

No. 1240

**FRANCE, UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
UNITED STATES OF AMERICA**

**Agreement for the submission to an arbitrator of certain
claims with respect to gold looted by the Germans
from Rome in 1943. Signed at Washington, on 25 April
1951**

Official texts: English and French.

Registered by the United States of America on 14 June 1951.

**FRANCE, ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord soumettant à un arbitre certaines réclamations
concernant de l'or pillé par les Allemands à Rome en
1943. Signé à Washington, le 25 avril 1951**

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 14 juin 1951.

No. 1240. AGREEMENT¹ BETWEEN THE GOVERNMENTS OF THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA FOR THE SUBMISSION TO AN ARBITRATOR OF CERTAIN CLAIMS WITH RESPECT TO GOLD LOOTED BY THE GERMANS FROM ROME IN 1943. SIGNED AT WASHINGTON, ON 25 APRIL 1951

The Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America (hereinafter referred to as the three Governments),

Whereas Part III of the Final Act of the Paris Conference on Reparation provides :

“ A. All the monetary gold found in Germany by the Allied Forces and that referred to in paragraph G below (including gold coins, except those of numismatic or historical value, which shall be restored directly if identifiable) shall be pooled for distribution as restitution among the countries participating in the pool in proportion to their respective losses of gold through looting or by wrongful removal to Germany.

“ B. Without prejudice to claims by way of reparation for unrestored gold, the portion of monetary gold thus accruing to each country participating in the pool shall be accepted by that country in full satisfaction of all claims against Germany for restitution of monetary gold.

“ C. A proportional share of the gold shall be allocated to each country concerned which adheres to this arrangement for the restitution of monetary gold and which can establish that a definite amount of monetary gold belonging to it was looted by Germany or, at any time after March 12th, 1938, was wrongfully removed into German territory.

“ D. The question of the eventual participation of countries not represented at the Conference (other than Germany but including Austria and Italy) in the abovementioned distribution shall be reserved, and the equivalent of the total shares which these countries would receive, if they

¹ Came into force on 25 April 1951, by signature.

were eventually admitted to participate, shall be set aside to be disposed of at a later date in such manner as may be decided by the Allied Governments concerned.

“E. The various countries participating in the pool shall supply to the Governments of the United States of America, France and the United Kingdom, as the occupying Powers concerned, detailed and verifiable data regarding the gold losses suffered through looting by, or removal to, Germany.

“F. The Governments of the United States of America, France and the United Kingdom shall take appropriate steps within the Zones of Germany occupied by them respectively to implement distribution in accordance with the foregoing provisions.

“G. Any monetary gold which may be recovered from a third country to which it was transferred from Germany shall be distributed in accordance with this arrangement for the restitution of monetary gold.”

Whereas for the purpose of fulfilling their duties under the aforesaid Part III the three Governments established a Commission designated as the Tripartite Commission for the Restitution of Monetary Gold and invited all Governments which desired to make claims under Part III of the Final Act of the Paris Conference on Reparation for a proportionate share of the gold pool to submit their claims to the said Commission;

Whereas in 1943 Germany looted, or wrongfully removed from Rome to German territory, 2338.7565 kilograms of gold;

Whereas Albania claims that the said amount of gold was monetary gold belonging to Albania within the meaning of the aforesaid paragraph C and that in consequence, under the aforesaid paragraph A, Albania should receive a proportionate part of the gold pool referred to in that paragraph;

Whereas Italy claims that the aforesaid amount of gold was monetary gold belonging to Italy within the meaning of the aforesaid paragraph C and that in consequence, under paragraph A, Italy should receive a proportionate amount of the gold pool referred to in that paragraph;

Whereas the Governments of Italy and Albania submitted claims to the Commission as above recited;

Whereas the said Commission considered that the competitive claims of Albania and of Italy involved disputed questions which the Commission felt itself incompetent to determine and accordingly revoked its previous provisional decision on the matter (which previous decision shall now be regarded as a nullity) and referred the said claims to the three Governments for decision; and

Whereas the three Governments consider that the aforesaid claims of Albania and Italy involve disputed questions of law and fact and, in order

that they may, in the exercise of their duty under Part III of the Paris Act, carry out the distribution provided for in that Part correctly, they should be assisted by the opinion of an impartial and highly qualified jurist;

Have agreed as follows :

(1) The three Governments request the President of the International Court of Justice to designate as an arbitrator an eminent and impartial jurist, to advise them as to the decision which they should adopt with regard to the aforementioned claims of Albania and of Italy. The emoluments and expenses of the arbitrator shall be defrayed by the Tripartite Gold Commission as a proper charge against the gold pool.

(2) The arbitrator, after taking into account all the facts and all the legal considerations which it is proper for the three Governments to take into account under Part III and bearing in mind that his advice should be consistent with decisions already made in other cases by the Tripartite Gold Commission, is requested to advise the three Governments whether

- (i) Albania has established that 2338.7565 kilograms of monetary gold, which were looted by Germany from Rome in 1943, belonged to Albania, or
- (ii) Italy has established that 2338.7565 kilograms of monetary gold, which were looted by Germany from Rome in 1943, belonged to Italy, or
- (iii) neither Albania nor Italy has established that 2338.7565 kilograms of monetary gold, which were looted by Germany from Rome in 1943, belonged to either of them.

The arbitrator is requested to furnish his advice in the form of a fully reasoned opinion.

(3) Before submitting his opinion, the arbitrator shall afford to the Governments of Albania and of Italy and to each of the three Governments an opportunity of submitting to him any material, evidence and arguments relating to the questions submitted to the arbitrator which they may respectively desire to submit.

(4) Save as provided in the two preceding Articles, the arbitrator shall determine all questions of procedure, including the manner and the time limits within which evidence and observations may be submitted to him by any Government entitled to do so. Before determining any questions of procedure, he shall convoke a meeting at Brussels of the Agents of all the Governments entitled to submit evidence and arguments to him, and shall hear their views with regard to all questions of procedure. If any Government entitled to do so does not, within thirty days of being invited to do so by the arbitrator, inform

the arbitrator of its intention to appoint an Agent and to submit evidence or observations, that Government shall be deemed to have renounced its right to do so.

(5) The three Governments, in exercising their duty under Part III of the Final Act of the Paris Conference on Reparation, will accept the advice given by the arbitrator on the question whether Albania, or Italy, or neither has established a claim to the aforesaid amount of gold.

IN WITNESS WHEREOF the undersigned representatives of the three Governments, being duly authorized thereto, have signed the present Agreement.

DONE at Washington, this twenty-fifth day of April, 1951, in the English and French languages, both texts being equally authentic, in a single copy which will remain deposited in the archives of the Government of the United States, of which certified copies shall be transmitted by the Government of the United States to the Governments of the French Republic, the United Kingdom, Albania and Italy.

For the Government of the French Republic :

(Signed) H. BONNET

For the Government of the United Kingdom of Great Britain
and Northern Ireland :

(Signed) Oliver FRANKS

For the Government of the United States of America :

(Signed) Dean ACHESON
