

The Protocols were previously
published as Miscellaneous No 3.
(2007) Cm 7038



Treaty Series No. 20 (2011)

Agreement

on the Legal Status of the International Tracing Service

Bonn, 15 July 1993

and

Protocols

amending the 1955 Bonn Agreements Constituting an International
Commission for the International Tracing Service and on Relations
between the International Commission for the International Tracing
Service and the International Committee of the Red Cross

Berlin, 1 June – 1 November 2006

[The Agreement entered into force on 02 August 1998 and the
Protocols entered into force on 26 November 2007]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
May 2011*

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Any enquiries regarding this publication should be sent to us at Treaty Section, Foreign and Commonwealth Office, King Charles Street, London, SW1A 2AH

This publication is also available on <http://www.official-documents.gov.uk/>

ISBN: 9780101809122

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office

ID: 2433500 05/11 12148 19585

Printed on paper containing 30% recycled fibre content minimum.

AGREEMENT ON THE LEGAL STATUS OF THE INTERNATIONAL TRACING SERVICES IN AROlsen

The contracting Governments, expressing their wish to ensure the continuation of the activities of the International Tracing Services in Arolsen on the basis of the exchange of Notes of 6 June 1955¹ between the Governments of the Federal Republic of Germany, the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America and within the framework of the Agreement constituting the International Commission of the International Tracing Service concluded at Bonn on 6 June 1955²,

Have agreed as follows:

ARTICLE 1

The International Tracing Service in Arolsen shall enjoy legal capacity and can, under German law, enter into the legal transactions necessary for the fulfilment of its tasks, particularly contracts to employment and rental and sales agreements, and may appear in court. For these purposes the International Tracing Service in Arolsen shall be represented by its Director.

Contracts of employment with the International Tracing Services in Arolsen shall be subject to the labour and social law applicable at the place of work.

ARTICLE 2

This Agreement shall remain open for signature by the contracting Governments at the Federal Foreign Office of the Federal Republic of Germany in Bonn from 15 July 1993 to 15 October 1993.

ARTICLE 3

This Agreement shall enter into force 30 days from the date on which all signatories have informed the Government of the Federal Republic of Germany that their respective national requirements for the entry into force of this Agreement have been fulfilled.

¹ Treaty Series No. 11 (1956) Cmd 9713

² Treaty Series No. 11 (1956) Cmd 9713

In witness whereof the undersigned plenipotentiaries have appended their signatures to this Agreement.

Done at Bonn on 15 July 1993 on the English, German and French languages, all three texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Federal Republic of Germany, which shall transmit a certified copy to each other signatory Government and to other Governments on their acceptance of membership on the International Commission and also to the Secretary-General of the United Nations for registration on accordance with Article 102 of the Charter of the United Nations.

**PROTOCOL ON THE AMENDMENT OF THE AGREEMENT
CONSTITUTING AN INTERNATIONAL COMMISSION FOR THE
INTERNATIONAL TRACING SERVICE**

The Governments of the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Hellenic Republic, the State of Israel, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Poland, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

DESIROUS of amending the Agreement constituting an International Commission for the International Tracing Service, originally concluded at Bonn, on June 6, 1955¹ and subsequently amended,

HAVE AGREED AS FOLLOWS:

ARTICLE I

The following paragraphs shall be inserted in the Preamble before the final recital:

“Considering that the Governments of the Hellenic Republic and the Republic of Poland have subsequently become parties to the Agreement constituting an International Commission for the International Tracing Service, and thus are members of the International Commission for the International Tracing Service.”

“Desiring to ensure access, for research purposes, to archives and documents preserved by the International Tracing Service, both on site and through copies of the archives and documents.”

“Considering that the Governments deem that the national law of each of them ensures adequate protection relating to personal data and expect that, in giving access to the above-mentioned copies, each Government will take into consideration the sensitivity of certain information they may contain.”

ARTICLE II

The following text shall be inserted at the end of Article 2 paragraph a):

“, including for access by researchers at Bad Arolsen to the archives and documents preserved by this Service.”

¹ Treaty Series No. 11 (1956) Cmd 9713

ARTICLE III

An Article 8 bis will be added:

“ARTICLE 8 bis

- a) Each Government shall receive upon request a single copy of the archives and documents of the International Tracing Service.
- b) Each Government may make these archives and documents accessible for research on the premises of an appropriate archival repository in its territory, where access shall be granted in accordance with the relevant national law and national archival regulations and practices.”

ARTICLE IV

This Protocol will enter into force on the date on which all contracting Governments have informed the Government of the Federal Republic of Germany that the national requirements for such entry into force have been fulfilled. The relevant date shall be the date on which the last communication is received by the Government of the Federal Republic of Germany.

The present Protocol shall be concluded in the German, French and English languages, all three texts being equally authentic.

It shall be open for signature in a single copy from 1 June 2006 to 1 November 2006 in the Foreign Ministry of the Federal Republic of Germany in Berlin by all Governments members of the International Commission for the International Tracing Service.

The Government of the Federal Republic of Germany shall transmit a certified copy to all signatory Governments and to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

[Here follows the signatures]

**PROTOCOL AMENDING THE AGREEMENT ON THE RELATIONS
BETWEEN THE INTERNATIONAL COMMISSION FOR THE
INTERNATIONAL TRACING SERVICE AND THE INTERNATIONAL
COMMITTEE OF THE RED CROSS**

The Chairman of the International Commission for the International Tracing Service, being duly authorized to act on behalf of the Member Governments of this Commission, that is to say the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Hellenic Republic, the State of Israel, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Poland, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

of the one part,

and the International Committee of the Red Cross,

of the other part,

DESIROUS of amending the Agreement on the Relations between the International Commission for the International Tracing Service and the International Committee of the Red Cross originally concluded at Bonn, on June 6, 1955 and subsequently amended,

HAVE AGREED AS FOLLOWS:

ARTICLE I

The following text shall be inserted at the end of the third recital of the Preamble:

“, including for access by researchers at Bad Arolsen to the archives and documents preserved by this Service.”

“Considering that the Governments of the Hellenic Republic and the Republic of Poland have subsequently become parties to the Agreement constituting an International Commission for the International Tracing Service, and thus are members of the International Commission for the International Tracing Service.”

“Considering that the Governments have deemed it useful to ensure access, for research purposes, to the archives and documents preserved by the International Tracing Service, both on site and through copies of the archives and documents.”

“Considering that the Governments deem that the national law of each of them ensures adequate protection relating to personal data and expect that, in giving access to the above-mentioned copies, each Government will take into consideration the sensitivity of certain information they may contain.”

“Considering that the International Tracing Service or the International Committee of the Red Cross cannot be held responsible for the use of the archives and documents provided to users according to this Agreement.”

ARTICLE II

The following text shall be inserted at the end of Article 5:

“The fulfillment of the humanitarian and research mandates is fully compatible with this article.”

ARTICLE III

The following Articles will be added:

ARTICLE 4 bis

- a) Archives and documents held by the International Tracing Service shall be available for research, through access at the premises of the International Tracing Service in Bad Arolsen and through access to copies of the archives and documents received by Governments.
- b) Archives and documents which were transferred or made available to the International Tracing Service, based on a written understanding at the time of deposit that the International Tracing Service would enjoy exclusive right of use, may be used or further copied only if the donor of the archives and documents or in appropriate cases its legal successor so agrees in writing.

ARTICLE 4 ter

- a) Access to the archives and documents for research at the premises of the International Tracing Service shall be granted provided that all appropriate measures have been taken in order that the activities connected with this research do not significantly impair the fulfilment of the task of the International Tracing Service relating to its humanitarian mandate in accordance with Article 4 of the present Agreement;
- b) Use of archives and documents held by the International Tracing Service shall be granted upon request. The terms and conditions of such use shall be determined by the International Commission in unanimously adopted regulations governing use, including a schedule of fees. As a general principle, use shall be limited to archives and documents available in digitised form. Access to original archives and documents shall take due account of their conservation status. The

inquirer shall agree in writing to comply with the regulations for access established by the International Commission.

- c) The inquirer shall bear individual responsibility under applicable national law for the divulgence of personal data.

ARTICLE 6 bis

- a) Each Government shall receive upon request a single copy of the archives and documents of the International Tracing Service.
- b) Each Government may make these archives and documents accessible for research on the premises of an appropriate archival repository in its territory, where access shall be granted in accordance with the relevant national law and national archival regulations and practices.
- c) In providing access to the copies, Governments shall give particular attention to the protection of personal data contained therein.

ARTICLE IV

The Governments members of the International Commission, and the International Committee of the Red Cross, shall inform the Chairman of the International Commission when they have fulfilled their internal requirements for entry into force. This Protocol will enter into force on the date on which the final such notification is received.

The International Committee of the Red Cross shall transmit a certified copy to all signatory Governments, and the Government of the Federal Republic of Germany shall transmit a certified copy to the Secretary General of the United Nations for registration in accordance with Article 102 of the United Nations Charter, immediately following its entry into force.

The present Protocol shall be concluded in the German, French and English languages, all three texts being equally authentic.

[Here follows the signatures]



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ISBN 978-0-10-180912-2

