

No. 2968

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**BELGIUM, FRANCE, FEDERAL  
REPUBLIC OF GERMANY, ISRAEL, ITALY,  
LUXEMBOURG, NETHERLANDS, UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND  
and UNITED STATES OF AMERICA**

**Agreement constituting an International Commission for  
the International Tracing Service (with annex). Signed  
at Bonn, on 6 June 1955**

*Official texts: English, French and German.*

*Registered by the Federal Republic of Germany on 19 October 1955.*

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**BELGIQUE, FRANCE, RÉPUBLIQUE  
FÉDÉRALE D'ALLEMAGNE, ISRAËL, ITALIE,  
LUXEMBOURG, PAYS-BAS, ROYAUME-UNI  
DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD  
et ÉTATS-UNIS D'AMÉRIQUE**

**Accord instituant une Commission Internationale pour le  
Service International de Recherches (avec annexe).  
Signé à Bonn, le 6 juin 1955**

*Textes officiels anglais, français et allemand.*

*Enregistré par la République fédérale d'Allemagne le 19 octobre 1955.*

No. 2968. AGREEMENT<sup>1</sup> BETWEEN BELGIUM, FRANCE, THE FEDERAL REPUBLIC OF GERMANY, ISRAEL, ITALY, LUXEMBOURG, THE NETHERLANDS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA CONSTITUTING AN INTERNATIONAL COMMISSION FOR THE INTERNATIONAL TRACING SERVICE. SIGNED AT BONN, ON 6 JUNE 1955

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The Governments of the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the State of Israel, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America —

CONSIDERING that an International Tracing Service was established at Arolsen for the purpose of tracing missing persons and collecting, classifying, preserving and rendering accessible to Governments and interested individuals the documents relating to Germans and non-Germans who were interned in National-Socialist concentration or labor camps or to non-Germans who were displaced as a result of the Second World War;

CONSIDERING that the Allied High Commission for Germany assumed responsibility for the operations of this International Tracing Service, which was previously exercised by the United Nations' Relief and Rehabilitation Administration and the International Refugee Organisation;

CONSIDERING that under Article 1 (*d*) of Chapter 7 of the Convention on the Settlement of Matters Arising out of the War and the Occupation (as amended by Schedule IV to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed in Paris on 23 October 1954) the Government of the Federal Republic of Germany undertakes to assure the continuance of the operations presently carried out by the International Tracing Service;

NOTING that the Allied High Commission has ceased to exist and that the Governments of the French Republic, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America, in accordance with the Exchange of Notes concerning the continuance of the operations of the International Tracing Service, have agreed that, in initial implementation of Article 1 (*d*) of Chapter 7 of the said Convention,

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<sup>1</sup> Came into force on 5 May 1955, in accordance with article 10.

the responsibility for the direction and administration of the International Tracing Service shall be transferred, for an initial period of five years from the entry into force of the above-mentioned Convention, to the International Committee of the Red Cross;

DESIRING to maintain the international collaboration existing in this field to enable the cooperation of other interested States, the Western European Union and other interested organisations, and to provide for the protection of the archives and documents, —

HAVE AGREED AS FOLLOWS :

### *Article 1*

(a) There is hereby established an International Commission consisting of one representative of each of the Government parties to the present Agreement and which shall be presided over by one of these representatives. The first Chairman of the International Commission is the Belgian member.

(b) The International Commission may by unanimous vote, invite representatives, designated by other interested Governments, to take part in all discussions of matters of interest to those Governments. The Secretary-General of Western European Union or his representative, and a representative of the International Committee of the Red Cross may, upon their request, be present at the discussions; they shall receive a copy of the minutes of all meetings of the International Commission.

(c) The International Commission shall be convened initially by the Chairman not later than sixty days after the entry into force of the present Agreement. Thereafter, it shall meet as it may decide, provided always that its Chairman shall convene it within thirty days of a request of two of its members or of the Secretary-General of Western European Union or of the International Committee of the Red Cross.

(d) The International Commission shall take its decisions by a vote of a simple majority of its members, present or represented, and voting, unless the International Commission decides otherwise or any other procedure is expressly provided.

(e) The International Commission shall establish its own rules of procedure, unless otherwise laid down.

### *Article 2*

(a) The International Commission shall have the duty of ensuring co-ordination between the Governments represented on the Commission in matters relating to the International Tracing Service and of providing directives, agreed with the International Committee of the Red Cross, for the operations of the International Tracing Service.

(b) The directives referred to in paragraph (a) of this Article shall be transmitted for action to the International Committee of the Red Cross.

(c) Details concerning the implementation of the directives agreed in Paragraph (a) and the cooperation between the International Commission and the International Committee of the Red Cross shall be regulated by special agreements between the International Commission and the International Committee of the Red Cross.

#### *Article 3*

The Governments signatory to this Agreement hereby authorise the Chairman of the International Commission

- (a) On their behalf to enter into the Agreement set out in Annex A<sup>1</sup> hereto with the International Committee of the Red Cross;
- (b) When thereto empowered by a unanimous vote of the members of the Commission to enter into such further agreements as may be necessary in modification of the above-mentioned Agreement.

#### *Article 4*

The United Nations High Commissioner for Refugees shall be invited to appoint a permanent observer to the International Commission to look after the interests of persons who fall within his mandate.

#### *Article 5*

Non-Governmental Organisations having a well defined interest in the operations of the International Tracing Service may submit suggestions to the International Commission and, under conditions to be determined by the Commission, be invited to take part in the deliberations concerning these suggestions.

#### *Article 6*

Any of the Governments represented on the International Commission and the United Nations High Commissioner for Refugees shall have the right to maintain, at their own expense, a permanent liaison office at the International Tracing Service.

#### *Article 7*

The Governments represented on the International Commission shall give their assistance, within the framework of their legislation, to the International

<sup>1</sup> See p. 96 of this volume.

Tracing Service by the examination, copying and, where this is not against the interests of the Government or Governments concerned and without prejudice to the rights to ownership of such documents, the transfer to the International Tracing Service of all documents at present, or in future, held in State, public or private archives in their countries and which concern those categories of persons described in the first paragraph of the preamble of this Agreement.

#### *Article 8*

(a) Other interested Governments may participate as members of the International Commission on the unanimous invitation of the Governments signatory hereto;

(b) Membership of the International Commission shall become effective upon the notification to the Government of the Federal Republic of Germany of acceptance of membership and willingness to participate by the invited Government. The Government of the Federal Republic of Germany shall notify the other Governments represented on the International Commission of such acceptance and the date thereof.

#### *Article 9*

A complete inventory of the archives and documents of the International Tracing Service, signed by representatives of the Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the one hand, and by a representative of the International Committee of the Red Cross on the other hand shall be deposited with the original of this Agreement. Certified copies of this inventory shall be transmitted to the Governments represented on the International Commission, and to the Secretary-General of Western European Union; and an original copy shall be transmitted to the Secretary-General of the United Nations.

#### *Article 10*

The present Agreement shall enter into force for a period of five years, on the date of entry into force of the above-mentioned Convention on the Settlement of Matters arising out of the War and the Occupation. At the latest four years after entry into force of the present Agreement the Government parties hereto shall consult about the continuation or amendment thereof.

IN WITNESS WHEREOF the Plenipotentiaries have signed this Agreement and affixed their seals thereto.

DONE at Bonn on the sixth of June 1955 in English, French and German, all three texts being equally authoritative, in a single copy, which shall be deposited in the archives of the Government of the Federal Republic of Germany. The Government of the Federal Republic of Germany shall transmit one certified copy to each other signatory Government and to other Governments on their acceptance of membership on the International Commission and also to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations and to the Secretary-General of the Western European Union.

Für die Regierung des Königreichs Belgien :  
For the Government of the Kingdom of Belgium :  
Pour le Gouvernement du Royaume de Belgique :

Baron DE GRUBEN

Für die Regierung der französischen Republik :  
For the Government of the French Republic :  
Pour le Gouvernement de la République française :

André FRANÇOIS-PONCET

Für die Regierung der Bundesrepublik Deutschland :  
For the Government of the Federal Republic of Germany :  
Pour le Gouvernement de la République fédérale d'Allemagne :

ADENAUER

Für die Regierung des Staates Israel :  
For the Government of the State of Israel :  
Pour le Gouvernement de l'État d'Israël :

SHINNAR

Für die Regierung der italienischen Republik :  
For the Government of the Italian Republic :  
Pour le Gouvernement de la République italienne :

U. GRAZZI

Für die Regierung des Grossherzogtums Luxemburg :  
For the Government of the Grand Duchy of Luxembourg :  
Pour le Gouvernement du Grand-Duché de Luxembourg :

Pierre MAJERUS

Für die Regierung des Königreichs der Niederlande :  
For the Government of the Kingdom of the Netherlands :  
Pour le Gouvernement du Royaume des Pays-Bas :

LAMPING

Für die Regierung des Vereinigten Königreichs von Grossbritannien und Nord-  
irland :

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

Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du  
Nord :

F. R. HOYER-MILLAR

Für die Regierung der Vereinigten Staaten von Amerika :

For the Government of the United States of America :

Pour le Gouvernement des États-Unis d'Amérique :

James B. CONANT



## ANNEX A

## AGREEMENT ON THE RELATIONS BETWEEN THE INTERNATIONAL COMMISSION FOR THE INTERNATIONAL TRACING SERVICE AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS

The Chairman of the International Commission for the International Tracing Service, being authorized to act on behalf of the Governments of the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the State of Israel, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America, pursuant to Article 3 (a) of the Agreement constituting the International Commission of the International Tracing Service signed at Bonn on the day of June sixth 1955, of the one part,

and the International Committee of the Red Cross, of the other part, —

CONSIDERING that the Governments of the French Republic, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as signatories to the Convention on the Settlement of Matters Arising out of the War and the Occupation (as amended by Schedule IV to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany signed at Paris on 23 October, 1954), have agreed that the International Committee of the Red Cross, being a body with a neutral, impartial, universal and responsible character, shall have charge of the administration and direction of the International Tracing Service;

CONSIDERING that the Governments of the Kingdom of Belgium, the State of Israel, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands are interested in the safe-keeping and impartial administration of the archives and documents of the International Tracing Service and have welcomed the arrangements whereby the International Committee of the Red Cross shall have charge of the administration and direction of the International Tracing Service;

CONSIDERING that the Governments of the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the State of Israel, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America have signed an agreement constituting an International Commission which shall have the duty of ensuring co-ordination between the Governments represented on the Commission in matters relating to the International Tracing Service and of providing directives, agreed with the International Committee of the Red Cross, for the operations of the International Tracing Service;

DESIRING that the future operations of the International Tracing Service shall be conducted in such a way that the information contained in the archives of the International Tracing Service shall, as hitherto, be freely available to interested persons, organisations, and authorities, for humanitarian purposes, —

HAVE AGREED AS FOLLOWS :

*Article 1*

Subject to the unanimous approval of the members of the International Commission the International Committee of the Red Cross shall appoint a Swiss national as Director of the International Tracing Service and, in consultation with the International Commission, shall fix his terms of service. This Director who shall be paid by the International Committee of the Red Cross shall take up his duties as soon as possible after entry into force of this Agreement.

*Article 2*

The Director shall be responsible to the International Committee of the Red Cross for the direction and administration of the International Tracing Service and will act under the instructions of the International Committee of the Red Cross. These instructions shall be consistent with the terms of the present Agreement and the directives agreed between the International Commission and the International Committee of the Red Cross.

*Article 3*

Each member of the International Commission and any liaison officer appointed by any of the Governments represented on the International Commission, as well as the representative of the United Nations High Commissioner for Refugees and the Liaison Officer appointed by him, shall have free access to all the archives and documents reposing with the International Tracing Service. These persons shall co-ordinate their activities with the Director.

*Article 4*

The International Tracing Service shall continue to provide from its archives and documents, without charge, through appropriate channels, all information which can be of assistance to, and is of direct interest to, a person or persons requesting such information. Information will also be disclosed, without charge, to individual members of the International Commission, to liaison officers appointed by the governments represented on the International Commission, to the United Nations High Commissioner for Refugees and, with the unanimous approval of the International Commission, and the approval of the International Committee of the Red Cross, to any governmental or non-governmental organisation requesting information.

*Article 5*

The International Tracing Service, the members of the Commission and the liaison officers shall take all reasonable steps to avoid divulging information about a person or persons which might prejudice the interests of the person or persons concerned or of their relatives.

*Article 6*

A complete original inventory of the archives and documents of the International Tracing Service, signed by representatives of the Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the United States of

America and also by a representative of the International Committee of the Red Cross, shall be retained by the International Committee of the Red Cross for so long as the present Agreement is in force. The Director will ensure that this inventory is kept up to date.

*Article 7*

The Director may at any time request any member of the International Commission to approach his Government to make accessible to the International Tracing Service the originals or copies of documents of which the originals or the copies are reposing or have at any time reposed with the International Tracing Service and which are held by or on behalf of the said Government.

*Article 8*

Changes in the composition of the International Commission shall not prejudice the terms of this Agreement.

*Article 9*

(a) The International Committee of the Red Cross shall transmit quarterly reports on the activities of the International Tracing Service to the International Commission.

(b) After concurrence with the International Commission the International Committee of the Red Cross shall transmit an annual budget estimate by September 1 to the Government of the Federal German Republic. The International Commission shall receive from the International Committee of the Red Cross a duplicate of the annual account of the various expenses and receipts for the previous year which shall be transmitted to the Government of the Federal Republic of Germany by June 1.

*Article 10*

The present Agreement shall enter into force on the date of entry into force of the above-mentioned Convention on the Settlement of Matters Arising out of the War and the Occupation for a period of five years. At the latest after four years from the entry into force of the present Agreement there shall be consultation about the continuation or amendment thereof.