

No. 140

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**UNION OF SOUTH AFRICA  
and  
DENMARK**

**Exchange of Notes in regard to the release of funds and property held by the Custodian of Enemy Property on behalf of Danish citizens. Pretoria, 14 October 1946**

*English official text communicated by the Permanent Representative of the Union of South Africa to the United Nations. The registration took place on 15 November 1947.*

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**UNION SUD-AFRICAINE  
et  
DANEMARK**

**Echange de notes concernant le déblocage des avoirs liquides et des biens détenus par le Séquestre des biens ennemis pour le compte de citoyens danois. Prétorie, 14 octobre 1946**

*Texte officiel anglais communiqué par le représentant permanent de l'Union Sud-Africaine auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 15 novembre 1947.*

No. 140. EXCHANGE OF NOTES<sup>1</sup> BETWEEN THE GOVERNMENTS OF THE UNION OF SOUTH AFRICA AND DENMARK IN REGARD TO THE RELEASE OF FUNDS AND PROPERTY HELD BY THE CUSTODIAN OF ENEMY PROPERTY ON BEHALF OF DANISH CITIZENS. PRETORIA, 14 OCTOBER 1946

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Pretoria, 14th October, 1946

Mr. Minister,

I have the honour to inform you that the Union Government is desirous of expediting the release of funds and property held by the Custodian of Enemy Property on behalf of Danish citizens, and after careful consideration of the matter the Union Government feels that the settlement of claims by Danish citizens would be greatly facilitated if the Government of Denmark could see its way to accept reasonable responsibility for restoring moneys and property released by the Custodian to the rightful owners in Denmark.

The following conditions are proposed by the Union Government for the settlement of this matter:—

1. In this note the term person shall be deemed to include any company, authority, institution or corporation.
2. The Government of Denmark will in due course notify the Custodian of Enemy Property which of the items included in the statement of moneys held for persons in Denmark belong to Danish nationals and which items belong to nationals of other countries or to enemy nationals, or in which cases ownership cannot be traced.
3. The Government of Denmark will furnish the Custodian of Enemy Property with similar information in regard to property vested in him, and, in regard to shares, stocks, debentures and other negotiable securities, will investigate the ownership thereof and will notify the Custodian of

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<sup>1</sup> Came into force on 14 October 1946, by the exchange of the said notes.

Enemy Property accordingly. Where ownership of shares, stocks and debentures is claimed by persons other than those whose names appear on the lists to be furnished by the Custodian of Enemy Property, the Government of Denmark will investigate such claims and, where satisfied, will furnish the Custodian of Enemy Property with a certificate stating that the claimants are the legitimate owners of the shares, stocks or debentures in question.

4. The Government of Denmark will indemnify and does hereby indemnify the Custodian of Enemy Property against any claims from any source whatever in regard to all moneys paid over to that Government and all property including securities released by him to that Government or to Danish nationals at that Government's request.

5. On the completion of this agreement, the Custodian of Enemy Property will place at the disposal of the Government of Denmark all moneys held by him for Danish nationals and will transfer such moneys to the Danmarks Nationalbank No. 1 account with the Bank of England at the same time notifying the Danmarks Nationalbank of the transfer. The Custodian will further release to the Government of Denmark or to the Danish nationals concerned all property belonging to nationals of that country which is vested in him; provided that the provisions of this paragraph shall not apply in the case of funds belonging to persons who have died or whose deaths have to be presumed if the amount involved exceeds £25, and if the estates are to be administered in the Union in accordance with the requirements of the Master of the Supreme Court.

6. It is generally accepted by the parties to this agreement that:—

(a) Any moneys and property included in the statements to be rendered by the Custodian of Enemy Property which are found to belong to persons other than Danish nationals or the ownership of which cannot be traced will be regarded as falling outside the terms of this agreement, and the Government of Denmark will undertake to refund such moneys to the Custodian on request.

(b) The Custodian of Enemy Property will not be held liable for any moneys which he failed to collect for persons in Denmark because debtors in the Union of South Africa failed to report their liabilities to him or were unable to pay sums due by them or for other

reasons, but he undertakes to assist the Government of Denmark as far as possible in the collection of such moneys as should have been paid to him in terms of the National Emergency Regulations but were not so paid.

(c) The Government of Denmark, while not accepting any liability in respect thereof, undertakes to assist as far as possible in the restoration to persons in the Union of property held by them in Denmark including securities and in the collection of such debts as may still be found to be due to persons in the Union by persons in Denmark.

7. The Governments of the Union and Denmark undertake to accord each other most-favoured-nation treatment in respect of compensation for damage caused as a result of the war to the property of citizens of either country in the territory of the other.

If the foregoing proposals are acceptable to your Government I would suggest that this note and your confirmatory reply thereto be regarded as an agreement between our two Governments in the matter.

Please accept, Mr. Minister, the renewed assurance of my highest consideration.

For the Acting Minister of External Affairs

J. D. POHL  
Acting Secretary for External Affairs

E. Torp-Pedersen, Esq.  
Envoy Extraordinary and Minister  
Plenipotentiary of Denmark  
Pretoria

## II

## ROYAL DANISH LEGATION

Pretoria, 14th October, 1946

Sir,

I have the honour to acknowledge the receipt of your note of to-day's date which reads as follows:—

*[Here follows the text of Note No. I]*

I have the honour to state that the proposals are acceptable to the Danish Government and I confirm that your note and this reply will be regarded as an agreement to this effect between our Governments.

Please accept, Sir, the renewed assurance of my highest consideration.

E. TORP-PEDERSEN

The Right Hon. J. H. Hofmeyr  
Acting Minister of External Affairs  
Pretoria

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