Germany)

Serial No.	Type of vessel	Name	German ship-owner
(a) JEIA agreement			
1	Rhine barge	Nidam	R. Bott
2	"	Freischütz	E. Philippin
3	"	Deus Adjutor	K. Alsbach
4	"	Christine	M. Bentheuer
5	"	Lina Amalia	Bott
6	"	Richard	Böringer
7	"	Rheintreue	Dietz
8	"	Frimar	Dreis
9	"	Babette	J. Fendel

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name</i>	<i>German ship-owner</i>
10	Rhine barge	Ceylon	Geschw. Fachinger
11	"	Immaculato	A. Fell
12	"	Liane	Heiderich
13	"	Bertha	B. Kumpf
14	"	Lenchen	J. Lammer
15	"	Fritz	J. Hüttner
16	"	Natador	H. Müller
17	"	Heirna	A. Siebert
18	Motor barge	Ella Herrmann	K. Herrmann
19	Rhine barge	Veronia	F. Waibel
20	"	Heingard	H. Klein
21	"	Hiawatha	Fendel
22	"	Olive Anna	Schorck
23	"	Gott mit uns	K. Emmig
24	"	Rigoletto	H. Klein
25	Tug	Express	Page
(b) <i>Wrecks</i>			
26	Rhine barge	Revenir	W. Castor
27	"	Karl Gustav	K. Bauhardt
28	"	Eduard	Jakob Doll
29	"	Vondel	Friedrich Neuer

Appendix 3 III

N.V. VESSELS BELONGING TO PRIVATE PERSONS
(Claims on which no decision has yet been taken)

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name</i>	<i>Claim No.</i>
(a) <i>British Zone</i>			
1	Tug	Adolph	9274
2	"	Allod	9273
3	Rhine barge	Anna Franciska	9096
4	"	Arcona	9183
5	Tug	Atlas	9260
6	Rhine barge	Beado	9186
7	"	Brunhilde	9321
8	"	Carolina	9089
9	"	Des Dudo	9332
10	"	Don Bosco	4261
11	Motor barge	Eigen Hulp 2	9194
12	Rhine barge	Elisabeth Jobanna	9157
13	"	Eljowie	9160
14	Tug	Else	9261
15	Rhine barge	Else Lina	9195
16	"	Emma	9196
17	"	Emma Martha	9197
18	Tug	Esperanto	2654
19	Rhine barge	Europa	2656
20	"	Felicitas 2	9142
21	"	Fortschritt	9334
22	Motor barge	Friede	4434
23	Rhine barge	Geka	9322
24	"	Hanne	9040
25	Tug	Hansa	2719
26	Rhine barge	Heinrich	9341
27	"	Helga	9203
28	"	de Hoop 2	9337
29	Tug	Hugo	9275
30	Rhine barge	Ideaal	9204
31	"	Ines	9313

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name</i>	<i>Claim No.</i>
32	Rhine barge	Ingona	9206
33	"	St. Josef	9365
34	"	Josephina	9333
35	"	Kairos	9097
36	"	Karl Louise	9212
37	"	Karl Werner	9213
38	"	Käthe	9214
39	"	Kehrwieder	2621
40	"	Laborato	9215
41	"	Leonidas	9158
42	Tug	Lidia	2984
43	Rhine barge	Linquenda	9323
44	"	Lorelei	9338
45	"	Luise	9179
46	"	Maasstad	2657
47	"	Marga J	9219
48	Tug	Maria	9087
49	Rhine barge	Marie	9262
50	Motor barge	Mars	4353
51	"	Martin Else	4424
52	Rhine barge	Oberon	9302
53	Rhine barge	Ougree 9 (Navis 2)	9236
54	Tug	Overstolz	9088
55	Rhine barge	Paula	9237
56	"	Paula Clara	9239
57	"	Peter Glasmacher	9240
58	"	Petro	9308
59	Tug	Pionier	9241
60	Rhine barge	Primo (Z. & Co. 1)	9243
61	"	Protinus (Helene Inge)	9327
62	Motor barge	Robert	9244
63	Rhine barge	Robert Hüllstrung	9132
64	"	Sanct Jacobus	9247
65	"	Standard	9026
66	"	Succes	2793
67	"	Theodor	9249
68	"	Varna (Wirbellei)	9326
69	Tug	Veritas	2653
70	Rhine barge	Verona	9253
71	"	Vios	9255
72	Tug	Wacht am Rhein V	9141
73	"	Wacht am Rhein VI	9256
74	Rhine barge	Wali	9257
75	Tug	Wellem	2799
76	Rhine barge	Zer Sanne	2699

(b) *American Zone*

77	Rhine barge	Adelheid	18068 H
78	"	Alma	18067 H
79	"	Anna	16426 H
80	"	Anna	16427 H
81	"	Anna Christina	8654 H
82	Tug	Antonius	8654 H
83	Rhine barge	Atreus	16429 H
84	"	Beethoven II	7123 H
85	"	Boreas	16431 H
86	Motor barge	Diamant	15014 H
87	Rhine barge	Dibeno	3027 H
88	"	Edgar Edeltrud	16432 H
89	"	Elhein	2543 H
90	"	Elisabeth	16435 H
91	Motor barge	Elise	16436 H
92	Rhine barge	Emmarg	16437 H

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name</i>	<i>Claim No.</i>
93	Rhine barge	Erato	10818 H
94	"	Gustav Adèle	16440 H
95	"	Hannelore	10818 H
96	"	Hans Wilhelm	16441 H
97	"	Hefena	7123 H
98	"	Helga	16443 H
99	"	Hermann	16444 H
100	"	Joska	1455
101	"	Juliana I	16448 H
102	Tug	Jupiter	16449 H
103	Rhine barge	Käthe	16450 H
104	"	Kronos	8810 H
105	"	Libra	10818 H
106	"	Ludwig	1457
107	"	Ludwig	16452 H
108	"	Ludwig Helmuth	16453 H
109	"	Margret	16421 H
110	"	Marianna	16455 H
111	"	Marienburg	16457 H
112	"	Otilie	16459 H
113	"	Palma	16460 H
114	"	Patria	16461 H
115	"	Plus Ultra	1456
116	"	Redempter 11	10818 H
117	"	Rheintal	16462 H
118	"	Rita	16463 H
119	"	de Ruyter	16464 H
120	"	Saarfels	16465 H
121	"	Saargold	16466 H
122	Tug	Sacrapuer	16485 H
123	Rhine barge	Samoa	16467 H
124	"	Samun	1452
125	"	Seestern	16468 H
126	"	Siegfried	16469 H
127	"	Vaterland I	1454
128	"	Venus	16471 H
129	"	Virgo Fidelis I	8810 H
130	"	Virgo Fidelis II	8810 H
131	"	Walküre	16473 H
132	"	Wilhelmina	16424 H
133	"	Wilhelmine	16474 H
134	"	Wilma Feyela	16475 H
135	"	Wilma	15043 H

(c) *French Zone*

136	Rhine barge	Amelie	
137	Tug	Anna Katherina (Heinrich)	
138	Rhine barge	Ansgar	
139	"	J. J. van Bergen Sr.	
140	"	Georg Käthe	
141	Tug	Resoluut	
142	Motor barge	Sooneck 3	
143	Rhine barge	Stolzenfels	
144	"	Vaterland (Leopold Marianne 3)	
145	"	Vesalia (Main)	

(d) *West Berlin*

146	Rhine barge	Martha	
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(e) *Special case*

147	Rhine barge	R.W. 3	9090
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Appendix 3 IV

N.V. VESSELS BELONGING TO PRIVATE PERSONS
(No longer available)

Serial No.	Type of vessel	Nome	
1	Motor barge	Meteor	E. Weber
2	"	Frauenlob	"
3	Rhine barge	Bertha Fischer	Fischer
4	Motor barge	Ahrtal	Hoeg
5	"	Goldenfels	Schmitt
6	Rhine barge	Fradi	Wissen
7	"	Anna	L. Rabenecker
8	"	Virtus	Glasmann
9	"	Heimag	H. Aviszius
10	Motor barge	Ariadne	Elbia
11	Tug	Wilfried	v. d. Heiden
12	Rhine barge	Sommernachtstraum	A. Boos
13	"	Lisbeth	A. Kissel
14	"	Sion	M. Weller

Appendix 4

CLAIMS ON WHICH NO DECISION HAS YET BEEN TAKEN

Serial No.	Type of vessel	Name of vessel	Claim No
(a) Wartime purchases			
<i>British Zone</i>			
1	Rhine barge	Annie	9182
2	"	Ardi Har (Constantin 18)	9278
3	"	Bernard (Constantin 15)	9279
4	"	Borneo (Express 112)	9188
5	"	Carpe Diem (KVAG 56)	9303
6	"	Cito (G. Albrecht 21)	9191
7	"	Cornella (Constantin 19)	9280
8	"	Dina (Klöckner 24)	9294
9	"	Hildegard Marianne ex Margarethe	9324
10	"	Jollea (Klöckner 26)	9295
11	"	Lead (M. Stinnes 87)	9216
12	"	Marie Henriette (Klöckner 13)	9296
13	"	Minerva (Mine 24)	9285
14	"	Revisio (Klöckner 25)	9297
15	"	Rewi (Klöckner 19)	9298
16	"	Siem Jac (Constantin 16)	9289
17	"	Spes (KVAG 55)	9306
18	"	Trevillion (Constantin 14)	9290
19	"	Twee Gezusters (Haeger & Schmidt 8)	9250
20	"	Adriana (M. Stinnes 88)	9291
21	Tug	Bernard	9137
22	Rhine barge	Dina (Milo)	9340
23	"	Doribea (Anna 25)	9281
24	"	Edgart (Carmen)	9276
25	"	Frigga ex Corge	9153
26	"	Hans	9282
27	"	Jacla (WTAG 133)	9366
28	"	Karimata	9211
29	"	Paul Dirk (Rainer Sturm)	9309
30	"	Wega (Werner)	9364
31	Tug	Cornelia (Aller)	4440
32	"	Danzig	4365
33	Rhine barge	Dintelstroom (Jan Olvers 2)	4350
34	"	Eike ex Margaretha	4380

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name of vessel</i>	<i>Claim No.</i>
35	Motor barge	Emanuel (PHRIX 6)	4367
36	Tug	Flandern ex Wico	9362
37		Loosdrecht	6452
38	Motor barge	Louise (Sturmfels)	4455
39	Tug	Mark Uwe ex Mimaco	4382
40	Motor barge	Navy 897 (ex Petronella)	4327
41		Merwede (Trave)	4443
42	Tug	Odin ex Presto	4423
43	"	Volkert ex Zeeland	4381
44	"	Willi ex Rotterdam	4390
45	"	Zeeland ex Actief	9356
46	Dredger	Wieringermeer	
47		ZV 44	
48	Steam crane	ZV 9	
49	Elevator mud lighter	Vlothaven	
50	Dredger	's-Gravenhage	4477
51	Suction reclamation vessel	Gouda	
52	Elevator mud lighters	ZV 70, ZV 71, ZV 72	
53	"	ZV 20, 21, 60 and 61	
54	Mud lighter	Da Costakade	4375
55	"	De Wirtenkade	4376
56	Rhine barge	Edith ex Pyo	4418
57	Tug	En Avant 7	4392
58	Motor barge	Eva 9	6452
59	Rhine barge	Kamel ex Berger	4476
60	Mud lighter	Rowe 21	4441
61	"	Rowe 24	4442
62	Rhine barge	Rheinumschlag 11	9317

French Zone

63	Tug	Madoera 2 (Edmond)
64	Rhine barge	St. Paulus

American Zone

65	Tug	Delfzijl	9435 H
66	Fishing vessel	Dora	13236 H
67		d'Eendracht	13869 H
68	Rhine barge	Ingona (Stinnes M. 86)	1451
69	Motor barge	Java	1449
70	Rhine barge	Mars	9828 H
71	Mud lighter	Rogge 17	4771 H
72	"	Rogge 18	4771 H
73	"	Rogge 30	9434 H
74	"	Rowe 23	9435 H
75	Motor barge	Twee Gebroeders (R 175)	16416 H
76	"	Bertha	16430 H
77	Rhine barge	Constan (Kehrwieder)	16478 H
78	"	Damco 95	1649 H
79	"	Damco 113 (Bavaria 45)	16480 H
80	"	Johanna (Spee Vera)	16446 H
81	Tug	Madoera (Ludwigshausen)	16454 H
82	Rhine barge	Theo (Carl Tiedtke)	18832 H

(b) Vessels built during the war

83	Rhine barge	Bremen 305	9073 H
84	"	Bremen 310	9073 H
85	"	Bremen 311	9073 H

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name of vessel</i>	<i>Claim No.</i>
(c) Special cases			
<i>British Zone</i>			
86	Motor barge	Ideaal	4415
87	Rhine barge	Onderneming (Passat)	4431
88	Mud lighter	Watergeus (Heimkehr)	4369
<i>French Zone</i>			
89	Rhine barge	Magdalena (Speer 196)	
90	"	Sjoertina (Petersberg)	
<i>American Zone</i>			
91	Rhine barge	Credo	15492 H
92	Tug	Friesland	9743 H
93	Motor barge	HM 52 (De Hoop)	15040 H
94	Mud lighter	No. 187	9744 H
95	Dredger	Eta	3027 H

Appendix 5

SPECIAL CASES

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name</i>	<i>Possessor</i>
1	Rhine barge	Porthos	Elbia
2	"	Jakoba	"
3	"	Oberland	Artus Hansa

Appendix 6

GERMAN VESSELS IN THE NETHERLANDS

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name</i>	<i>Owner</i>
1	Motor barge	Badenia 21	Fendel
2	Rhine barge	Rheinfahrt 99	"
3	"	Baden 21	"
4	Motor barge	Maas	"
5	Rhine barge	Stachelhaus u. Buchloh	Stachelhaus & Buchloh
6	"	Stromeyer 7	Stromeyer
7	"	Stoek & Fischer 2	Stoek & Fischer
8	"	Stoek & Fischer 4	"
9	"	Navis 1	Navis Ges.
10	"	Heinrich u. Frieda	H. Ritter
11	Tug	Huntel	WSA Meppen
12	Rhine barge	Leni Thea	Th. Scholten
13	Elevator mud lighter	Suhrberg 1	Suhrberg & Co.
14	Rhine barge	Willkommen	Striepen
15	Motor barge	Istein	E. Weber
16	Motor barge	Rhein M. 2	WSD Mlinster
17	Tug	D 120	"
18	Motor barge	M 22	"
19	"	Lippe	Fendel
20	Tug	Juist	Ems Schlepper AG.
21	Rhine barge	Largo	Fritz Jansen

Appendix 7

GERMAN VESSELS IN THE NETHERLANDS
(No longer available)

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name</i>	<i>German shipping company</i>
1	Rhine barge	H. Stinnes 28	Stinnes
2	Bucket dredger	No. 7	Hulsken
3	Motor barge	Kaiserpfalz	Rhein-Bahnges.
4	"	Schloss Benrath	"

Appendix 8

TANKERS

<i>Serial No.</i>	<i>Type of vessel</i>	<i>Name</i>	<i>Owner</i>
1	Motor barge	Heidenau	Wirtsch. Forschungs-Ges.
2	"	Eberau	" "
3	"	Bekenau	" "
4	"	Heiligau	" "
5	Tank lighter	Fanto 25	Fanto, Mineral-Industrie Hbg.
6	"	Fanto 26	" "
7	"	Fanto 27	" "
8	"	Fanto 28	" "
9	"	Fanto 29	" "
10	"	Fanto 30	" "
11	"	Fanto 32	" "
12	"	Fanto 35	" "
13	"	Fanto 37	" "
14	"	Fanto 39	" "
15	Motor barge	TRG 2	Tankschiff, Reed. Duisburg
16	"	TRG 4	" "
17	"	TRG 6	" "
18	"	TRG 9	" "
19	"	TRG 10	" "
20	"	TRG 11	" "
21	"	Tankmotor 1	Schles. Dampf. Comp. Hamburg
22	"	Tankmotor 2	" "
23	Tank lighter	Elbe 9	Schiff- u. Sped. Kont. Hamburg
24	"	Elbe 10	" "
25	"	Nordmark	" "
26	"	Elbe 8	" "
27	Motor barge	Elbe 11	" "
28	"	Stadersand	E. Jung, Hamburg
29	"	Fritz Verleih	" "
30	"	Eurotank 1	Europ. Tankreed., Hamburg
31	Tank lighter	Christian Carl	C. Zimmermann, Hamburg
32	"	Fanto 34	Fanto, Hamburg
33	Motor barge	Liesel	J. T. Essberger, Hamburg
34	Tank lighter	Elsa	" "
35	"	Lilo	" "
36	"	Lisa	" "
37	"	Eva 10	Eisenbahn-Verk. A.G. Hbg.
38	"	Eva 12	" "
39	Motor barge	M. Stinnes 103	Stinnes, Ruhrort
40	"	M. Stinnes 102	" "
41	"	Anna Luise	Kruger, Hamburg
42	"	Westschiffahrt 22	Westd. Schiff. GmbH, Köln
43	"	Poldi	DAPG, Hamburg
44	"	Lili Marlen	" "
45	Tank lighter	Olex 35	Dt. Benzin u. Petr. Ges. Hbg.
46	Motor barge	Eurotank 2	Europ. Tankreed., Hamburg
47	"	Elbe 12	Elbeschiff, u. Sped. Kont. Hbg.
48	"	Esso Hannover	DAPG, Hamburg
49	"	Bassum	E. H. Stinnes, Haverfort (USA)

ANNEX II

AGSEC (50) 2739

H. E. the Chancellor
of the German Federal Republic

12 December 1950

Your Excellency,

You have been so good as to inform me, in letters No. 244-06. II. 11389/50, of 28 November 1950, and No. 244-06. II. 11455/50 of 30 November 1950, of the Federal Government's wish to take restitution action by concluding an agreement with the Netherlands Government concerning certain inland water craft, a draft of which agreement was appended to your letter first above mentioned.

You have already been informed that the said agreement has been accepted by the Netherlands Government as a basis for the final settlement of all restitution questions still pending with regard to inland water craft (AGSEC (50) 2580, of 20 November).

I am instructed to notify you that the Allied High Commission agrees to the Federal Government's proceeding as proposed.

In accordance with article 4 of the proposed agreement, and pending its conclusion, decisions have been taken by each of the High Commissioners on claims regarding the ninety-five inland water craft listed in appendix 4 to the agreement. Particulars of these decisions are given in an appendix to this letter.

With regard to the various subsidiary agreements required to give effect to the principal agreement, the Allied High Commission agrees to their being negotiated directly between the representatives of the Netherlands Government and the Federal Government. Nevertheless, before they enter into force, these agreements concerning application will have to be submitted by the Federal Government to the Allied High Commission for approval.

The Allied High Commission expects that the Federal Government will take the necessary steps to ensure the fulfilment of the financial obligations arising out of the agreement.

You will, of course, gather that, having approved the proposals as drafted, the Allied High Commission does not intend to object to the agreement between the Netherlands Government and the Federal Government when that agreement is submitted to it in pursuance of paragraph 5 of the Occupation Statute and of Directive No. 3, provided that its terms are identical with those of the draft appended to your letter. Accordingly, if the parties so desire, the agreement can make provision for its immediate entry into force. Nevertheless, I must ask that the provisions of Directive No. 3 shall be complied with so that the customary number of copies of the agreement may be placed among the records of the Allied High Commission.

I have the honour to be, etc.

On behalf of A. FRANÇOIS-PONCET
Chairman
Armand BÉRARD

N° 1177

Annex

DECISIONS BY THE SEVERAL HIGH COMMISSIONERS CONCERNING THE VESSELS ENUMERATED
IN APPENDIX 4 OF THE AGREEMENT BETWEEN THE NETHERLANDS GOVERNMENT AND THE
FEDERAL GOVERNMENT

No.	Type	Name of vessel	Claim No.	Decision
(a) Wartime purchases				
<i>British Zone</i>				
1	Barge	Annie	9182	to be restituted
2	"	Ardi Har (Constantin 18)	9278	to be dismissed
3	"	Bernard (Constantin 15)	9279	" " "
4	"	Borneo (Express 112)	9188	to be referred back to the US author- ities
5	"	Carpe Diem (KVAG 56)	9303	to be dismissed
6	"	Cito (G. Albrecht 21)	9191	to be restituted
7	"	Cornella (Constantin 19)	9280	to be dismissed
8	"	Dina (Klöckner 24)	9294	" " "
9	"	Hildegard Marianne ex Margarethe	9324	to be restituted
10	"	Jollea (Klöckner 26)	9295	to be dismissed
11	"	Lead (M. Stinnes 87)	9216	" " "
12	"	Marie Henriette (Klöckner 13)	9296	" " "
13	"	Minerva (Mine 24)	9285	" " "
14	"	Revisio (Klöckner 25)	9297	" " "
15	"	Rewi (Klöckner 19)	9298	" " "
16	"	Siem Jac (Constantin 16)	9289	" " "
17	"	Spes (KVAG 55)	9306	" " "
18	"	Trevillion (Constantin 14)	9290	" " "
19	"	Twee Gezusters (Haeger & Schmidt 8)	9250	to be restituted
20	"	Adriana (M. Stinnes 88)	9291	to be dismissed
21	Tug	Bernard	9137	" " "
22	Barge	Dina (Milo)	9340	" " "
23	"	Doribea (Anna 25)	9281	" " "
24	"	Edgert (Carmen)	9276	" " "
25	"	Frigga ex Corge	9153	" " "
26	"	Hans	9282	to be dismissed
27	"	Jacla (WTAG 133)	9366	" " "
28	"	Karimata	9211	" " "
29	"	Paul Dirk (Rainer Sturm)	9309	" " "
30	"	Wega (Werner)	9364	" " "
31	Tug	Cornelia (Aller)	4440	to be restituted
32	"	Danzig	4365	" " "
33	Barge	Dintelstroom (Jan Olvers 2)	4350	to be dismissed
34	"	Eike ex Margaretha	4380	" " "
35	Motor barge	Emanuel (Phrix 6)	4367	to be restituted
36	Tug	Flandern ex Wico	9362	" " "
37	"	Loosdrecht	6452	to be dismissed
38	Motor barge	Louise (Strafels)	4455	to be restituted
39	Tug	Mark Uwe (ex Wimaco)	4382	to be dismissed
40	Motor barge	Navy 897 (ex Petronella)	4327	" " "
41	"	Merwede (Trave)	4443	to be restituted
42	Tug	Odin ex Presto	4423	to be dismissed
43	"	Volkert ex Zeeland	4381	" " "
44	"	Willi ex Rotterdam	4390	to be restituted
45	"	Zeeland ex Actief	9356	" " "

No.	Type	Name of vessel	Claim No.	Decision
46	Dredger	Wieringermeer	4477	to be dismissed
47	"	ZV 44	"	" " "
48	Crane	ZV 9	"	" " "
49	Elevator dredger	Vlothaven	"	" " "
50	Dredger	's-Gravenhage	"	" " "
51	Suction reclamation vessel	Gouda	"	" " "
52	Elevator dredgers	ZV 70, ZV 71, ZV 72	"	" " "
53	"	ZV 20, 21, 60 et 61	"	" " "
54	Elevator dredger	Da Costakade	4375	" " "
55	"	De Wittenkade	4376	" " "
56	Barge	Edith ex Pyo	4418	" " "
57	Tug	En Avant 7	4392	" " "
58	Motor barge	Eva 9	6452	" " "
59	Dredger	Kamel ex Berger	4476	" " "
60	Elevator dredger	Rowe 21	4441	" " "
61	"	Rowe 24	4442	" " "
62	Dredger	Rheinumschlag 11	9317	" " "
<i>French Zone</i>				
63	Tug	Madoera 2 (Edmond)		to be dismissed
64	Barge	ex-St. Paulus (Adolf 27)		" " "
<i>American Zone</i>				
65	Tug	De Yzjil	9435 H	not admissible owing to lack of identification
66	Fishing vessel	Dora	13236 H	to be settled in favour of the counter-claimants
67	"	D'Eendracht	13869 H	" " "
68	Barge	Ingona (Stinnes M. 86)	1451	not admissible owing to lack of identification
69	Motor barge	Java	1449	" " "
70	Barge	Mars	9828 H	to be dismissed in favour of the counter-claimants
71	Elevator dredger	Rogge 17	4771 H	not admissible as incapable of restitution
72	"	Rogge 18	4771 H	" " "
73	"	Rogge 30	9434 H	to be dismissed in favour of the counter-claimants
74	"	Rowe 23	9435 H	not admissible owing to lack of identification
75	Motor barge	Twee Gebroeders (R 175)	16416 H	" " "
76	Motor barge	Bertha	16430 H	to be restituted
77	Barge	Constan (Kehrwieder)	16478 H	" " "
78	"	Damco 95	16479 H	" " "
79	"	Damco 113 (Bavaria 45)	16480 H	" " "
80	"	Johanna (Spes Vera)	16446 H	" " "
81	Tug	Madoera (Ludwigshausen)	16454 H	" " "
82	Barge	Theo (Carl Tiedtke)	18832 H	to be dismissed in favour of the counter-claimants

No.	Type	Name of vessel	Claim No.	Decision
(b) Vessels built during the war				
<i>American Zone</i>				
83	Barge	Bremen 305	9073 H	to be dismissed in favour of the counter-claimants
84	"	Bremen 310	9073 H	to be restituted
85	"	Bremen 311	9073 H	to be dismissed in favour of the counter-claimants
(c) Special cases				
<i>British Zone</i>				
86	Motor barge	Ideaal	4415	to be dismissed
87	Barge	Onderneming (Passat)	4431	to be restituted
88	Elevator dredger	Watergeus (Heimkehr)	4369	to be dismissed
<i>French Zone</i>				
89	Barge	Magdalena (Speer 196)		to be restituted
90	"	Sjoertina (Petersberg)		" " "
<i>American Zone</i>				
91	Barge	Credo	15492 H	not admissible owing to lack of identification
92	Tug	Friesland	9743 H	to be restituted
93	Motor barge	HM 52 (De Hoop)	15040 H	not admissible owing to lack of identification
94	Elevator dredger	No. 187	9744 H	" " "
95	Dredger	Eta	3027 H	to be dismissed in favour of the counter-claimants

EXCHANGE OF NOTES

I

Note from the Netherlands Mission accredited to the Allied High Commission for Germany, Bonn, to the Allied High Commission at Bonn

CONFIDENTIAL
No. 14 446-G.
Section : I.

The Netherlands Mission to the Allied High Commission presents its compliments to the Council of the Allied High Commission and has the honour to refer to previous correspondence relating to the restitution of inland water craft.

The Netherlands Mission has much pleasure in informing the Allied High Commission that the discussions which have taken place between representatives of the Netherlands Government and the German Federal Government have resulted in the signing of a document by the Heads of both delegations in Unkel on October 11th last. The Netherlands Government after studying this document has decided to accept its contents as a basis for the final settlement of all restitution matters relating to IWT craft, which are still pending.

The Netherlands Mission would be grateful if the German Government could be informed of the decision of the Netherlands Government.

The Netherlands Mission, however, has also been instructed to inform the Allied High Commission, that the acceptance by the Netherlands Government of this settlement for restitution matters, as far as IWT craft are concerned, does in no way prejudice the Netherlands position towards Netherlands rights in other restitution matters.

As far as the most appropriate way of formalising the present settlement is concerned, the Netherlands Mission would like to suggest that the Allied High Commission embody those parts of the settlement which are *outside* the competence of the German Government in an exchange of Notes between the Allied High Commission and the Netherlands Mission. This exchange of Notes should contain also a statement to the effect that in concluding this agreement all action required by any party under the Agreement of 20th January, 1947, arrived at by the Netherlands Government on the one hand and the Commanders-in-Chief and Military Governors of the U.S. and British zones of Occupation in Germany on the other, shall be regarded as having terminated.

In addition, the Netherlands Mission would like to be informed—if possible in the same exchange of Notes—that the Allied High Commission has authorised the German Federal Government to confirm together with the Netherlands Government the document, referred to in paragraph 2 of this note, in order that a formal agreement between the two parties concerned be constituted.

Bonn, November 6th, 1950.

II

TRANSLATION — TRADUCTION

Letter from the French High Commissioner for Germany at Bonn to the Head of the Netherlands Missions in Germany at Bonn

ALLIED HIGH COMMISSION FOR GERMANY

THE COUNCIL
AGSEC (50) 2740

Bonn-Petersberg, 12 December 1950

Vice-Admiral J. M. de Booy
Head of the Mission
of the Royal Government of the Netherlands
to the Allied High Commission
Bonn

Sir,

In your letter No. 14.446-G, of 6 November, you were so good as to inform the Allied High Commission that the Netherlands Government had decided to accept the agreement signed at Unkel on 11 October 1950 as a basis for the final settlement of all questions still outstanding concerning the restitution of inland water craft. The Federal Government has been informed of this decision.

I have the honour to inform you that the Federal Government has announced its desire to conclude an official agreement with the Netherlands Government on the basis of the draft approved at Unkel, and that the Allied High Commission has agreed to the Federal Government's proceeding as proposed.

Attached is a copy of the letter whereby the Allied High Commission communicates its decision to the Federal Government.

I am also sending you particulars of the decisions taken by the several High Commissioners on the claims concerning the ninety-five inland water craft referred to in article 4 and enumerated in appendix 4 of the Agreement.

The documents relating to the inland water craft which are to be returned to the Netherlands under this Agreement or are recognized in it as being Netherlands property will be drawn up by the High Commissioners concerned.

The Allied High Commission has decided to take all necessary steps to ensure that the Federal Authorities concerned will discharge the financial obligations arising out of article 2 of the draft agreement.

With regard to the last sentence of paragraph (k), the Allied High Commission has decided that, when the Agreement between the Netherlands Government and the Federal Government has been officially concluded, it will be considered as putting an end to the claims made by each party under the Agreement concluded on 20 January 1947 between the Commanders in Chief and Military Governors of the American and British Zones of Occupation in Germany, of the one part, and the Royal Government of the Netherlands, of the other part.

It is also confirmed that the conclusion by the Netherlands Government of the Agreement concerning the restitution of the inland water craft in no way prejudices the Netherlands Government's position with respect to Netherlands rights in other restitution matters.

Lastly, I am instructed to notify you that the Allied High Commission has decided that the various subsidiary agreements required to give effect to the principal Agreement, when it is concluded, may be negotiated directly between the representatives of the Federal Government and of the Netherlands Government.

The Federal Government has been informed accordingly. Before they come into force, however, these agreements concerning application will have to be submitted for approval to the Allied High Commission by the Federal Government.

I have the honour to be, etc.

On behalf of A. FRANÇOIS-PONCET
Chairman
(Signed) Armand BÉRARD

III

TRANSLATION — TRADUCTION

*Letter from the Head of the Netherlands Missions in Germany at Bonn to the
French High Commissioner for Germany at Bonn*

Bonn, 15 December 1950

CONFIDENTIAL

17 040-V

Section : 1

Subject : Restitution of inland water craft

Sir,

I have the honour to acknowledge receipt of the letter AGSEC (50) 2740, dated 12 December 1950, concerning the restitution on inland water craft.

I am pleased that the Agreement signed yesterday with the German Government and your letter referred to above may be regarded as having finally disposed of the question of the restitution of inland water craft. In the absence of information to the contrary, I assume that the Allied High Commission's decision to take all necessary steps to ensure that the Federal Authorities will discharge the financial obligations arising out of the Agreement is not limited to article 2 of the Agreement but is also applicable to all other financial obligations arising out of the Agreement.

I have the honour to be, etc.

(Signed) J. M. DE BOOY
Vice-Admiral

Head of the Netherlands Missions in Germany

H. E. Mr. André François-Poncet
Ambassador of France
Bad Godesberg

TRANSLATION — TRADUCTION

TRADUCTION — TRANSLATION

Letter from the Minister of Transport of the German Federal Republic to the Head of the Netherlands Missions in Germany at Bonn

Lettre du Ministre des Transports de la République fédérale d'Allemagne au Chef des Missions néerlandaises en Allemagne, à Bonn

THE FEDERAL MINISTER OF TRANSPORT

LE MINISTRE FÉDÉRAL DES TRANSPORTS

Niederbreisig, 14 December 1950

Niederbreisig, le 14 décembre 1950

Vice-Admiral J. M. de Booy
Head of the Netherlands Missions
in Germany
Bonn

Monsieur le Vice-Amiral J. M. de Booy
Chef des Missions néerlandaises
en Allemagne
Bonn

Sir,

Amiral,

I have the honour to acknowledge receipt of your letter of to-day's date and, as requested, to signify my consent to the removal of the tug *Juist* from appendix 6 to the Agreement concerning the restitution of inland water craft signed to-day by you and me and to its inclusion in appendix 7 among vessels no longer available.

J'ai l'honneur d'accuser réception de votre lettre de ce jour et de vous faire savoir, suivant votre désir, que j'accepte que le nom du remorqueur *Juist* soit rayé de la liste qui figure à l'annexe 6 de l'Accord que nous avons signé ce jour concernant la restitution de certains bateaux de navigation intérieure et porté sur la liste qui figure à l'annexe 7, c'est-à-dire au nombre des bâtiments qui ne sont plus disponibles.

For my part, I shall arrange for the necessary steps to be taken.

De mon côté, je veillerai à ce que les mesures nécessaires soient prises.

I have the honour to be, etc.

Veuillez agréer, etc.

(Signed) SEEBOHM

(Signé) SEEBOHM