

N° 223.

**ALLEMAGNE ET
ROYAUME-UNI DE GRANDE-
BRETAGNE ET D'IRLANDE**

Arrangement modificatif de l'accord
relatif à l'article 297 du Traité de
Versailles du 28 juin 1919. (Biens,
droits et intérêts.) Signé à Londres
le 31 décembre 1920.

**GERMANY AND
UNITED KINGDOM OF GREAT
BRITAIN AND IRELAND**

Amended agreement respecting Arti-
cle 297 of the Treaty of Versailles
of June 28, 1919. (Property,
rights and interests.) Signed at
London, December 31, 1920.

No. 223. — AMENDED AGREEMENT¹ BETWEEN THE BRITISH AND GERMAN GOVERNMENTS RESPECTING ARTICLE 297 OF THE TREATY OF VERSAILLES OF JUNE 28, 1919 (PROPERTY, RIGHTS AND INTERESTS), SIGNED AT LONDON, DECEMBER 31, 1920.

Textes officiels allemand et anglais, communiqués par le Ministre des Affaires étrangères d'Allemagne et le Ministère des Affaires étrangères de Sa Majesté Britannique. L'enregistrement de cet Arrangement a eu lieu le 23 janvier 1922.

The GOVERNMENT OF HIS BRITANNIC MAJESTY and the GERMAN GOVERNMENT, with a view to the settlement of certain matters arising under Article 297 of the Treaty of Peace² between the Allied and Associated Powers and Germany signed at Versailles on June 28, 1919, have agreed as follows :

Article 1.

The Departments established in the United Kingdom and Germany for the settlement of matters relating to property, rights and interests will mutually appoint a representative or representatives in Berlin and London, through whose intervention communications may be exchanged between the respective Departments. These representatives will constitute in London and Berlin respectively offices which shall be established at the earliest possible date.

Article 2.

Property, rights and interests in Germany of British nationals which have been subjected to exceptional war measures, but have not been completely liquidated, shall be restored to them immediately upon application, in accordance with the provisions of Article 297 (a), free of any private lien in respect of any of the matters referred to in Article 4, or of any costs, charges or expenses of liquidation, administration or supervision, or any deduction whatsoever. The right of private persons to make such claims in respect of maintenance, safe keeping or administration as are provided for under Article 4 is, however, recognised. This application may be made by the owner or his agent direct to the "Landeszentralbehörde" concerned, or, if it is not known in what part of Germany the property is situated, to the "Reichsministerium für Wiederaufbau." It shall be in writing and shall be signed by the applicant, whose signature shall be duly authenticated, and, if the applicant is the agent of the owner, it shall be accompanied by duly authenticated proof of his authorisation.

It shall state :

- (1) The name and address of the owner.

¹ L'échange des ratifications a eu lieu à Londres le 6 octobre 1921.

² Voir renvoi 3 à page 46 de ce volume.

(2) The name of his agent (if any) and the address at which the property, rights or interests, or the documents of title shall be delivered.

(3) A list, as complete as possible, of the property, rights and interests to be restored. If this list cannot be made complete by the owner, it shall be completed by the German authorities from the information in their possession.

(4) A detailed statement as to the locality where the property to be restored was left by the owner, or, in the case of real property or business undertakings, a statement of the locality in which such property or undertakings was situated.

Applications should be signed by the applicant, under whose signature a justice of the peace, barrister or commissioner for oaths should certify :

(a) That the applicant is well known to him.

(b) That the signature is the signature of the applicant.

The person so certifying shall give his description and address.

Such a certificate shall be regarded as sufficient proof of the authenticity of the applicant's signature.

Alternatively, the application shall be accompanied by a statutory declaration, declared before a justice of the peace or a commissioner for oaths by the applicant, to the effect that he is the owner of the property in question. In any special case, such as that of inheritance, in which the ownership of the property has been altered since the taking effect of the exceptional war measure, the German authority shall, in addition to the certified application, be entitled to call for production of a statutory declaration setting out the title to the property of the claimant.

Article 3.

Where any prohibition or restriction exists upon the exportation from Germany of British property detained in Germany during the war, a licence to export such property, free of all conditions, shall be issued by the competent German authority immediately upon application by the British Office through the " Reichsministerium für Wiederaufbau. "

Article 4.

Claims by private persons in respect of expenses incurred in maintenance, safe-keeping and administration of British property in Germany will be settled in the following ways : the property in question shall be restored immediately upon application by the owner, free of any private lien in connection with such expenses.

(a) In the case of claims constituting debts within the scope of the Clearing Office, the British Clearing Office will guarantee to credit to the German Clearing Office such sums as may be admitted or found due, without taking advantage of the exceptions contained in paragraphe (b) of Article 296 and paragraphe 4 of the Annex thereto.

(b) Claims in respect of the period up to January 10, 1920, not falling within the scope of the Clearing Offices will be met by the German Government under paragraphe (i) of Article 297. Any amounts admitted or found due from British nationals by the Mixed Arbitral Tribunal, to whose decision they shall in case of dispute be submitted, in respect of such claims will be credited to the German Government in the account relating to German property, rights and interests.

(c) Claims in respect of the period after January 10, 1920, if not admitted by the owner, will be submitted for decision to the Mixed Arbitral Tribunal, and the British Clearing Office will guarantee payment of any amounts admitted or found due from British nationals by the Tribunal.

The obligation of the German Government under Article 2 and the present Article to restore property free of any private lien shall not apply to any property in respect of which the British Offices declines to apply the provisions of the present Article.

Article 5.

A statement of the condition of the property, rights or interests restored shall be drawn up in writing in quadruplicate at the time of restitution and signed by the German administrator, liquidator or supervisor (as the case may be), a representative of the German State Department ("Landeszentralbehörde") and the owner; one copy to be retained by the owner, one by the State Department, one by the administrator, liquidator or supervisor, and one to be transmitted by the State Department to the British Office in Berlin.

Article 6.

Without prejudice to the rights of His Majesty's Government or the owner under paragraphs 8 and 13 of the Annex to Section 4 of Part X of the Treaty of Versailles, delivery of the documents referred to under Article 13 of the Annex relating to property, rights and interests falling within Article 297 (a) shall not ordinarily be required until the restitution of the property, rights or interests. Nevertheless the final report of the liquidator, administrator or supervisor and any further summary information required by the owner shall be handed or sent to him at his request at any time, whether before or after application for restitution, and he shall be given free access to all the documents referred to above. Where property has been completely liquidated, all the documents shall be handed to the British national concerned, or to his representative, or if so desired by him, sent to him or to such person as he may direct, at his expense and risk immediately upon his application by the Landeszentralbehörde, or the Reichsministerium.

Article 7.

In all relations with the German authorities under the preceding Articles, British nationals may act personally or through the British Clearing Office or other authorised agent. If the British Clearing Office is appointed agent to act on behalf of a British national, it shall furnish the German Office with a certificate to that effect. Delivery to the British Clearing Office or other authorised agent shall be equivalent to delivery to the owner.

Article 8.

In so far as it is not otherwise expressly agreed by the claimant, the signature by the claimant or his agent to any kind of document in connection with the restitution to him direct of his property, rights or interests, whether affixed before or after the signing of this Agreement, shall in no way prejudice any right to compensation which the claimant may have under the provisions of the Treaty of Versailles.

Article 9.

Any entries in Public Registers and Land Registers necessary in order to effect, complete or validate the restitution of property, rights or interests referred to in this Agreement to the British

national concerned, will be made by the German authorities without delay and free of cost, in accordance with the provisions of the local law.

Article 10.

Claims by British nationals for compensation under Article 297 (*e*) may, notwithstanding their notification to the Mixed Arbitral Tribunal, be submitted through the British Office in Berlin to the German authorities concerned for the purpose of effecting settlement of the claims by agreement, and the State Department concerned may transmit to the British Office the terms of settlement proposed by them in respect of any claim. If a settlement is arrived at as a result of negotiations thus originated, the German Government shall transmit to the British Office in Berlin a consent to such settlement, which shall be submitted to the Mixed Arbitral Tribunal for formal judgment.

Article 11.

The British Government will be prepared, on application through the German Office in London, to release from the charge established under the Treaty of Peace household furniture and effects, personal belongings and family souvenirs, and implements of trade belonging to German nationals, with the exception of articles of special value, up to an amount of £ 500, in addition to the amount of the charges for their conservation and insurance incurred after August 4, 1914, and up to the date of their release, in any case where the competent German authority certifies that the income of the applicant does not exceed the equivalent of £ 400 a year at current rate of exchange. The value of the property to be released, unless otherwise agreed, shall be determined by a licensed valuer to be appointed by the British Clearing Office, and the charge for such valuation shall be paid by the owner of the property prior to its release. Applications for such release must be made within a period of six months from the ratification of this Agreement.

Subject to the right of the British authorities to refuse permission in any particular case, and to the laws for the time being in force, German nationals will be permitted, on request conveyed to the British Clearing Office, to bid at any sale by auction of their property in the United Kingdom. The date of any sale of property in respect of which such a request is made shall be notified to the German Office.

Article 12.

Property released under the provisions of the first paragraph of the preceding Article will be placed at the disposal of the claimant, or the German Office in London, upon payment of any expenses incurred by the British authorities, and of any other charges on the property, notwithstanding the fact that such charges or expenses may constitute debts within the meaning of Article 296.

Article 13.

The British Clearing Office will furnish the German Office in London with summaries in respect of German property, rights and interests liquidated in the United Kingdom.

The existing books of account of German businesses liquidated in the United Kingdom, or other parts of the British Empire above referred to, except where they have been transferred to the purchaser of a business, will be preserved and ultimately handed to the German authorities. In the meantime the former German owner will be permitted access to the said books on payment

of any incidental expenses, and where such books are in the custody of a purchaser, an endeavour will be made to procure access thereto for the former German owner on the like terms.

The British Clearing Office will also furnish summary particulars, if in its possession, of the results of sales by auction or tender and also summary particulars of property registered with the British custodian in individual cases at the request of the German Office in London.

Article 14.

Where property, rights or interests of German nationals or the proceeds thereof, not being debts within Article 206, are or have been released from the charge created under Section 4 of Part X, the German Office in London will be notified by the British Clearing Office and the property or proceeds will not be accounted for through the Clearing Offices.

Article 15.

This Agreement shall be ratified, and the ratifications shall be exchanged at London as soon as possible. Pending the ratification, both parties shall bring into application the provisions of the Agreement, so far as it is possible to apply them administratively, it being understood, however, that the actual release of German property from the charge established under the Treaty of Peace, provided for in Article 11, will not take place until after ratification.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

Done in duplicate at London, in English and German texts, the 31st day of December, 1920.

(L.S.) CURZON OF KEDLESTON.

(L.S.) STHAMER.

PROTOCOL.

On proceeding to sign the Agreement concluded this day between the United Kingdom and Germany, concerning the execution of Article 297 of the Treaty of Versailles, the undersigned, in order to define precisely to what classes of persons and property the Agreement relates, have drawn up the following declaration :

It is agreed that the stipulations of the said Agreement cannot be invoked in respect of British nationals ordinarily resident and British companies incorporated in any part of the British Empire outside the United Kingdom, and that similarly the stipulations of the Agreement cannot be invoked to the benefit of German nationals in respect of their property, rights or interests in any part of the British Empire outside the United Kingdom.

Nevertheless, at the request of His Britannic Majesty's Government made at any time within three months from the present date, the Agreement shall be made to apply reciprocally to India as well as to the United Kingdom, in its present form or with such modifications as may be agreed upon between the Contracting Parties.

In witness whereof the undersigned have signed the present Protocol and affixed thereto their seals.

Done at London in duplicate, this 31st day of December, 1920.

(L.S.) CURZON OF KEDLESTON.

(L.S.) STHAMER.

CERTIFICATE OF EXCHANGE OF RATIFICATIONS.

The undersigned, having met together for the purpose of exchanging the ratifications of an Agreement and Protocol between the Government of His Britannic Majesty and the German Government, signed at London on December 31, 1920, relating to the settlement of certain matters arising under Article 297 of the Treaty of Versailles, and having this day signed an Additional Protocol correcting certain minor textual errors in the said Agreement and Protocol, and the respective ratifications of the said Agreement and Protocol, as thus amended, having been carefully compared, and found to be exactly conformable to each other, the said exchange took place this day in the usual form.

It is further agreed that, notwithstanding the Protocol of December 31, 1920, the Agreement of that date shall apply as between Germany and New Zealand as well as between Germany and the United Kingdom, so that the stipulations may be invoked in respect of British nationals ordinarily resident and British companies incorporated in New Zealand and in respect of the property, rights and interests in New Zealand of German nationals.

In witness whereof they have signed the present certificate, and have affixed thereto the seal of their arms.

Done at London the 6th day of October, 1921.

(L.S.) CURZON OF KEDLESTON.

(L.S.) DUFOUR-FERONCE.