

No. 4566

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

Exchange of notes constituting an agreement relating to the responsibility for the direction and administration of the International Tracing Service. Bonn and Bonn-Bad Godesberg, 6 June 1955

Official texts: English and German.

Registered by the United States of America on 20 November 1958.

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

Échange de notes constituant un accord relatif à la responsabilité de la direction et de l'administration du Service international de recherches. Bonn et Bonn-Bad Godesberg, 6 juin 1955

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 20 novembre 1958.

No. 4566. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO THE RESPONSIBILITY FOR THE DIRECTION AND ADMINISTRATION OF THE INTERNATIONAL TRACING SERVICE. BONN AND BONN-BAD GODESBERG, 6 JUNE 1955

I

The Chancellor of the Federal Republic of Germany to the American Ambassador

[GERMAN TEXT — TEXTE ALLEMAND]

DER BUNDESKANZLER UND BUNDESMINISTER DES AUSWÄRTIGEN

Bonn, den 6. Juni 1955

Seiner Exzellenz
dem Botschafter der Vereinigten Staaten
von Amerika
Herrn Dr. James B. Conant

Herr Botschafter,

Ich beehre mich, Ihnen vorzuschlagen, dass die Regierungen der Bundesrepublik Deutschland, der Französischen Republik, des Vereinigten Königreichs von Grossbritannien und Nordirland und der Vereinigten Staaten von Amerika am Tage des Inkrafttretens des Vertrages zur Regelung aus Krieg und Besatzung entstandener Fragen (in der gemäss Liste IV zu dem am 23. Oktober 1954 in Paris unterzeichneten Protokoll über die Beendigung des Besatzungsregimes in der Bundesrepublik Deutschland geänderten Fassung) die Verantwortung für die Leitung und Verwaltung des Internationalen Suchdienstes in Arolsen zum Zwecke der Fortführung der Arbeiten, die gegenwärtig von diesem Suchdienst durchgeführt werden, unbeschadet des Eigentumsrechtes an den Archiven und Unterlagen des Internationalen Suchdienstes, dem Internationalen Komitee vom Roten Kreuz für die Dauer von fünf Jahren übertragen und eine dement-sprechende Vereinbarung mit der genannten Organisation treffen.

Die Regierung der Bundesrepublik Deutschland ist bereit, dem in der Anlage beigefügten Abkommen beizutreten, durch das ein Internationaler Ausschuss mit der Aufgabe eingesetzt wird, die Zusammenarbeit zwischen den

¹ Came into force on 6 June 1955 by the exchange of the said notes and, in accordance with their provisions, became operative retroactively as from 5 May 1955.

[TRANSLATION — TRADUCTION]

THE CHANCELLOR AND FEDERAL MINISTER FOR FOREIGN AFFAIRS

Bonn, 6 June 1955

His Excellency Dr. James B. Conant
Ambassador of the United States of America

Your Excellency,

[*See note II*]

Accept, etc.

ADENAUER

II

The American Ambassador to the Chancellor of the Federal Republic of Germany

AMERICAN EMBASSY
BONN—BAD GODESBERG

June 6, 1955

Excellency :

I have the honor to acknowledge receipt of your Note of today's date which reads as follows :

“I have the honor to propose that on the date of the entry into force¹ 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 at Paris on 23 October 1954)² the Governments of the Federal Republic of Germany, the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America transfer the responsibility for the direction and administration of the International Tracing Service in Arolsen to the International Committee of the Red Cross for a period of five years, without prejudice to the rights of ownership of the archives and documents of the said Tracing Service, in order that the operations presently carried out by it may be continued, and conclude an agreement to this effect with the aforesaid organization.

¹ 5 May 1955.

² United States of America : *Treaties and Other International Acts Series 3425*.

“The Government of the Federal Republic of Germany is prepared to enter into the Agreement annexed hereto¹ setting up an International Commission with the task of ensuring coordination between the Governments concerned in matters relating to the International Tracing Service and to provide directives for the operations of the International Tracing Service.

“The Government of the Federal Republic of Germany will place at the disposal of the International Committee of the Red Cross annually for a period of five years an amount corresponding to the necessary expenditure of the International Tracing Service and limited to the amount estimated in the budget of the International Tracing Service in Arolsen for the financial year 1954/55. Should, however, expenditure arise through unforeseen occurrences which cannot be covered by the amount mentioned above or by economies on other items of the budget of the International Tracing Service without bringing into question the effective continuance of the functions incumbent on the International Tracing Service, the Governments of the Federal Republic of Germany, the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America will consult together concerning the measures to be taken in order to remedy this situation.

“In doing so, the Government of the Federal Republic of Germany proceeds on the understanding that the above measures meet the intention of the Contracting Parties expressed in Article 1 (*d*) of Chapter Seven of the above-mentioned Convention and that the Government of the Federal Republic of Germany will be fulfilling its obligations under the said Article as long as it pays annually to the International Committee of the Red Cross for the continuance of the operations of the International Tracing Service, a sum in accordance with the above-mentioned conditions.

“The Government of the Federal Republic of Germany is prepared to consult with the Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America at the latest four years after the entry into force of the above-mentioned Convention concerning the further implementation of Article 1 (*d*), Chapter Seven thereof, in particular concerning the continuance or amendment of these arrangements. Further, it shall be examined whether the archives and documents shall remain in Arolsen or whether they shall be transferred to the seat of the International Committee of the Red Cross or to any other place. The other Governments represented on the International Commission shall be requested to make known their views on the problems in question.

¹ Not printed. According to the information provided by the United States of America the enclosure, comprising the German text of the Agreement with an annex, is not considered to be an integral part of the Agreement. For the text of the two signed Agreements based on the text contained in this enclosure, see United Nations, *Treaty Series*, Vol. 219, p. 79.

“The foregoing arrangements are acceptable to the Government of the Federal Republic of Germany and, if they are also acceptable to the Government of the United States of America, I have the honor to propose that the present Note and your reply in that sense should be regarded as constituting an agreement between the two Governments in these matters.”

I am in agreement with the contents of this Note which, together with this reply, shall be regarded as an agreement concluded between our two Governments.

Please accept, Excellency, the renewed assurances of my highest consideration.

James B. CONANT

His Excellency Dr. Konrad Adenauer
Chancellor of the Federal Republic of Germany
Bonn