

N° 935.

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ALLEMAGNE  
ET GRANDE-BRETAGNE

Accord concernant la liquidation des obligations de l'Allemagne en matière de restitution, signé à Berlin, le 5 janvier 1924, et Protocole annexé audit Accord, signé à Berlin, le 19 mars 1924.

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GERMANY  
AND GREAT BRITAIN

Agreement concerning the Liquidation of Germany's Restitution Obligations, signed at Berlin, January 5, 1924, and Protocol to above Agreement, signed at Berlin, March 19, 1924.

No. 935. — AGREEMENT BETWEEN GERMANY AND GREAT BRITAIN CONCERNING THE LIQUIDATION OF GERMANY'S RESTITUTION OBLIGATIONS, SIGNED AT BERLIN, JANUARY 5, 1924; AND PROTOCOL TO ABOVE AGREEMENT, SIGNED AT BERLIN, MARCH 19, 1924.

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*Textes officiels allemand et anglais communiqués par le Ministère des Affaires étrangères de Sa Majesté Britannique. L'enregistrement de cet Accord a eu lieu le 3 août 1925.*

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HIS BRITANNIC MAJESTY'S GOVERNMENT, represented by Brigadier-General R. F. LEGGE, Director of the British Restitution Service, and the GERMAN GOVERNMENT, represented by Herr GUNZERT, Director in the Reichskommissariat für Reparationslieferungen, being desirous of concluding an Agreement concerning the liquidation of Germany's restitution obligations under article 238 of the Treaty of Versailles, have agreed as follows :

1. This Agreement completely liquidates and settles by substitution all present and future claims of the British Government or of British nationals, wherever domiciled, falling under Article 238 of the Treaty of Versailles.

2. The German Government hereby acknowledge its indebtedness to the British Government for the sum of 7,500,000 gold marks in respect of claims for restitution under article 238, and agrees to discharge this liability in the manner hereinafter laid down in § 3 of this Agreement and subsequent Protocols thereto.

3. The Contracting Parties mutually agree that Germany shall liquidate the obligations taken upon itself in § 2 in the following manner :

(a) Immediately after the coming into force of this Agreement, the German Government will place at the disposal of the British Restitution Service, certain industrial material as defined by Protocol (C) of the Treaty of Versailles, including machine tools, railway tank wagons, electrical machinery, &c., which material is the property of the German Government, and is located chiefly in depots at Bremen, Emden and Leipzig. As far as possible, this material will be given in substitution to claimants who have lost industrial material during the war, and who are able to use the material which is available. The remainder will be sold either in Great Britain or in Germany by agreement with the German Government.

(b) The German Government undertakes, if possible, to come to a satisfactory arrangement with the British Restitution Service in settlement of the claim of the Imperial Gas Company of Antwerp, which is the subject of a special contract between the British Restitution Service and the German Government dated the 25th January, 1923. Such an arrangement will be made within six months of the date of the

## TEXTE ALLEMAND — GERMAN TEXT.

No. 935. — ABKOMMEN ZWISCHEN DEUTSCHLAND UND GROSSBRITANNIEN BETREFFEND ABLÖSUNG DER DEUTSCHEN RESTITUTIONSVERPFLICHTUNGEN, GEZEICHNET ZU BERLIN AM 5. JANUAR 1924 UND HIEZU GEHÖRIGES PROTOKOLL, GEZEICHNET ZU BERLIN AM 19. MÄRZ 1924.

*German and English official texts communicated by His Britannic Majesty's Foreign Office. The registration of this Agreement took place August 3, 1925.*

Die REGIERUNG SEINER BRITISCHEN MAJESTÄT vertreten durch Brigadegeneral R. F. LEGGE, Direktor des britischen Restitutionsdienstes und die REGIERUNG DES DEUTSCHEN REICHES vertreten durch Herrn GUNZERT, Direktor des Reichskommissariats für Reparationslieferungen, hat in der Absicht, Deutschlands Restitutionsverpflichtungen, wie sie durch Art. 238 V. V. gegeben sind, zu liquidieren, den folgenden Vertrag geschlossen :

1. Durch diesen Substitutionsvertrag werden alle gegenwärtigen und künftigen Ansprüche der britischen Regierung oder britischer Staatsangehöriger, wo auch immer sie sich aufhalten, welche unter den Art. 238 V. V. fallen, endgültig erledigt und geregelt.

2. Die Deutsche Regierung erkennt an, hierfür der britischen Regierung die Summe von 7½ Millionen Goldmark schuldig zu sein und ist bereit, diese Verpflichtungen in der im § 3 dieser Vereinbarung und etwaigen späteren Protokolls hierzu niedergelegten Art abzudecken.

3. Die Vertragsparteien haben vereinbart, dass Deutschland die im § 2 übernommenen Verpflichtungen folgendermassen liquidieren soll :

- a) Unmittelbar, nachdem diese Vereinbarung in Kraft getreten ist, wird die deutsche Regierung zur Verfügung des britischen Restitutionsdienstes bestimmtes Industriematerial, sowie es im Protokoll C des Vertrages von Versailles definiert ist, mit Einschluss von Werkzeugmaschinen, Ölkesselwagen, elektrischen Maschinen usw. stellen, welches Material sich bereits im Eigentum der deutschen Regierung und hauptsächlich in den Lagern von Bremen, Emden und Leipzig befindet. Soweit wie möglich soll dieses Material denjenigen Geschädigten in Substitution überlassen werden, welche Industriematerial während des Krieges verloren haben und in der Lage sind, das erhältliche Material zu gebrauchen. Der Rest wird entweder in Grossbritannien oder in Deutschland im Benehmen mit der deutschen Regierung verkauft werden.
- b) Die deutsche Regierung versucht, wenn möglich, mit dem britischen Restitutionsdienst zu einer befriedigenden Vereinbarung über den Anspruch der Imperial Continental Gas Company in Antwerpen zu gelangen, welche bereits unter dem 25.1.23 Gegenstand eines Sondervertrages zwischen dem Britischen Restitutionsdienst und der deutschen Regierung wurde. Eine solche (Vereinbarung soll möglichst

coming into force of this Agreement, and upon the settlement of this claim Germany's obligation of 7,500,000 gold marks will be reduced by 1,000,000 gold marks. Should no arrangement be arrived at, the claim in question will be dealt with and included in sub-paragraph (c) of this clause.

- (c) It is mutually agreed that at the end of the above-mentioned period of six months negotiations will be undertaken with the British Restitution Service to decide as to the manner in which the outstanding balance of 7,500,000 gold marks — after the liquidation of the obligations laid down in (a) and (b) — shall be settled by Germany. This decision will be the subject of a special protocol, which will be submitted to the Reparation Commission as well as both Governments, it being understood that cash payments and deliveries in kind will not be made until Germany generally resumes these obligations under the Treaty of Versailles. In the event of the resumption of such payments or deliveries, Germany undertakes to make definite arrangements for the immediate liquidation of the outstanding balance mentioned in this paragraph.

4. The value of any deliveries made under this Agreement will be mutually agreed between the competent British and German services. The German Government agrees to bear the cost of transport to the German frontier of these deliveries. This cost will not be included in the agreed value of the material.

5. This Agreement puts an end to all claims falling under Article 238 of the Treaty of Versailles of British firms or individuals placed under sequestration by the German Government in Poland.

Further, all claims of the British Government or of British nationals in respect of objects, &c., lost under circumstances provided in Article 238 of the Treaty of Versailles, will be considered as having received full satisfaction under this Agreement.

In the event of the Anglo-German Mixed Arbitral Tribunal, or any other official body appointed under Part X, section VI, of the Treaty of Versailles, deciding that any item of a claim included in this "forfait" falls within the provision of Article 297 (or any article of the Treaty of Versailles other than Articles 232 or 238), and making an award in favour of any firm or person in respect of such item of their claims, the British Government shall return in cash to the German Government such sum, or the mutually agreed value of any material which may have been given in substitution, as shall have been allotted out of German funds in respect of such item of damage to such person or firm.

6. [The German Government] agrees definitely :

(a) Not to contest the sums already paid in settlement of the claims of :

1. Toiles cirées ;
2. Unwin Brothers ;

(b) To reimburse to the British Restitution Service the costs of transport on the Belgian railways of the British material already restituted to British firms or given in substitution, under the reserve that deliveries or cash payments are generally resumed ;

(c) To annul the debit which the German Government has placed to the account of the Belgian Restitution Service, and which latter has been debited to the British Government (*vide* Annex).

7. Should the German Government fail to fulfil the obligations it has undertaken by this Agreement, the British Government reserves its rights in accordance with the Treaty of Versailles. In such an event Germany will be given credit in respect of her restitution obligations under Article 238 for the value of such deliveries which may have been made up to the date of the annulling of this Agreement.

In the event of a default in respect of the obligations undertaken by the contracting Parties under this Agreement or any dispute concerning the fulfilment of this Agreement, the matter will

be referred to a neutral arbitrator to be appointed by mutual agreement of both contracting Parties, who, if they cannot agree upon the selection of an arbitrator, will refer to the Reparation Commission.

The decision of the arbitrator appointed will be accepted as final.

In the event of any question arising in respect of the wording of this Agreement, the English text will be held to be valid.

In faith whereof the undersigned, duly authorised by their respective Governments, have signed and sealed the present Agreement which will be submitted for approval to the Reparation Commission<sup>1</sup>, and will come into force on such approval being given.

Done at Berlin, in duplicate, in the English and German languages, on the 5th day of January, 1924.

For His Britannic Majesty's Government :  
(Signed) R. F. LEGGE.

For the German Government :  
(Signed) GUNZERT.

#### ANNEX 1.

The debits mentioned in 6 (c) are as follows, and relate to the claims of the undermentioned firms or individuals :

Name of Claimant.	File No.	Belgian Francs.	Marks.
Economic Marine Insurance Company, Antwerp . .	16399	3.87	3.10
London and Provincial and General Company, Antwerp	16400	3.87	3.10
Elyah L. Marshall, Antwerp . . . . .	16476	2.55	2.04
J. M. Mac Gregor, Antwerp . . . . .	16484	115.77	166.62
John Flaherty Cotter, Antwerp . . . . .	16465	20.38	16.30
The Antwerp Engineering Company, Antwerp . . . .	16466	144,178.31	115,342.65
Waring and Gillow, Brussels . . . . .	16248	9,375.00	7,500.00
Thomas Braidwait, Antwerp . . . . .	16178	618.14	494.51
General Electric Company (of Belgium), Brussels . .	16349	50,800.00	40,640.00
Totals . . . . .	---	205,147.89	164,118.32

<sup>1</sup> Conformément à une lettre du "Foreign Office" en date du 17 octobre 1925, "la Commission de Réparations a décidé, à sa séance du 1<sup>er</sup> avril 1924, de ne pas soulever d'objection à l'exécution de cet Accord".

die Angelegenheit vor einen neutralen Schiedsrichter gebracht, der durch beiderseitige Übereinkunft der vertragschliessenden Parteien bestimmt wird. Wenn sich die Parteien nicht über die Wahl einigen können, werden sie sich an die Reparationskommission wenden; die Entscheidung des ernannten Schiedsrichters ist endgültig.

Diese Vereinbarung ist von den Unterzeichneten, welche durch ihre Regierungen gehörig bevollmächtigt sind, unterzeichnet und vollzogen; das vorliegende Abkommen wird der Reparationskommission<sup>1</sup> zur Billigung vorgelegt und wird in Kraft treten, sobald diese Billigung vorliegt.

Geschehen zu Berlin in zweifacher Ausfertigung in englischer und deutscher Sprache am 5. Januar 1924. Im Falle irgendwelche Fragen in Bezug auf den Wortlaut dieses Abkommens sich ergeben, ist der englische Text massgebend.

BERLIN, den 5. Januar 1924.

Für die deutsche Regierung:  
(L. S.) (Gez.) GUNZERT.

Für die britische Regierung:  
(L. S.) (Gez.) R. F. LEGGE.  
*Dir. British Restitution Service.*

In Bestätigung des Obigen endgültig gezeichnet am 14. Februar 1924.

*Der Reichsminister für Wiederaufbau  
In Vertretung:*

(L. S.) (Gez.) Dr. MÜLLER.

(Gez.) R. F. LEGGE.

#### BEILAGE

#### ZU DER ZWISCHEN DER DEUTSCHEN REGIERUNG UND DER BRITISCHEN REGIERUNG BETREFFEND ABLÖSUNG DER DEUTSCHEN RESTITUTIONSVERPFLICHTUNG GETROFFENEN VEREINBARUNG.

Das in § 6 (c) erwähnte Debet wird durch die Ansprüche der nachstehend aufgeführten Firmen und Einzelpersonen gebildet:

Name des Reklamanten	Listen- Nr.	Belg. frs.	Mark.
Economic Marine Insurance Co. Antwerpen . . . . .	16399	3.87	3.10
London and Provincial and General Co., Antwerpen . . .	16400	3.87	3.10
Elyah L. Marshall, Antwerpen . . . . .	16476	2.55	2.04
J. M. MacGregor, Antwerpen . . . . .	16484	145.77	116.62
John Flaherty Cotter Antwerpen . . . . .	16465	20.38	16.30
The Antwerp Engineering Co., Antwerpen . . . . .	16466	144,178.31	115,342.65
Waring & Gillow, Brussel . . . . .	16248	9,375.00	7,500.00
Thomas Braidwait, Antwerpen . . . . .	16478	618.14	494.51
General Electric Co. (of Belgium) Brüssel . . . . .	16349	50,800.00	40,640.00
Total . . . . .	—	205,147.89	164,118.32

(L. S.) (Gez.) R. F. L. (L. S.) (Gez.) G. Z. T.

<sup>1</sup> In accordance with a letter from the "Foreign Office" of October 17, 1925 "the Reparation Commission at its meeting of April 1st, 1924, decided to raise no objection to the carrying out of the Agreement".

## ANNEX 2.

## PROTOCOL

TO BRITISH-GERMAN RESTITUTION "FORFAIT" AGREEMENT IN RESPECT OF GERMANY'S  
OBLIGATIONS UNDER ARTICLE 238 OF THE TREATY OF VERSAILLES.

1. This Protocol is drawn up and signed for the purpose of eliminating all possible doubt as to the interpretation of the British-German Restitution "Forfait" Agreement of the 5th January, 1924, in view of the points raised by members of the S.R.R.N. at their discussion pending approval by the Reparation Commission.

2. *Add to paragraph 2* : After the final words " and subsequent Protocols thereto " add " which will be submitted to the Reparation Commission for approval. "

3. *In paragraph 3 (c)* : In the final sentence beginning " in the event of the resumption " delete the word " immediate ".

4. *Add to paragraph 4* : After the final word " material " add " and is in addition to the sum of 7,500,000 gold marks mentioned in paragraph 2. "

5. *Add to paragraph 6* : This paragraph will now commence as follows : " In addition to the above obligations, " and will continue, " the German Government agrees definitely : "

6. *Add to paragraph 7, sub-paragraph (ii)* : After the final words " will refer to the Reparation Commission " add " who will appoint a neutral arbitrator. "

7. With reference to paragraph 7, sub-paragraph (i), it is agreed that in the event of a default in regard to the execution of this Agreement, the value of such deliveries as may have been made up to the date of the annulling of the Agreement, will be set off *pro tanto* against Great Britain's total claims against Germany for restitution under Article 238 only.

Signed in Berlin this 19th day of March, 1924.

For His Britannic Majesty's Government :

R. F. LEGGE,

*Director of British Restitution Service.*

For the German Government :

MÜLLER,

*Reichsministerium für Wiederaufbau.*

<sup>1</sup> TRADUCTION — TRANSLATION.

No. 935 — ACCORD ENTRE L'ALLEMAGNE ET LA GRANDE-BRETAGNE CONCERNANT LA LIQUIDATION DES OBLIGATIONS DE L'ALLEMAGNE EN MATIÈRE DE RESTITUTION, SIGNÉ A BERLIN, LE 5 JANVIER 1924, ET PROTOCOLE ANNEXÉ AUDIT ACCORD, SIGNÉ A BERLIN, LE 19 MARS 1924.

Le GOUVERNEMENT DE SA MAJESTÉ BRITANNIQUE, représenté par le Brigadier général R. F. LEGGE, Directeur du Service britannique des Restitutions, et le GOUVERNEMENT ALLEMAND, représenté par M. GUNZERT, Directeur au Commissariat du Reich pour les livraisons au titre des Réparations, désireux de conclure un accord relatif à la liquidation des obligations incombant à l'Allemagne au titre des restitutions, conformément à l'article 238 du Traité de Versailles, sont convenus des dispositions suivantes :

1. Le présent Accord liquide et règle entièrement, par voie de remplacement, toutes les réclamations présentes et futures, émanant du Gouvernement britannique ou de ressortissants britanniques, quel que soit leur domicile, qui sont visées par l'article 238 du Traité de Versailles.

2. Le Gouvernement allemand reconnaît, par le présent Accord, devoir au Gouvernement britannique la somme de 7.500.000 marks-or au titre des demandes de restitution visées à l'article 238, et convient de s'acquitter de cette obligation de la manière fixée ci-après dans le paragraphe 3 du présent Accord, et dans les Protocoles subséquents, annexés audit Accord.

3. Les Parties contractantes conviennent réciproquement que l'Allemagne devra liquider les obligations qu'elle a assumées au paragraphe 2, de la manière suivante :

- a) Dès la mise en vigueur du présent Accord, le Gouvernement allemand mettra à la disposition du Service britannique des Restitutions, certain matériel industriel, déterminé par le Protocole (C) annexé au Traité de Versailles, et comprenant des machines-outils, des wagons-citernes, des machines électriques etc. ; matériel qui est la propriété du Gouvernement allemand, et se trouve principalement déposé à Brême, Émden et Leipzig. Autant que possible, ce matériel sera fourni en remplacement aux intéressés qui ont perdu du matériel industriel pendant la guerre et sont en mesure d'utiliser le matériel disponible. Le solde sera vendu soit en Grande-Bretagne, soit en Allemagne, après entente avec le Gouvernement allemand.
- b) Le Gouvernement allemand s'engage à conclure, si possible, un arrangement satisfaisant avec le Service britannique des Restitutions pour régler la réclamation de « l'Imperial Gas Company » d'Anvers, qui fait l'objet d'un contrat particulier entre le Service britannique des Restitutions et le Gouvernement allemand, en date du 25 janvier 1923. Cet arrangement sera conclu dans un délai de six mois à partir de la mise en vigueur du présent Accord, et dès que cette réclamation aura été réglée, l'obligation de 7.500.000 marks-or incombant à l'Allemagne, sera réduite de 1.000.000 de marks-or. Au cas où on ne pourrait arriver à conclure un arrangement, la réclamation en question sera traitée et comprise dans l'alinéa c) du présent paragraphe.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.