

No. 3068

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**UNITED STATES OF AMERICA  
and  
FEDERAL REPUBLIC OF GERMANY**

**Agreement relating to indebtedness of Germany for awards  
made by the Mixed Claims Commission, United States and  
Germany. Signed at London, on 27 February 1953**

*Official texts : English and German.*

*Registered by the United States of America on 20 December 1955.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif aux dettes de l'Allemagne résultant des dé-  
cisions rendues par la Commission contentieuse mixte  
germano-américaine. Signé à Londres, le 27 février 1953**

*Textes officiels anglais et allemand.*

*Enregistré par les États-Unis d'Amérique le 20 décembre 1955.*

No. 3068. AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO INDEBTEDNESS OF GERMANY FOR AWARDS MADE BY THE MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY. SIGNED AT LONDON, ON 27 FEBRUARY 1953

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WHEREAS, Germany, under the terms of the agreement of June 23, 1930 between the United States of America and Germany,<sup>2</sup> hereinafter referred to as the 1930 Agreement, was indebted to the United States of America (hereinafter called the United States) for awards and interest thereon entered in favor of the United States on its own behalf and on behalf of its nationals by the Mixed Claims Commission, United States and Germany ; and

WHEREAS, the United States is holding, under the terms of the 1930 Agreement, bonds of Germany as evidence of such indebtedness ; and

WHEREAS, in an agreement between the Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Federal Republic of Germany in the form of an exchange of letters, on March 6, 1951,<sup>3</sup> the Government of the Federal Republic of Germany confirmed that it is liable for the pre-war external debt of the German Reich ; and

WHEREAS, the United States and the Federal Republic of Germany (hereinafter referred to as the Federal Republic) desire, as part of the general settlement of German debts, to make provision for the settlement of the obligations of the Federal Republic with regard to the remaining indebtedness of Germany for awards made by the Mixed Claims Commission, United States and Germany, on behalf of nationals of the United States, and to defer settlement of all other indebtedness under the 1930 Agreement until the final general settlement envisaged in Paragraph (1) of Article 5 of the Agreement on German External Debts, signed this day in London :<sup>4</sup>

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<sup>1</sup> Came into force on 16 September 1953, the date of entry into force of the Agreement of 27 February 1953 on German External debts, in accordance with article 12. The instruments of ratification were exchanged at Washington on 15 September 1953.

<sup>2</sup> League of Nations, *Treaty Series*, Vol. CVI, p. 121.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 106, p. 141

<sup>4</sup> United States of America : *Treaties and Other International Acts Series* 2792.

NOW, THEREFORE, it is agreed as follows :

1. The Federal Republic shall pay to the United States the total amount of \$97,500,000.00, on behalf of those nationals of the United States, or their successors or assignees, on whose behalf awards of the Mixed Claims Commission, United States and Germany have heretofore been entered which awards have not been fully satisfied.

2. The said total amount shall be paid in 26 annual installments, in lawful currency of the United States, by the Federal Republic at the Federal Reserve Bank of New York for credit in the general account of the Treasurer of the United States in accordance with the following schedule :

<i>Installment No.</i>	<i>Due Date</i>	<i>Amount</i>
1 . . . . .	April 1, 1953	\$3,000,000.00
2 . . . . .	April 1, 1954	3,000,000.00
3 . . . . .	April 1, 1955	3,000,000.00
4 . . . . .	April 1, 1956	3,000,000.00
5 . . . . .	April 1, 1957	3,000,000.00
6 . . . . .	April 1, 1958	3,700,000.00
7 . . . . .	April 1, 1959	3,700,000.00
8 . . . . .	April 1, 1960	3,700,000.00
9 . . . . .	April 1, 1961	3,700,000.00
10 . . . . .	April 1, 1962	3,700,000.00
11 . . . . .	April 1, 1963	4,000,000.00
12 . . . . .	April 1, 1964	4,000,000.00
13 . . . . .	April 1, 1965	4,000,000.00
14 . . . . .	April 1, 1966	4,000,000.00
15 . . . . .	April 1, 1967	4,000,000.00
16 . . . . .	April 1, 1968	4,000,000.00
17 . . . . .	April 1, 1969	4,000,000.00
18 . . . . .	April 1, 1970	4,000,000.00
19 . . . . .	April 1, 1971	4,000,000.00
20 . . . . .	April 1, 1972	4,000,000.00
21 . . . . .	April 1, 1973	4,000,000.00
22 . . . . .	April 1, 1974	4,000,000.00
23 . . . . .	April 1, 1975	4,000,000.00
24 . . . . .	April 1, 1976	4,000,000.00
25 . . . . .	April 1, 1977	4,000,000.00
26 . . . . .	April 1, 1978	4,000,000.00

3. In the event the Federal Republic shall fail to pay any installment upon the due date such installment shall bear interest at the rate of 3<sup>3</sup>/<sub>4</sub> per cent per annum from that date until the date when such installment is paid.

4. As evidence of the obligations set forth in the preceding articles of this agreement, the Federal Republic shall issue to the United States bonds in the form attached hereto as Exhibit A.<sup>1</sup>

<sup>1</sup> See p. 42 of this volume.

The bonds shall be numbered consecutively from 1 to 26, shall be dated January 1, 1953, and shall mature and be payable serially as provided for in Article 2 hereof. Each such bond shall be denominated in dollars and be payable to the Government of the United States in lawful currency of the United States. The bonds shall be signed for the Federal Republic by the President and a member of the Bundesschuldenverwaltung and shall be delivered to the Secretary of the Treasury of the United States at the United States Treasury in Washington.

5. Upon receipt by the United States of the bonds issued pursuant to Article 4 hereof, the United States shall cancel and deliver to the Federal Republic those bonds of Germany issued under the 1930 Agreement as evidence of Germany's indebtedness for awards of the Mixed Claims Commission, United States and Germany, which have the following maturity dates :

March 31, 1932 . . . . .	September 30, 1931
March 31, 1933 . . . . .	September 30, 1932
March 31, 1934 . . . . .	September 30, 1933
March 31, 1935 . . . . .	September 30, 1934
March 31, 1936 . . . . .	September 30, 1935
March 31, 1937 . . . . .	September 30, 1936
March 31, 1938 . . . . .	September 30, 1937
March 31, 1939 . . . . .	September 30, 1938
March 31, 1940 . . . . .	September 30, 1939
March 31, 1941 . . . . .	September 30, 1940
March 31, 1942 . . . . .	September 30, 1941
March 31, 1943 . . . . .	September 30, 1942

6. The United States will apply the payments made by the Federal Republic as provided in this agreement in reduction of the remaining indebtedness of Germany in respect of awards of the Mixed Claims Commission, United States and Germany, made on behalf of nationals of the United States ; provided, however, that full performance of this agreement by the Government of the Federal Republic or by it and the government of a re-united Germany and payment of the amounts due under this agreement shall constitute and be accepted by the United States as fulfillment by the Federal Republic and by a re-united Germany and as full discharge of each of them and of Germany of their respective obligations under the agreement of June 23, 1930, and the bonds issued pursuant thereto, in respect of awards of the Mixed Claims Commission, United States and Germany, made on behalf of nationals of the United States, anything in the exchange of letters of October 23, 1950<sup>1</sup> and March 6, 1951<sup>2</sup> between Chancellor Adenauer and the Allied High Commission for

<sup>1</sup> Not printed by the Department of State of the United States of America.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 106, p. 141.

Germany or in the memorandum of December 1951 prepared by the Tripartite Commission on German Debts<sup>1</sup> to the contrary notwithstanding.

7. Settlement of the indebtedness of Germany in respect of the awards of the Mixed Claims Commission, United States and Germany, to the United States on its own behalf shall be deferred until the final general settlement envisaged in Paragraph (1) of Article 5 of the Agreement on German External Debts, signed this day in London.

8. The amounts to be paid by the Federal Republic in accordance with this agreement shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues present or future, imposed by or under authority of the Federal Republic or any political or local taxing authority within the Federal Republic.

9. Any notice from or by the Federal Republic shall be sufficient if delivered to the American Embassy at Bonn or to the Secretary of the Treasury at the Treasury of the United States in Washington. Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, at consent of the United States and shall be sufficient if delivered at the Embassy of the Federal Republic at Washington or at the office of the Ministry of Finance of the Federal Republic at Bonn. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

10. The United States and the Federal Republic, each for itself, represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized, and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement have been completed as required by the laws of the United States and of the Federal Republic respectively and in conformity therewith.

11. Any dispute between the United States and the Federal Republic respecting the interpretation or implementation of this agreement shall be settled through negotiation or by such other method as may then be agreed between the United States and the Federal Republic.

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<sup>1</sup> Not printed by the Department of State of the United States of America.

12. This agreement shall be approved by the United States and the Federal Republic in accordance with their respective constitutional procedures.

The agreement shall enter into force :

- (a) upon the exchange of instruments of approval at Washington, and
- (b) upon the coming into force of the Agreement on German External Debts between the Federal Republic on the one part and France, the United Kingdom of Great Britain and Northern Ireland, the United States and other countries on the other part.

IN WITNESS WHEREOF, the undersigned representatives duly authorized thereto by their respective governments have signed this agreement.

DONE at London on February 27, 1953 in duplicate in the English and German languages, both texts being equally authentic.

For the United States of America :  
Warren Lee PIERSON

For the Federal Republic of Germany :  
ABS

EXHIBIT A

(Form of Bond)

THE FEDERAL REPUBLIC OF GERMANY

Dated January 1, 1953

§ ..... No. ....

The Federal Republic of Germany, herein called the Federal Republic, in consideration of the mutual covenants contained in an agreement dated ....., 1953, between it and the United States of America hereby promises to pay to the Government of the United States of America, herein called the United States, on April 1, 19 for the purposes specified in said agreement the sum of \$ ..... This bond is payable at the Federal Reserve Bank of New York in lawful currency of the United States.

If this bond is not paid on the date when it is due, interest on the face amount of this bond shall be paid at the rate of 3 % per cent per annum from such date until the date of payment.

This bond is payable without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of the Federal Republic or any political or local taxing authority within the Federal Republic.

This bond is issued pursuant to the provisions of an agreement dated ....., 1953, between the United States and the Federal Republic, to which this bond is subject and to which reference is made.

IN WITNESS WHEREOF, the Federal Republic has caused this bond to be executed and delivered on its behalf.

FOR THE FEDERAL REPUBLIC OF GERMANY  
The Bundesschuldenverwaltung

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.....  
President Member

