

**UNITED STATES OF AMERICA  
(IN ITS OWN BEHALF AND IN BEHALF  
OF THE UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND AND FRANCE)  
and  
FEDERAL REPUBLIC OF GERMANY**

**Exchange of notes constituting an agreement relating to  
the return of the Emden-Cherbourg-Horta submarine  
telegraph cable to German ownership. Washington,  
4 November 1959 and 16 March 1960**

*Official text: English.*

*Registered by the United States of America on 4 August 1960.*

---

**ÉTATS-UNIS D'AMÉRIQUE  
(EN LEUR PROPRE NOM ET AU NOM  
DU ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD ET DE LA FRANCE)  
et  
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Échange de notes constituant un accord relatif à la resti-  
tution du câble télégraphique sous-marin Emden-  
Cherbourg-Horta à ses propriétaires allemands.  
Washington, 4 novembre 1959 et 16 mars 1960**

*Texte officiel anglais.*

*Enregistré par les États-Unis d'Amérique le 4 août 1960.*

No. 5272. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA (IN ITS OWN BEHALF AND IN BEHALF OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND FRANCE) AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO THE RETURN OF THE EMDEN-CHERBOURG-HORTA SUBMARINE TELEGRAPH CABLE TO GERMAN OWNERSHIP. WASHINGTON, 4 NOVEMBER 1959 AND 16 MARCH 1960

---

I

*The Ambassador of the Federal Republic of Germany to the Secretary of State*

EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY

WASHINGTON, D. C.

The Ambassador of the Federal Republic of Germany presents his compliments to His Excellency the Secretary of State and with reference to the matter of the Emden-Cherbourg-Horta submarine telegraph cable has the honor to present the following proposal.

The Federal Government is desirous of entering into an arrangement with the Government of the United States which would settle the now unresolved status of this cable, formerly owned by the German Atlantic Cable Company. If the United States Government is agreeable to the conclusion of such an arrangement, the Federal Government proposes that the Government of the United States on its own behalf and that of the Governments of the United Kingdom of Great Britain and Northern Ireland and of France waive all claims to the Emden-Cherbourg-Horta cable, i.e., that portion of the original cable which is now included in the Cherbourg-Horta section and the Emden stump lying in the Channel, and return the same to German ownership. The return of the cable to German ownership would be subject on the part of the Federal Republic of Germany and of the German Atlantic Cable Company to the following conditions :

---

<sup>1</sup> Came into force on 16 March 1960 by the exchange of the said notes.

- a) That the repair or replacement of broken or truncated sections of the cable shall be effected at German expense.
- b) That there shall be no question of repair or replacement by the United States of America, France or the United Kingdom of any section of the cable that is found to be damaged or missing.
- c) That no claim will be made by the German Atlantic Cable Company or by the Federal Republic of Germany against the United States of America, France or the United Kingdom in respect of any alleged damage to or deterioration of or loss of any length of cable or in respect of loss of revenue from or use made of the cable between the outbreak of war and the date as of which the cable is returned to German ownership.

The Federal Government assumes that the Government of the United States will make the necessary arrangements with the Governments of the United Kingdom and of France.

The Federal Government would welcome an early expression of the views of the Government of the United States regarding this matter. If the Government of the United States is in agreement with this proposal, the Government of the Federal Republic will consider the present note and the note by the Secretary of State in reply as constituting an agreement which shall enter into force on the date of the reply of the Government of the United States.

Washington, November 4, 1959

(Initialled) [illegible]

## II

### *The Secretary of State to the Ambassador of the Federal Republic of Germany*

The Secretary of State presents his compliments to His Excellency the Ambassador of the Federal Republic of Germany and has the honor to refer to his note of November 4, 1959, regarding the Emden-Cherbourg-Horta submarine telegraph cable.

The Government of the United States, on its own behalf and that of the Governments of the United Kingdom of Great Britain and Northern Ireland and of France, accepts the proposal set forth in the above-mentioned note that the three Governments waive all claims to the Emden-Cherbourg-Horta cable, i.e., that portion of the original cable which is now included in the Cherbourg-Horta section and the Emden stump lying in the Channel, and return the same to German ownership subject, on the part of the Federal Republic of Germany and of the German Atlantic Cable Company, to the following conditions :

[See note I]

The Governments of France and of the United Kingdom have authorized the United States Government to accept the proposal on their behalf.<sup>1</sup>

The United States Government further concurs in the proposal contained in the Embassy's note that such note and this reply shall constitute an agreement which shall enter into force on the date of this reply.

Livingston T. MERCHANT

Department of State,  
Washington, March 16, 1960

---

<sup>1</sup> According to the information provided by the United States of America, concurrence by the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of France was communicated to the Department of State by letters dated 11 January 1960 and 27 January 1960, respectively.