

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

**Agreement concerning German property in Switzerland  
(with exchanges of letters). Signed at Berne, on  
28 August 1952**

*Official texts: English and French.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on 13  
October 1953.*

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

**Accord sur les avoirs allemands en Suisse (avec échanges  
de lettres). Signé à Berne, le 28 août 1952**

*Textes officiels anglais et français.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 13  
octobre 1953.*

No. 2296. AGREEMENT<sup>1</sup> BETWEEN THE UNITED KINGDOM, FRANCE AND THE UNITED STATES, AND SWITZERLAND, CONCERNING GERMAN PROPERTY IN SWITZERLAND. SIGNED AT BERNE, ON 28 AUGUST 1952

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The Governments of the United Kingdom of Great Britain and Northern Ireland, the French Republic, and the United States of America (hereinafter referred to as the Three Governments), on the one hand, and the Government of the Swiss Confederation (hereinafter referred to as the Swiss Government) on the other,

Having concluded an agreement on May 25, 1946<sup>2</sup>, at Washington, D.C. (hereinafter referred to as the Washington Accord),

And taking into consideration the agreement entered into between the Swiss Confederation and the Federal Republic of Germany concerning German property in Switzerland on August 26, 1952, at Bonn (hereinafter referred to as the Swiss-German Agreement),

Hereby agree as follows :—

*Article I*

The Swiss Government shall without delay pay in favour of the Three Governments into an account to be opened with a banking institution designated by the Three Governments the sum of Swiss Francs 121,500,000, which, under the terms of the Swiss-German Agreement, will be paid to the Swiss Government by the German Federal Government within two weeks after the receipt by the German Federal Government of notification of the entry into force of the present agreement, subject, however, to the deduction from said sum of Swiss Francs 20,000,000 which have been advanced by the Swiss Government in accordance with Section V of the Annex to the Washington Accord.

When payment into the designated account is made, the obligations of all parties to the Washington Accord with respect to German assets in Switzerland which are owned by persons who are resident in the German Federal Republic and in the Western Sectors of Berlin shall be regarded as discharged and the provisions of the Accord and the Annex thereto shall cease to have effect with respect to such assets, and the claims of the Three Governments and of the governments on whose behalf they are acting to such assets shall be regarded as finally settled.

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<sup>1</sup> Came into force on 19 March 1953, in accordance with the provision of article 6.

<sup>2</sup> United Kingdom : "Switzerland No. 1 (1946), Cmd. 6884".

The provisions of this agreement shall be without prejudice to the position of any country, party to this agreement, respecting the application, interpretation and fulfilment of such provisions of the Washington Accord as are not affected by this agreement.

#### *Article 2*

The legislation existing in Germany concerning the vesting and marshalling of German external assets shall be deprived of effect with regard to German holders of assets in Switzerland by the elimination of Switzerland from the list of countries in the schedule to Allied High Commission Law No. 63.

#### *Article 3*

The terms of this agreement and of the Swiss-German Agreement shall be without prejudice to any position which a country that is a member of the Inter-Allied Reparation Agency may take respecting any inter-custodial agreement concluded or to be concluded between the Swiss Government and such country.

#### *Article 4*

Nothing in this agreement or in the Swiss-German Agreement shall be deemed to confer upon any person or government rights regarding any property under the jurisdiction of any country which was at war with Germany after September 1, 1939.

#### *Article 5*

The Swiss Government is acting in respect to this agreement also on behalf of the Principality of Liechtenstein. The Three Governments are acting in respect to this agreement on behalf of the countries which are members of the Inter-Allied Reparation Agency.

#### *Article 6*

This agreement shall enter into force when :

- (a) the Three Governments have been notified by the Swiss Government that this agreement has been approved by the appropriate Swiss authorities, and
- (b) the agreements between the Swiss Confederation and the Federal Republic of Germany concerning German property in Switzerland and concerning settlement of the claims of the Swiss Confederation against the former German Reich become effective.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

DONE in quadruplicate at Berne on the twenty-eighth day of August, 1952, in English and French, both texts being equally authentic.

For the Government of the United  
Kingdom :

[L.S.] P. SCRIVENER

For the Government of France :

[L.S.] J. CHAUVEL

For the Government of the United  
States :

[L.S.] R. C. PATTERSON, JR.

For the Government of Switzerland :

[L.S.] STÜCKI

EXCHANGES OF LETTERS BETWEEN THE CHIEFS OF THE ALLIED  
DELEGATIONS AT BERNE AND THE CHIEF OF THE SWISS  
DELEGATION AT BERNE

## I

Berne, August 28, 1952

Dear Mr. Minister,

This is to confirm that in the course of the discussions just terminated agreement was reached that the Joint Commission established under the Washington Accord of May 25, 1946, will be abolished when the Agreement between Switzerland and France, the United Kingdom and the United States concerning German property in Switzerland, which was signed to-day, becomes effective.

For the Government of the French Republic :

J. CHAUVEL

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

P. SCRIVENER

For the Government of the United States of  
America :

R. C. PATTERSON, Jr.

## II

Berne, August 28, 1952

Gentlemen,

This is to confirm that in the course of the discussions just terminated agreement was reached that the Joint Commission established under the Washington Accord of May 25, 1946 will be abolished when the Agreement between Switzerland and France, the United Kingdom and the United States concerning German property in Switzerland, which was signed to-day, becomes effective.

Sincerely yours,

STÜCKI

## III

Berne, August 28, 1952

Dear Mr. Minister,

This is to confirm that in the course of the discussions just terminated agreement was reached as follows :—

The obligations of all parties to the Washington Accord with respect to assets whose owners are residents of the Saar will be regarded as discharged and the provisions of the Washington Accord and the Annex thereto will cease to have effect with respect to these assets.

The Swiss Government will unblock these assets without delay after the entry into force of the Agreement between Switzerland, and France, the United Kingdom, and the United States, concluded to-day.

For the Government of the French Republic :

J. CHAUVEL

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

P. SCRIVENER

For the Government of the United States of  
America :

R. C. PATTERSON, Jr.

## IV

Berne, August 28, 1952

Gentlemen,

This is to confirm that in the course of the discussions just terminated agreement was reached as follows :—

The obligations of all parties to the Washington Accord with respect to assets whose owners are residents of the Saar will be regarded as discharged and the provisions of the Washington Accord and the Annex thereto will cease to have effect with respect to these assets.

The Swiss Government will unblock these assets without delay after the entry into force of the Agreement concluded to-day between Switzerland and France, the United Kingdom and the United States.

Sincerely yours,

STŮCKI

## V

Berne, August 28, 1952

Mr. Minister,

With reference to the agreement between the Swiss Confederation and the German Federal Republic concerning German Property in Switzerland, which was signed on August 26, 1952, at Bonn, the Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the United States of America desire to draw the attention of the Swiss Government to the fact that the above-mentioned agreement does not contain any provision for the exemption of the assets of heirless Nazi victims from the provisions of the agreement respecting contributions and determining the disposition of such assets. The Three Governments accept the omission of such a provision in view of the statement that there are no such assets in Switzerland, which statement was made by the Swiss Government in the course of discussions with the Three Governments respecting the disposition of German assets in Switzerland.

The Three Governments request, however, that, if any such assets should be discovered in the future, the Swiss Government will give sympathetic consideration to the application of such assets for relief and rehabilitation of victims of Nazi actions.

For the Government of the French Republic :

J. CHAUVEL

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

P. SCRIVENER

For the Government of the United States of  
America :

R. C. PATTERSON, Jr.

## VI

Berne, August 28, 1952

Gentlemen,

You have sent me to-day a letter reading as follows :—

[See letter V]

I have the honour to acknowledge the receipt of this letter with which I am in agreement.

Sincerely yours,

STÜCKI

## VII

Berne, August 28, 1952

Dear Mr. Minister,

The Governments party to the Washington Accord of May 25, 1946 have disagreed regarding a number of points arising under that Accord. It had been the hope of these Governments that in the recent negotiations for the resolution, among other things, of the problem of German assets in Switzerland, means would be found by which the existing disagreements could be resolved. This has not been possible in every respect.

The parties to the Accord have now entered into a further agreement. It seems desirable that the parties should recognise that the disagreements with respect to Articles IV and VI of the Washington Accord and the principles of law involved, do still exist and that the agreement reached to-day does not resolve them. It should be understood that the respective positions of the Governments of the countries who are party to the Accord, with respect to Articles IV and VI and the principles of law involved, remain the same as expressed in the past.

We would appreciate an expression of your concurrence.

For the Government of the French Republic :  
J. CHAUVEL

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

For the Government of the United States of  
America :  
R. C. PATTERSON, Jr.

## VIII

Berne, August 28, 1952

Gentlemen,

I have received your letter of this day reading as follows :—

[See letter VII]

I have the honour to confirm to you my Government's concurrence with the statement set forth above.

Sincerely yours,

STÜCKI



## IX

Berne, August 28, 1952

Gentlemen,

In connection with the Swiss-German Agreement concerning German property in Switzerland, which has been signed on August 26, 1952, at Bonn, the Swiss Government, recognising the interest of the Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the United States of America in this matter, acknowledges that the provisions in the above-mentioned agreement relating to the protection of the interests of non-German nationals, of victims of persecution and of persons to whom property is returned under restitution procedures cannot be changed without establishing by consultation with the Three Governments that such change is acceptable to them.

Sincerely yours,

STÜCKI

## X

Berne, August 28, 1952

Dear Mr. Minister,

We have the honour to acknowledge receipt of your letter of this day reading as follows :—

[See letter IX]

The contents of this letter have been duly noted.

For the Government of the French Republic

J. CHAUVEL

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

P. SCRIVENER

For the Government of the United States of  
America :

R. C. PATTERSON, Jr.

## XI

Berne, August 28, 1952

Gentlemen,

In determining the contribution to be paid for the release of assets covered by article 18 (1) 3 of the Swiss-German Agreement concerning German property

in Switzerland the Swiss authorities are prepared to take into account foreign interests in companies which are outside of Germany and Switzerland but in which Germans in Germany directly or indirectly participate to the extent of fifty per cent. or more, provided the foreign interests amount to twenty-five per cent. or more and already existed on February 16, 1945. In such cases the contribution will be reduced accordingly.

The above principle will be applied only if in the interested country, on the basis of an international agreement or under established procedures, comparable protection is available to similar Swiss interests in assets under the jurisdiction of the other country belonging to companies in which there is a Swiss interest of twenty-five per cent. or more.

Sincerely yours,

STŮCKI

XII

Berne, August 28, 1952

Dear Mr. Minister,

We have the honour to acknowledge receipt of your letter of this day reading as follows :—

[*See letter XI*]

The contents of this letter have been duly noted.

For the Government of the French Republic :

J. CHAUVEL

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

P. SCRIVENER

For the Government of the United States of  
America :

R. C. PATTERSON, Jr.

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