

Partnership Agreement

on

Relations between the Federal Archives of the Federal Republic of Germany

and the International Tracing Service

Preamble

The Chair of the International Commission for the International Tracing Service, being authorized to act on behalf of the Parties to the Agreement on the International Tracing Service done at Berlin on December 9, 2011 (the "ITS Agreement") pursuant to Article 16 of the ITS Agreement, on the one side,

and

the Federal Republic of Germany, on the other side;

mindful of the continuing role of the International Tracing Service to act as an international center for conservation, preservation, cataloguing, and indexing of the archives and documents held at its premises in order to facilitate the tracing of victims, research, remembrance and commemoration, judicial support and other tasks within its competence;

aware of the history of the International Tracing Service, which was established for the purpose of tracing missing persons and collecting, classifying, preserving and rendering accessible to Governments and interested individuals the documents relating to Germans and non-Germans who were interned in National Socialist concentration or labor camps or to non-Germans who were displaced as a result of the Second World War;

recalling the mandate set forth in the ITS Agreement to identify an Institutional Partner that will advise and work together with the International Commission and the Director of the International Tracing Service in the implementation of policy in fields such as human resource management, conservation and preservation, cataloguing and indexing, and budgeting and auditing;

recalling the authority granted in the ITS Agreement to the Chair of the International Commission to enter into an agreement unanimously adopted by the International Commission that contains the specific terms of a partnership between the International Tracing Service and an Institutional Partner;

recognizing the willingness of the Federal Archives of the Federal Republic of Germany to accept the role of the Institutional Partner as defined in the ITS Agreement in advising

and working together with the Director of the International Tracing Service in all areas where the expertise and experience of the Federal Archives may prove relevant to achieving the goals established by the International Commission and assigned by it to the Director of the International Tracing Service;

desiring to ensure the professional and institutional continuity and development of the work of the International Tracing Service;

have agreed as follows:

Article 1 Definitions

For the purposes of this Agreement:

1. The "Chair" means the Chair of the International Commission for the International Tracing Service.
2. The "International Tracing Service" means the Director of the International Tracing Service or the International Tracing Service.
3. The "Federal Archives" means the President of the Federal Archives of the Federal Republic of Germany or the Federal Archives of the Federal Republic of Germany.

Article 2 Institutional Partner

The Federal Archives is the designated Institutional Partner of the International Tracing Service pursuant to Article 16 of the ITS Agreement.

Article 3
Archival matters

- (1) For the purpose of implementing Article 2 of the ITS Agreement and the directives of the International Commission, the International Tracing Service shall seek, and the Federal Archives shall provide, all appropriate assistance and advice relating to the conservation, restoration, preservation, cataloguing, and indexing of the archives and documents held by the International Tracing Service at its premises.
- (2) In the framework of such assistance the Federal Archives will provide its expertise and may, where possible and appropriate, offer its services to support the International Tracing Service in its work with the aim to enable it to implement its tasks under Article 2 of the ITS Agreement.
- (3) The International Tracing Service and the Federal Archives shall cooperate in the development of priorities and the preparation of professional principles relating to conservation, restoration, preservation, cataloguing and indexing of the archives. Such priorities and principles shall be submitted to the International Commission for approval.
- (4) The International Tracing Service and the Federal Archives shall regularly consult each other on the cooperation referred to in paragraphs 1 to 3.
- (5) The International Tracing Service and the Federal Archives shall preserve the historical structure of the archives and documents held by the International Tracing Service and nothing in this Agreement shall be construed as permitting a revision of the structure of the archives.
- (6) Any efforts to make possible the categorization of records by provenance, or any other principle commonly applied in archives that do not have the historical specificity of the International Tracing Service, shall be undertaken in the digital records only based on the ability to electronically tag and retrieve sets of documentation in the digital archive, and not through an actual reorganization of the original paper holdings.
- (7) As regards access to the archives and documents held by the International Tracing Service in Bad Arolsen the ITS Agreement as well as the decisions taken and the

directives adopted by the International Commission in accordance with the ITS Agreement shall prevail.

Article 4

Human resources management

- (1) Human resources management shall be the responsibility of the Director of the International Tracing Service.
- (2) When hiring senior staff of the International Tracing Service, the International Tracing Service shall consult with the Federal Archives. When hiring archival staff, the International Tracing Service, in agreement with the Federal Archives, shall ensure that such staff meet internationally recognized archival standards.

Article 5

Preparation of the budget

- (1) In fulfilling the responsibilities listed in Article 21 of the ITS Agreement, which include but are not limited to drawing up a budget estimate and submitting an annual financial account of the preceding financial year, the International Tracing Service shall seek, and the Federal Archives shall provide, all possible assistance and advice, in particular regarding the financial implications associated with conservation and preservation initiatives including an economic viability study prior to any procurement exceeding EUR 125,000, or as otherwise determined by the International Commission.
- (2) During the preparation of the budget estimate, priority as to the assignment of resources should be given to the implementation of policy decisions and mandates established by the International Commission.

Article 6
Additional matters

(1) In elaborating proposed priorities for the International Tracing Service and setting out their financial implications for consideration by the International Commission, in drawing up an annual work plan, including any proposed structural reorganization, and in submitting semi-annual reports on the activities of the International Tracing Service the International Tracing Service shall consult with the Federal Archives. The Federal Archives may submit comments on such documents and reports to the International Commission.

(2) When concluding legal transactions, including contracts of employment, rental agreements and sales agreements, and in handling court cases, the International Tracing Service shall consult with the Federal Archives.

(3) The buildings used by the International Tracing Service in Bad Arolsen shall be managed by the Institute for Federal Real Estate.

(4) The planning, use and development of information technology (IT) at the International Tracing Service shall be undertaken in consultation with the Federal Archives. In so doing the International Tracing Service and the Federal Archives should seek to maintain, to the degree possible, consistency between the experience in the use of digital copies of the archives of the International Tracing Service at Bad Arolsen and at national repositories.

(5) In cases where the advice of outside experts regarding the work of the International Tracing Service is sought or received, the International Tracing Service and the Federal Archives should inform each other.

Article 7

Disputes between the International Tracing Service and the Institutional Partner

In cases of a dispute regarding implementation or application of this Agreement which cannot be solved through mutual consultations the matter may be referred by either side to the International Commission for consideration.

Article 8

Entry into force and duration

- (1) This Agreement shall enter into force on the same day as the ITS Agreement done at Berlin on December 9, 2011.
- (2) This Agreement shall remain in effect for a period of five years from the date of its entry into force. It may be extended for successive periods of five years by unanimous decision taken by the International Commission if possible at least one year before the expiry of the previously agreed period. If no decision on extension is taken before the expiry date this Agreement shall lapse and the institutional partnership shall be ended.
- (3) Following its signature, this Agreement shall be provisionally applied in accordance with any domestic laws where applicable during any period in which the ITS Agreement, done at Berlin on December 9, 2011, is provisionally applied.

Article 9

Termination

Either the Chair of the International Commission for the International Tracing Service, on behalf of the Parties to the ITS Agreement, or the Federal Republic of Germany may terminate this Agreement by written notification to the other with not less than six months [180 days] advance notice.

Article 10

Assistance in the event of lapse or termination

In the event of lapse or termination of this Partnership Agreement, the International Tracing Service and the Federal Archives shall cooperate in taking all necessary steps to deal with outstanding matters.

Done in duplicate at Berlin on December 9, 2011 in English, French and German, all three texts being equally authentic.

On behalf of the Parties
to the Agreement on the
International Tracing Service

Fredric de Laurent

For the Federal Republic of Germany

Klein