



TREATY ARCHIVES

131953/2.

Certified True Copy.

The Chancery,
Office of the UK High Commissioner,
(22c) Wahnerheide,
Rheinland.

10th December, 1952.

I have two further points to raise with you in connection with our present negotiations towards the reapplication of treaties.

The first concerns the Convention and Notes on Civil Procedure signed in London on 20th March, 1928 (RGEI 1928, II, page 623), which we are agreed to reapply (Annex A of your draft letter to the Secretary-General of the Allied High Commission). New Zealand acceded to this treaty with effect from 1st January, 1930 by virtue of a notification of 1st August, 1929 given by His Majesty's Charge d'Affaires in Berlin in a communication addressed to Dr. Stresemann (see RGEI 1929, II, page 637). This notification was given on behalf of His Majesty's Government in New Zealand pursuant to Article 17 of the Convention and the accession extended to the Cook Islands (including Niue) and to the Mandated Territory of Western Samoa.

The Government of New Zealand now desire that this Convention should be reapplied as between New Zealand, the Cook Islands and the Trust Territory of Western Samoa on the one hand and the German Federal Republic on the other hand. They also desire to give the following notice (pursuant to Article 17(b) of the Convention) in place of that contained in numbered paragraph 2 of the communication addressed to Dr. Stresemann by His Majesty's Charge d'Affaires in Berlin on the 1st August, 1929:

"With regard to New Zealand, the authority to which judicial and extra-judicial documents and "letters of request" are to be transmitted is the Supreme Court of New Zealand, and communications should be addressed in the English language to the Registrar of that Court at Wellington.

"With regard to the Cook Islands, the authority to which such documents and "letters of request" are to be transmitted is the High Court of the Cook Islands. Communications concerning the service of documents and taking of evidence in the island of Niue should be addressed in the English language to the Registrar of the High Court of the Cook Islands at Niue. Communications concerning the service of documents and taking of evidence in the Cook Islands other than Niue should be addressed in the English language to the Registrar of the High Court of the Cook Islands at Raratonga.

"With regard to the Trust Territory of Western Samoa, the authority to which such documents and "letters of request" are to be transmitted is the High Court of Western Samoa, and communications should be addressed in the English language to the Registrar of that Court at Apia."

Provided the Federal Government has no objection to this proposal I should be glad if you could arrange to have a suitable request after the usual style addressed to the Allied High Commission in order that the latter may give effect to the wish of the Government of New Zealand.

My second point concerns a Declaration recognising the Right to a Flag of States having no sea coast signed in Barcelona on 20th April, 1921 (RGEI Part II, 1929, page 384). This was included in the list attached to the Federal Government's original request of 29th January, 1951 (210 - 17 - II/12489/50) but was inadvertently omitted from the list attached to

/AGSEC

Herrn Dr. Fuchs,
Auswärtiges Amt,
Abteilung V,
Bonn,
Bahnhofstrasse 42.

AGSEC(52)812-POL of the 21st August, 1952. Her Majesty's Government desire to reapply this Declaration. If it is not already too late you may care to include it in the reply to AGSEC(52)812-POL. Otherwise it can form the subject of a separate communication to the Allied High Commission.

(H. B. MCKENZIE JOHNSTON)

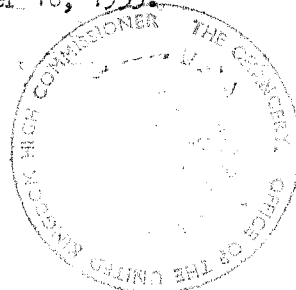
I hereby certify that the above is a full, true and faithful copy of the original document.

Signed

H. B. M. Johnston

Archivist.

October 16, 1953.



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TREATY ARCHIVES

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T R A N S L A T I O N

(Br/3/53)

FEDERAL MINISTRY OF
FOREIGN AFFAIRS.

BONN, 30 December 1952.

240-06 E II 17492/52

(Rec'd in AGS: 2 January 1953)

M. H. J. Joos,
Secretary General of the
Allied High Commission,
Mehlemer Ave, Wing III,
Bad Godesberg-Mehlem.

Sir,

With reference to the letter of the Federal Ministry of Foreign Affairs of 31 October 1952 - 512-00/24 (Z.V.) V.20861 -- +) concerning the re-application of pre-war treaties between the former German Reich and the United Kingdom, I have the honour to give you the following supplementary information:

I. Ad "1) Appendix A":

The Federal Government further agrees to the wish of the Government of New Zealand, transmitted to it in the meantime, that the Agreement listed under item 5 and the Exchange of Letters on Legal Relations be re-applied, with effect from 1 January 1953; also between the Federal Republic of Germany and New Zealand.

II. Ad "2) Appendix B":

Furthermore, the Federal Government and the Government of the United Kingdom have meanwhile reached an understanding reciprocally to re-apply the "Declaration recognising the Right of Countries without Maritime Borders to Fly the Flag" (RGB1. 1932, II, P.93), also with effect from 1 January 1953.

Although this Declaration was not mentioned in the list of the treaties compiled by the British Government and transmitted to the Federal Ministry of Foreign Affairs with your letter of 21 August 1952 - AGSEC (52) 812 - POL -, it was already named on page 4 of "List I Multilateral Treaties" which the Federal Ministry of Foreign Affairs has transmitted to you with its letter of 29 January 1951 - 240-17 II 12498/50 - and to which your letter of 23 June 1951 - AGSEC(51)1071 - refers.

III. The Government of the Federal Republic of Germany therefore requests the Allied High Commission to include the supplements quoted under I and II above in the declaration asked for in its letter of 31 October 1952 to the effect that the Agreements are applicable to the Federal Republic and binding upon it, or to make an additional statement to the same effect.

Accept, Sir, the renewed assurance of my highest consideration.

(sgd) v. TRUTZSCHLER /
BY Order:

+) Transl. Note:
U.K. Unilateral

: AGREED TRANSLATION:
: RL for Br. Element:
: WML for US. Element:

TRANSLATION
(Br/37/53)

FEDERAL MINISTRY OF
FOREIGN AFFAIRS

BONN, 16 January 1953

240-06 E II 531/53

Rec'd in AGS: 19 January 1953

Mr W. Neate,
Secretary General of the
Allied High Commission,
Mehlemer Aue, Wing III,
Bad Godesberg - Mehlem.

Sir,

I have the honour to revert to my letter of 30 December 1952 - 240-06 E II 17492/52 - concerning the re-application of pre-war treaties between Germany and the United Kingdom.

In paragraph "I.) Ad 1.) Appendix A" of the letter referred to above I informed you that the Government of the Federal Republic of Germany and the Government of New Zealand have the wish "that the Agreement listed under item 5 and the Exchange of Letters on Legal Relations be re-applied, with effect from 1 January 1953, also between the Federal Republic of Germany and New Zealand."

I have the honour to add that the understanding reached between the two Governments extends to the re-application of the above-mentioned Agreement between the Federal Republic of Germany, on the one hand, and New Zealand, the Cook Islands, and the Trust Territory of Western Samoa, on the other.

The Government of the Federal Republic of Germany therefore requests that the binding declaration, asked for in paragraph III of the letter referred to above, be extended to this effect.

Accept, Sir, the renewed assurance of my highest consideration.

By Order:
(signed) von TRUTZSCHLER

: AGREED TRANSLATION:
: RL for Br. Element:
: WML for US element:

RY

C.

ALLIED HIGH COMMISSION FOR GERMANY

ALLIED GENERAL SECRETARIAT

30th January 1953

AGSEC(53)75

To: Herrn Ministerialdirektor Blankenhorn,
Office of the Chancellor of the
Federal Republic of Germany.

Subject: Re-Application of Treaties of the Former German Reich (New Zealand, the Cook Islands and Trust Territory of Western Samoa).

Sir,

I have the honour to refer to your letter 240-06 E II 17492/52+ dated 30th December 1952 (as amended by your letter 240-06 E II 531/53++ of 16 January 1953) in which you informed the Allied High Commission that the Federal Government shares the wish of the Government of New Zealand to give effect from 1 January 1953 between the Federal Republic on the one hand and New Zealand, the Cook Islands and the Trust Territory of Western Samoa on the other to the Convention and Notes concerning Civil Procedure (RGB1. 1928, II, page 623) signed in London on 20 March 1928.

The Allied High Commission has no objection to the giving of effect to this Convention and hereby declares it to be applicable to the Federal Republic and binding upon it from 1 January 1953 in accordance with the agreement reached.

With regard to the other question raised in your letter of 30 December 1952 under reference I would invite your attention to AGSEC(53)74 dated 30 January 1953 which deals, in particular, with the re-application of Treaties of the former German Reich and Her Majesty's Government in the United Kingdom.

Accept, Sir, the renewed assurance of my highest consideration.

(sgd) W. NEATE

Secretary General.

+ AGSEC (53)4
++ AGSEC(53)4/1

Copy to: Political Affairs Committee

T R A N S L A T I O N
(Br/168/53)

BONN, 5 March 1953.

FEDERAL MINISTRY OF
FOREIGN AFFAIRS

(Rec'd in AGS: 13 March 1953)

512-00/24 (ZV) V 963/53

To:
Office of the U.K. High Commissioner,
Wahmerheide,
Rheinland.

The Federal Ministry of Foreign Affairs has the honour to acknowledge receipt of the note of 30 January 1953 concerning the re-application of the Agreement on Legal Relations of 20 March 1928 with New Zealand and to inform you that the Federal Government agrees that the Agreement on Legal Relations of 20 March 1928 (RGBI. 1928 II, page 623/RGBI. 1929 II, Page 637) be re-applied between the Federal Republic of Germany, on the one hand, and New Zealand, the Cook Islands, and the Trust Territory of Western Samoa, on the other, with the proviso that pursuant to Article 17(b) the following provisions are applicable:

"In respect of New Zealand the Supreme Court of New Zealand shall be the authority to which the judicial and extra-judicial exchange of letters and "requests for reciprocal legal aid" (Rechtshilfeersuchen) are to be transmitted. Any communication is to be made in English to the address of the Registrar at this court at Wellington.

In respect of the Cook Islands the Higher Court of the Cook Islands shall be the authority to which such exchange of letters and "requests for reciprocal legal aid" are to be transmitted. Information on the receipt of letters and the hearing of evidence on the isle of Niue is to be made in English to the address of the Registrar at the Higher Court of the Cook Islands in Niue. Information concerning the receipt of letters and the hearing of evidence on the Cook Islands other than Niue is to be made in English to the address of the Registrar at the Higher Court of the Cook Islands at Raratonga.

In respect of the Trust Territory of Western Samoa the Court of Western Samoa shall be the authority to which such letters and "requests for reciprocal legal aid" are to be transmitted and any communication is to be made in English to the address of the Registrar at this court at Apia."

The Federal Minister of Justice has been requested to inform the appropriate authorities of his Department to this effect through circular degree.

A notification concerning the re-application will be published in the near future in the Federal Law Gazette, Part II.