

No. 4961

**ISRAEL
and
FEDERAL REPUBLIC OF GERMANY**

Agreement. Signed at Luxembourg, on 10 September 1952

Official text: English.

Registered by Israel on 19 November 1959.

**ISRAËL
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord. Signé à Luxembourg, le 10 septembre 1952

Texte officiel anglais.

Enregistré par Israël le 19 novembre 1959.

No. 4961. AGREEMENT¹ BETWEEN THE GOVERNMENT OF ISRAEL AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY. SIGNED AT LUXEMBOURG, ON 10 SEPTEMBER 1952

The Government of Israel and the Government of the Federal Republic of Germany hereby agree as follows :

Article 1

The Contracting Parties will enter into negotiations concerning the secular property in Israel which falls within the terms of Section 2, paragraph (e) of the " German Property Law, 5710-1950 ".

Article 2

Insofar as the negotiations will relate to the property of physical persons, such negotiations shall be concerned with German nationals, irrespective of their places of residence. Insofar as former German nationals are concerned who have meanwhile acquired a new nationality, the Contracting Parties agree in principle that such persons, too, shall be brought within the framework of the negotiations, subject, however, to :

- (a) the government of the state whose nationality such former German nationals have acquired, agreeing to the Federal Republic of Germany representing their interests in such negotiations; and
- (b) such persons giving their express consent that the protection of their interests be taken over by the Government of the Federal Republic of Germany.

Article 3

The negotiations shall commence not later than four months after the coming into force of the Agreement signed today² between the State of Israel and the Federal Republic of Germany.

Article 4

The negotiations shall be conducted on the following principles :

- (a) The negotiations shall be conducted on the German side exclusively by the Government of the Federal Republic of Germany or by their authorized

¹ Came into force on 10 September 1952 by signature.

² United Nations, *Treaty Series*, Vol. 162, p. 205.

representatives. The Government of the Federal Republic of Germany will lend no support to any steps that may be taken by individual claimants or groups of claimants vis-à-vis the Government of Israel.

(b) The Government of Israel will notify the Government of the Federal Republic of Germany through the channels of the Israel Mission referred to in Article 12 of the Agreement between the State of Israel and the Federal Republic of Germany signed today of the names of their representatives and will suggest a venue for the negotiations.

(c) The Government of Israel recognize the principle that compensation shall be paid for the property referred to in Article 1 of the present Agreement, in an amount corresponding to such value of the said property, as shall be assessed in the course of the negotiations envisaged.

(d) The Government of Israel agree the amount of compensation payable as a result of the negotiations shall be paid in Deutsche Mark out of the Deutsche Mark Account of the Israel Mission with the Bank deutscher Länder, or with any central bank of issue which may take its place. Such amount shall not be subject to the provisions of the Agreement signed today between the State of Israel and the Federal Republic of Germany, insofar as the same relate to the use of moneys paid into the said Account of the Israel Mission.

Article 5

The negotiations shall in no way affect agreements concluded, or current or future negotiations on the restitution of, or the payment of compensation for, property within the terms of Section 2, paragraph (e) of the " German Property Law, 5710-1950 ", which was or is owned by ecclesiastical or charitable organizations.

Article 6

The Government of Israel undertake to make available upon request during the negotiations all documents at their disposal which may be of importance for the tracing of German property or the assessment of its value.

Article 7

Should the negotiations not lead to agreement within nine months from their commencement, and after examination of all documentary proof submitted, the Contracting Parties will agree on a mediator. In the event of the Contracting Parties failing to reach agreement on the person of the mediator, they shall agree to request the Sovereign of either Denmark, Norway or Sweden to nominate such mediator. The Contracting Parties undertake to be bound by the proposals of the mediator.

IN FAITH WHEREOF the undersigned representatives duly authorized thereto have signed the present Agreement.

DONE at Luxembourg this tenth day of September, 1952, in two originals, in the English language, one copy of which shall be furnished to each one of the Contracting Parties.

For the Government
of Israel :

(Signed) G. JOSEPH TAL
SHINNAR

For the Government
of the Federal Republic
of Germany :

(Signed) BÖHM
