

WAR TRADE BETWEEN SWITZERLAND AND THE AXIS POWERS: RED CROSS

*Exchange of letters at Bern April 5, 1945, amending agreement of
December 19, 1943*

Entered into force April 5, 1945

Department of State files

*The Commercial Counsellor of the British Legation in Switzerland and the
Counselor for Economic Affairs of the American Legation in Switzerland
to the Director of the Division of Commerce of the Federal Department of
Public Economy of Switzerland*

BERNE, April 5th, 1945

DEAR DOCTOR HOTZ, His Majesty's Government in the United Kingdom and the United States Government have considered the proposal for the amendment of Clause 9 to the Agreement of December 19th, 1943,¹ and have approved the following amended text:

"Exports effected by the International Red Cross Committee or the Joint Relief Commission of the International Red Cross and League of Red Cross Societies will be regulated in the following manner:

a) In the case of goods consigned to the above-mentioned organizations through Allied control for re-forwarding from Switzerland, any variation in the final destination must be approved by the United States and British Representatives on the Mixed Commission.

b) Goods other than those specified under section (a) for which the Swiss Government is prepared to issue export licenses for all destinations will be submitted by the Swiss Government to the United States and British Representatives on the Mixed Commission in Berne or to their nominees prior to export or re-export. The applications will be examined in a spirit of full understanding for the humanitarian aims of the Red Cross and will be handled informally in as expeditious a manner as possible.

c) The British and United States Legations are being given widest discretion to approve relief exports.

¹ *Ante*, p. 876.

d) Provisionally and experimentally, all exports made by the above-mentioned organizations will be regarded as coming outside the Swiss quotas under the War Trade Agreement. His Majesty's Government and the United States Government, however, reserve the right to demand a limitation of these exports particularly of products to particular destinations at any time that it may be considered necessary or desirable.

e) The Swiss Government will undertake to furnish both His Majesty's Government and the United States Government with monthly statistics of Red Cross exports."

With reference to the Commercial Counsellor's letter of the 16th November last, your letter of the 20th November and to the meeting held on the 23rd December, it is agreed that sub-paragraph (b) of Clause 9 shall be interpreted, as proposed by the International Red Cross Committee and the other organizations referred to in the opening sentence of the Clause and accepted by the Swiss Government, as follows:

"His Majesty's Government and the United States Government will

i) refuse their consent to the onward shipment to Germany of any goods imported through their controls;

ii) object to goods of Swiss origin being supplied to anyone in Germany, except

1) invalids, nursing and expectant mothers, small children and persons too old to contribute to the German war effort,

2) victims of exceptional disasters, such as an epidemic, who will receive immediate consideration in the spirit of Clause 9, paragraph (b), of the Agreement;

iii) expect detailed accounts of any distribution effected in Germany."

Yours sincerely,

[For the United Kingdom:] W. J. SULLIVAN

[For the United States:] DANIEL J. REAGAN

The Director of the Division of Commerce of the Federal Department of Public Economy of Switzerland to the Commercial Counsellor of the British Legation in Switzerland and the Counselor for Economic Affairs of the American Legation in Switzerland

BERNE, 5th April, 1945

DEAR MR. SULLIVAN AND MR. REAGAN, I thank you for your letter of today concerning the amendment to Clause 9 of the Agreement of December 19th, 1943, and wish to confirm that the new text contained therein and

the interpretation given thereto, set forth the intentions of the Swiss Government in the matter of the control of exports by the International Red Cross Committee, the Joint Relief Commission of the International Red Cross and the League of Red Cross Societies.

I further confirm that your letter with the present acknowledgement will be regarded as an integral part of the Agreement of December 19th, 1943, between our three Governments.

Yours sincerely,

J. Horz