

No. 4017

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

Exchange of notes constituting an agreement relating to the waiver of immunity from suit and legal process for members of the Arbitration Tribunal and the Arbitral Commission on Property, Rights and Interests in Germany. Bonn, 24 July 1956, and Bad Godesberg, 27 July 1956

Official texts: English and German.

Registered by the United States of America on 18 October 1957.

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

Échange de notes constituant un accord sur la levée de l'immunité de juridiction des membres du Tribunal d'arbitrage et de la Commission arbitrale pour les biens, droits et intérêts en Allemagne. Bonn, 24 juillet 1956, et Bad Godesberg, 27 juillet 1956

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 18 octobre 1957.

No. 4017. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO THE WAIVER OF IMMUNITY FROM SUIT AND LEGAL PROCESS FOR MEMBERS OF THE ARBITRATION TRIBUNAL AND THE ARBITRAL COMMISSION ON PROPERTY, RIGHTS AND INTERESTS IN GERMANY. BONN, 24 JULY 1956, AND BAD GODESBERG, 27 JULY 1956

I

The Ministry of Foreign Affairs of the Federal Republic of Germany to the American Embassy

[GERMAN TEXT — TEXTE ALLEMAND]

[TRANSLATION² — TRADUCTION³]

AUSWÄRTIGES AMT

THE MINISTRY OF FOREIGN AFFAIRS

507-519-450-77 007/56

507-519-450-77 007/56

VERBALNOTE

NOTE VERBALE

Das Auswärtige Amt beehrt sich, auf die Verhandlungen über den Abschluß eines Verwaltungsabkommens über das Schiedsgericht und die Schiedskommission für Güter, Rechte und Interessen in Deutschland Bezug zu nehmen, in deren Verlauf festgestellt wurde, daß die Satzungen des Schiedsgerichts und der Schiedskommission gewissen Mitgliedern dieser Körperschaften zwar diplomatische Vorrechte und Immunitäten, wie sie den Mitgliedern diplomatischer Missionen zustehen, gewähren, aber keine Bestimmungen über die Aufhebung der Immunität gegen gerichtliche Maßnahmen enthalten. Die Vier Un-

The Ministry of Foreign Affairs has the honor to refer to the negotiations for the conclusion of an administrative convention on the Arbitration Tribunal and the Arbitral Commission on Property, Rights and Interests in Germany, in the course of which it was established that the charters of the Arbitration Tribunal and the Arbitral Commission, while granting to certain members of these bodies diplomatic privileges and immunities such as are enjoyed by members of diplomatic missions, contain no provisions for waiving immunity from suit and legal process. The four States signatory to the Bonn

¹ Came into force on 27 July 1956 by the exchange of the said notes.

² Translation by the Government of the United States of America.

³ Traduction du Gouvernement des États-Unis d'Amérique.

terzeichnerstaaten der Bonner Verträge haben deshalb vereinbart, daß die Immunität der Mitglieder der Schiedskommission und des Schiedsgerichts gegen gerichtliche Maßnahmen von der Vier Regierungen gegebenenfalls aufgehoben werden kann; dies gilt jedoch nicht für gerichtliche Maßnahmen, die sich auf Handlungen oder Unterlassungen in Ausübung ihres Amtes beziehen.

Das Auswärtige Amt wäre für die Bestätigung dankbar, daß die Amerikanische Regierung diesen Standpunkt teilt.

Gleichlautende Verbalnoten wurden an die Botschaften der Französischen Republik und des Vereinigten Königreichs von Großbritannien und Nordirland gerichtet.

Das Auswärtige Amt benutzt auch diesen Anlaß, die Botschaft der Vereinigten Staaten von Amerika seiner ausgezeichneten Hochachtung zu versichern.

Bonn, den 24. Juli 1956
[SIEGEL]

An die Botschaft
der Vereinigten Staaten
von Amerika
Mehlem

Conventions have therefore agreed that the immunity of members of the Arbitral Commission and the Arbitration Tribunal from suit and legal process may be waived in appropriate cases by the four Governments; this shall not apply, however, in respect of suit and legal process in connection with acts or omissions in the exercise of their official duties.

The Ministry of Foreign Affairs would be grateful for confirmation that the United States Government agrees with the above viewpoint.

Identical *notes verbales* have been addressed to the Embassies of the French Republic and of the United Kingdom of Great Britain and Northern Ireland.¹

The Ministry of Foreign Affairs takes this opportunity to assure the Embassy of the United States of America of its high consideration.

Bonn, July 24, 1956
[SEAL]

Embassy of the United States
of America
Mehlem

¹ The following information is given by the Department of State of the United States of America (*Treaties and Other International Acts Series* 3657, p. 2, footnote 1): "Exchanges of notes *mutatis mutandis* between the Ministry of Foreign Affairs and the British Embassy, dated July 24 and 25, 1956, and between the Ministry of Foreign Affairs and the French Embassy, dated July 24, 1956; not printed."

II

The American Embassy to the Ministry of Foreign Affairs of the Federal Republic of Germany

No. 44

The Embassy of the United States of America presents its compliments to the Ministry for Foreign Affairs of the Federal Republic of Germany and, with reference to the Ministry's Note 507-519-450-77 007/56 of July 24, 1956 on the subject of the privileges and immunities of members of the Arbitration Tribunal and the Arbitral Commission on Property, Rights and Interests in Germany, has the honor to inform the Ministry that the Government of the United States of America agrees that the four Governments signatory to the Bonn Conventions may waive the immunity from suit and legal process of members of the Tribunal and members of the Commission in appropriate cases, save in respect of acts performed by such members in the exercise of their official duties.

Copies of this Note are being sent to the Embassies of the United Kingdom of Great Britain and Northern Ireland and of the French Republic.

American Embassy

Bonn/Bad Godesberg, July 27, 1956