



HEIRLESS FA 649

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Authority NND 760050  
By CE NARA Date 12 26 96

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

RESTRICTED

No. 545

Bern, December 23, 1949

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Subject: Démarche to Swiss Government on Disposition of Heirless Assets in Switzerland of Polish Nationals.

The Minister has the honor to refer to the Department's instruction No. 146 dated September 21, 1949, requesting that the Legation make a joint approach with the British and French Missions in Bern to the Swiss Government with regard to the disposition of assets in Switzerland of the victims of German action who had died without leaving heirs, with particular reference to the clause in the commercial and financial agreement between Switzerland and Poland of June 25, 1949, whereby the assets in Switzerland of Polish nationals who had died without heirs were to be turned over to Poland.

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Pursuant to the Department's instruction, the Minister on December 20th, 1949, presented a note to the Federal Political Department requesting information on the present status of the problem of heirless assets in Switzerland and on the intentions of the Swiss Government with regard to the future disposition thereof. Reference was made to the Polish-Swiss Agreement of June 25th, 1949, and the apparent inconsistencies of that agreement with the declarations previously made by the Swiss authorities regarding the disposition of heirless assets found in Switzerland. A copy of the Legation's note is enclosed herewith for the Department's information.

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The presentation of the Legation's note followed a démarche by the French Ambassador who presented a note substantially similar to the note enclosed. These two approaches were followed, on December 22nd, by an approach by the British Chargé d'Affaires in which the French and American positions on this matter were supported.

On December 21st debates were commenced in the National Council on ratification of the Polish-Swiss Agreement of June 25, 1949, and on December 22nd the agreement was ratified by the National Council by a vote of 98 to 18. (It had already been approved by the Council of States.) Mr. Petitpierre, Chief of the Federal Political Department, speaking in support of the ratification, referred to the clause in the agreement providing for the handing over to Poland of heirless assets in Switzerland left by Polish nationals. He denied the allegations of two deputies who had complained that the clause in question was of a secret nature, explaining that it had been the subject of an

exchange of

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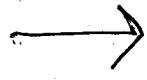
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exchange of letters between two parliamentary commissions and might just as well have been published in the government's message relating to the agreement. In any case, Mr. Petitpierre concluded, the treatment of heirless assets of Polish nationals followed in principle the procedure which was generally recognized in Switzerland for the disposition of heirless assets.



Enclosure: *at*  
✓ Cy Note No. 3314

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Authority <u>NN 0760050</u>
By <u>CC</u> NARA Date <u>12 26 96</u>

(Enclosure No. 1 to despatch No. 545, December 23, 1949,  
From American Legation, Bern, Switzerland)

COPY

No. 3314

The Legation of the United States of America presents its compliments to the Federal Political Department and has the honor to refer to a note which the French Embassy at Bern delivered to the Federal Political Department on August 20, 1946, enclosing a copy of the Agreement of June 14, 1946, between the Governments of the United States of America, France, the United Kingdom, Czechoslovakia and Yugoslavia, relating to a plan to aid in the rehabilitation and resettlement of non-repatriable victims of German action.

Paragraph E of the Agreement of June 14, 1946, recites that the Governments of the United States of America, the United Kingdom, Czechoslovakia and Yugoslavia, were associating themselves with the French Government in making representations to the neutral powers to make available, for distribution to appropriate public and private field organizations, all assets of victims of Nazi action who had died without heirs. It was further set forth that in making these joint representations the signatories were requesting the neutral countries to take all necessary action to facilitate the identification, collection and distribution of these assets which had arisen out of a unique condition in international law and morality. If further representations were indicated, the Governments of the United States of America, France and the United Kingdom would pursue the matter on behalf of the signatory powers.

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Key  
The Legation has been informed that the Federal Political Department responded to the French Embassy's note referred to above by note of September 11, 1946, stating that the question had been studied sympathetically by the competent federal

authorities

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By <u>EE</u> NARA Date <u>2 26 96</u>

(Encl. No.      to desp. No. 545, Dec. 23, 1949. p.2.)

authorities but that before taking up the juridical questions involved, it would be necessary to know the approximate number and amounts of heirless estates in question. It was further stated that an inquiry would be carried out to determine the financial magnitude of the problem.

The Legation understands that later discussions have taken place between the Federal Political Department and the French Embassy on this problem.

As the Government of the United States has a strong continuing interest in the conclusion, by each neutral power, of an arrangement whereby these heirless funds would be made available to assist non-repatriable persons who, of all victims of German aggression, are most in need of help of sympathetic governments, the Legation would appreciate any information which the Federal Political Department is in a position to furnish with regard to the measures which have been taken by the Swiss Confederation to implement the decisions which were taken in 1946.

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EXPRESSES  
CONCERN

It may be stated further that the concern of the Government of the United States in this regard is increased by the information which has recently come to its attention in relation to the commercial and financial agreement between Switzerland and Poland of June 25, 1949, which is now before the National Assembly for ratification, and which is said to contain a provision whereby the assets in Switzerland of Polish nationals who had died without heirs would be turned over to the Government of Poland. If the agreement does in fact contain such a provision, it would not appear to be consistent with the declarations previously made by the Swiss authorities regarding the disposition of heirless assets found in Switzerland.

The observations

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p.3)

The observations of the Federal Political Department on this point would be most welcome.

Moreover, the Legation would appreciate being informed of the present status of the whole problem of heirless assets in Switzerland and of the intentions of the Government of the Confederation with regard to the future disposition thereof.

The Legation of the United States of America avails itself of this occasion to renew to the Federal Political Department the assurance of its highest consideration.

Bern, December 20, 1949.

To the

Federal Political Department,

Bern.