

No. 8654

**AUSTRALIA
and
FEDERAL REPUBLIC OF GERMANY**

Treaty regarding the division between Australia and Germany of compensation paid by the Government of the State of Israel for German secular property in Israel (with annexes and exchange of letters). Signed at Bonn, on 21 April 1965

Official texts: English and German.

Registered by Australia on 22 June 1967.

**AUSTRALIE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Traité relatif à la répartition entre l'Australie et l'Allemagne des indemnités payées par le Gouvernement de l'État d'Israël aux propriétaires de biens séculiers allemands situés en Israël (avec annexes et échange de lettres). Signé à Bonn, le 21 avril 1965

Textes officiels anglais et allemand.

Enregistré par l'Australie le 22 juin 1967.

No. 8654. TREATY¹ BETWEEN THE COMMONWEALTH OF AUSTRALIA AND THE FEDERAL REPUBLIC OF GERMANY REGARDING THE DIVISION BETWEEN AUSTRALIA AND GERMANY OF COMPENSATION PAID BY THE GOVERNMENT OF THE STATE OF ISRAEL FOR GERMAN SECULAR PROPERTY IN ISRAEL. SIGNED AT BONN, ON 21 APRIL 1965

The Commonwealth of Australia and

The Federal Republic of Germany

In consideration of the fact

that the Government of the Federal Republic of Germany by virtue of its Agreement of 10th September 1952² with the Government of the State of Israel regarding German Secular Property in Israel (attached as Annex 1) has negotiated with the Government of the State of Israel concerning the amount of compensation payable for this property and in its negotiations has represented inter alia the interests of former German nationals who have acquired Australian citizenship ;

that the said negotiations have been concluded by virtue of an Agreement signed in Geneva on 1st June 1962³ and six exchanges of letters related thereto (attached as Annex 2) ,

that in the said Agreement of 1st June 1962, total compensation payable by the Government of the State of Israel for German Secular Property in Israel is fixed at fifty-four million Deutschemmark (54,000,000 Deutschemmark) ;

that in accordance with Article II of the said Agreement of 1st June 1962 and exchange of letters No. 1 the said total compensation of 54,000,000 Deutschemmark is comprised of the following sums :

- a) 45,000,000 Deutschemmark payable as compensation for real estate ;
- b) 7,000,000 Deutschemmark payable as compensation for cash amounts of 1,793,000 and 346,000 pounds sterling ;

¹ Came into force on 30 January 1966, one month after the exchange of the instruments of ratification which took place at Canberra on 30 December 1965, in accordance with article 16

² United Nations, *Treaty Series*, Vol. 345, p 91

³ United Nations, *Treaty Series*, Vol 448, p 228

- c) 2,000,000 Deutschemmark payable as compensation for property which does not consist of the above mentioned real estate and cash amounts ;

that the Government of the State of Israel during the course of the above mentioned negotiations made to the Government of the Federal Republic of Germany interim payments of compensation amounting to 22,800,000 Deutschemmark less an amount of 114,000 Deutschemmark, which the Government of the State of Israel claimed and was granted because of what it considered to be interest lost through payment in advance ;

that the Government of the State of Israel on 31st December 1962 made a first settlement payment of 15,600,000 Deutschemmark as part of the amount of 31,200,000 Deutschemmark which remained payable after the deduction of the said interim payments ;

that the Government of the State of Israel on 1st December 1963 made a final settlement payment of 15,600,000 Deutschemmark less an amount of 35,000 Deutschemmark which the Government of the State of Israel claimed and was granted because of what it considered to be interest lost through payment in advance ;

Have agreed as follows :

Article 1

The Commonwealth of Australia consents to the arrangements made between the Government of the Federal Republic of Germany and the Government of the State of Israel whereby the Government of the State of Israel made payments up to 1st December 1963 of 53,851,000 Deutschemmark in full settlement of the amount of 54,000,000 Deutschemmark payable as total compensation for the said German Secular Property in Israel.

Article 2

From the amount of 54,000,000 Deutschemmark total compensation mentioned in Article 1 above shall be deducted the following amounts :

- a) 826,093 Deutschemmark used for the interest deductions referred to in Article 1 and for common costs already incurred in disbursing compensation,
- b) 793,907 Deutschemmark which shall be retained and used to defray any common costs incurred in the future in disbursing compensation. The Palestine German Association, Stuttgart, shall by agreement with the Templar Committee, Bentleigh, Australia, be entitled to dispose of up to 348,907 Deutschemmark of the above mentioned amount subject in each instance to the authorisation of the Minister of Finance of the Federal Republic of Germany. The Governments of the Contracting States shall come to a direct agreement on the use of the remaining amount of 445,000 Deutschemmark. The Palestine German Association and the Templar Committee shall subject to the authorisation of the Minister of Finance

of the Federal Republic of Germany jointly decide on the use of any moneys remaining after all common costs incurred in disbursing compensation have been defrayed.

Article 3

(1) After deduction of the amounts referred to in Article 2 above an amount of 52,380,000 Deutschemmark of the total compensation will be available for division between the Federal Republic of Germany and the Commonwealth of Australia.

(2) The amount specified in Clause 1 of this Article is comprised of the following sums :

- a) 43,650,000 Deutschemmark to be disbursed in respect of the amount of 45,000,000 Deutschemmark envisaged in accordance with the Agreement of 1st June 1962, as compensation for real estate
- b) 5,691,664 Deutschemmark to be disbursed in respect of the compensation envisaged in accordance with exchange of letters No 1 to the Agreement of 1st June 1962, for the cash amount of 1,793,000 pounds sterling.
- c) 1,098,336 Deutschemmark to be disbursed in respect of the compensation envisaged in accordance with exchange of letters No 1 to the Agreement of 1st June 1962, for the cash amount of 346,000 pounds sterling.
- d) 1,940,000 Deutschemmark to be disbursed in respect of the compensation envisaged in accordance with the Agreement of 1st June 1962, for property which does not consist of real estate and the above-mentioned cash amounts

Article 4

From the amount of 52,380,000 Deutschemmark referred to in Clause 1 of Article 3 above shall be deducted the amounts of 1,098,336 Deutschemmark and 1,940,000 Deutschemmark (Clause 2 *c* and *d* of Article 3 above) to be divided at a later date between the Commonwealth of Australia and the Federal Republic of Germany in accordance with Articles 7 and 8 below.

Article 5

(1) Of the amount of 49,341,664 Deutschemmark remaining after deduction of the amounts specified in Articles 2 and 4 above

- a) the Federal Republic of Germany shall receive 18,207,088 Deutschemmark,
 - b) the Commonwealth of Australia shall receive 31,134,576 Deutschemmark
- subject to the division at a later date of the amounts specified in Article 4 above.

(2) The amount of 49,341,664 Deutschemmark specified in Clause 1 of this Article contains :

- a) an amount of 17,460,000 Deutschemmark as the share of the Federal Republic of Germany and an amount of 26,190,000 Deutschemmark as the share of the Commonwealth of Australia of the amount of 43,650,000 Deutschemmark specified in Clause 2a of Article 3 above,
- b) an amount of 747,088 Deutschemmark as the share of the Federal Republic of Germany and an amount of 4,944,576 Deutschemmark as the share of the Commonwealth of Australia of the amount of 5,691,664 Deutschemmark specified in Clause 2b of Article 3 above.

(3) From the share of the Commonwealth of Australia specified in Clause 1b of this Article there shall be deducted :

- a) an amount of 13,831,292 Deutschemmark which the Government of the Commonwealth of Australia has already received by way of interim payments made by the Government of the State of Israel during the course of the negotiations,
- b) an amount of 8,892,373 Deutschemmark which the Government of the Commonwealth of Australia has already received out of the amount of 15,600,000 Deutschemmark paid by the Government of the State of Israel on 31st December 1962.

(4) After deduction of the amounts mentioned in Clause 3 of this Article a remaining amount of 8,410,911 Deutschemmark of the share mentioned in Clause 1b of this Article is due to the Commonwealth of Australia. This remaining amount, with the addition of whatever interest has accrued on the share of the Commonwealth of Australia up to the date of transfer, shall after conversion to Australian pounds and the deduction of transfer costs be paid to the Government of the Commonwealth of Australia within thirty days of the coming into force of this Treaty.

Article 6

(1) Only persons whose claims derive from the loss of real estate as listed in Appendix B to the Special Agreement of 29th October 1959 concluded by the Government of the Federal Republic of Germany and the Government of the State of Israel (Annex 3) or in Annex 4 shall share in the distribution of the amount of 43,650,000 Deutschemmark (Clause 2a of Article 3 above).

(2) Only such persons whose claims derive from the loss of real estate appropriated by the Mandate authorities in favour of the Municipality of Tel Aviv and the Local Councils of Ramat Gan, Bnei Braq and Givatayim or sold to them shall share in the distribution of the amount of 5,691,664 Deutschemmark (Clause 2b of Article 3 above).

Article 7

(1) The amount of 1,098,336 Deutschemmark (Clause 2c of Article 3 above) shall be divided between the Commonwealth of Australia and the Federal Republic of Germany as soon as it has been determined whether and which persons have claims