

No. 313

**BELGIUM
and
UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND**

Exchange of Notes constituting an agreement regarding compensation for war damage. Brussels, 7 June 1948

French and English official texts communicated by the Officer in charge of the Permanent Delegation of Belgium to the United Nations. The registration took place on 7 December 1948.

**BELGIQUE
et
ROYAUME-UNI DE GRANDE-BRETAGNE ET
D'IRLANDE DU NORD**

Echange de notes constituant un accord concernant la réparation des dommages de guerre. Bruxelles, 7 juin 1948

Textes officiels français et anglais communiqués par le Chargé de la gestion de la Délégation permanente de la Belgique auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 7 décembre 1948.

No. 313. EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT BETWEEN BELGIUM AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND REGARDING COMPENSATION FOR WAR DAMAGE. BRUSSELS, 7 JUNE 1948

I

BRITISH EMBASSY, BRUSSELS

June 7th, 1948

N° 184.
39/10/48.

Monsieur le Ministre,

On the conclusion of the informal negotiations on the subject of compensation for war damage incurred in Belgium and in the United Kingdom of Great Britain and Northern Ireland, I have the honour to propose to Your Excellency, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, that an agreement should now be concluded between the Government of the United Kingdom of Great Britain and Northern Ireland, and the Belgian Government in the following terms:

(1) Under the laws and regulations in force or which may come into force in the United Kingdom in respect of compensation for damage to or loss of their property in the United Kingdom as a result of the war, equal treatment is and shall be granted to Belgian nationals to that accorded to British nationals.

(2) (a) Under the law of the 1st October, 1947, and the regulations in force or which may come into force in Belgium in respect of compensation for damage to or loss of their property in Belgium as a result of the war, the Belgian Government shall grant to British nationals treatment as regards compensation equal to that accorded to Belgian nationals in respect of similar loss or damage.

(b) Provided, however, that as the law of 1st October, 1947, excepts from the general principle of territoriality war damage sustained by Belgian ships and vessels, the provisions of Belgian war damage legislation regarding compensation

¹ Came into force on 7 June 1948, by the exchange of the said notes.

for war damage to ships and vessels shall not apply to such damage caused to British or vessels on Belgian territory or in Belgian territorial waters.

(c) Declarations of the nature and the estimated value of their total property as at the 9th October, 1944, for the purpose of claims under the provisions of sub-paragraph (a) of this paragraph shall be made by British nationals in the same way as such Declarations are required to be made by Belgian nationals.

(d) Claims by British nationals under the provisions of sub-paragraph (a) of this paragraph shall be submitted to the appropriate Belgian authorities within three months after the date of publication of the text of this agreement in the *Moniteur belge*. No claim submitted after the expiration of this period of three months shall be entitled to the benefit of this agreement.

(3) In the present agreement:

(a) The expression "British nationals" means all British subjects and British protected persons belonging to the United Kingdom of Great Britain and Northern Ireland or to any territory for whose international relations the Government of the United Kingdom is responsible.

(b) The expression "Belgian nationals" means Belgian subjects belonging to the Kingdom of Belgium, to the Belgian Congo or to the territories of Ruanda-Urundi.

(c) The term "nationals" also includes all legal persons, partnerships or associations deriving their status as such from the laws in force in the United Kingdom, in Belgium or in any of the territories mentioned in sub-paragraphs (a) and (b) of this paragraph.

2. If the foregoing provisions are acceptable to the Belgian Government, I have the honour to suggest that the present Note and Your Excellency's reply in similar terms shall be regarded as constituting an agreement between the two Governments which shall take effect from this day's date.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

(Signed) W. H. MONTAGU-POLLOCK

His Excellency Monsieur P.-H. Spaak, G.C.M.G.

II

DEPARTMENT OF EXTERNAL TRADE

7 June 1948

B/GEO/TR/V/160/41.331.

Your Excellency,

By letter No. 184 dated 7 June 1948 you proposed that an agreement should be concluded in the following terms for the reciprocal settlement of war damage sustained by British nationals in Belgium and by Belgian nationals in the United Kingdom of Great Britain and Northern Ireland:

(1) Under the laws and regulations in force or which may come into force in the United Kingdom in respect of compensation for damage to or loss of their property in the United Kingdom as a result of the war, equal treatment is and shall be granted to Belgian nationals to that accorded to British nationals.

(2) (a) Reciprocally under the Belgian Law of 1st October, 1947, and the regulations in force which may come into force in Belgium in respect of compensation for damage to or loss of their property in Belgium as a result of the war, the Belgian Government shall grant to British nationals treatment as regards compensation equal to that accorded to Belgian nationals in respect of similar loss or damage.

Further in the application of the provisions of the last section of paragraph 2 of Article 3 of the Belgian Law of 1st October, 1947, the capital holdings of British nationals in Belgian Corporations or Associations shall receive treatment equal to that accorded to the capital holdings of Belgian nationals.

The same equality of treatment shall also be accorded in the case of British nationals who are members of Belgian non-profit making Corporations or Associations.

(b) Provided, however, that as the law of 1st October, 1947, excepts from the general principle of territorial war damage sustained by Belgian ships and vessels, the provisions of Belgian war damage legislation regarding compensation for war damage to ships and vessels shall not apply to such damage caused to British ships or vessels on Belgian territory or in Belgian territorial waters.

(c) Declarations of the nature and the estimated value of their total property as at the 9th October, 1944, for the purpose of claims under the

provisions of sub-paragraph (a) of this paragraph shall be made by British nationals in the same way as such Declarations are required to be made by Belgian nationals.

(d) Claims by British nationals under the provisions of sub-paragraph (a) of this paragraph shall be submitted to the appropriate Belgian authorities within three months after the date of publication of the text of this agreement in the *Moniteur belge*. No claim submitted after the expiration of this period of three months shall be entitled to the benefit of this agreement.

(3) In the present agreement:

(a) The expression "British nationals" means all British subjects and British protected persons belonging to the United Kingdom of Great Britain and Northern Ireland or to any territory for whose international relations the Government of the United Kingdom is responsible.

(b) The expression "Belgian nationals" means Belgian subjects belonging to the Kingdom of Belgium, to the Belgian Congo or to the territories of Ruanda-Urundi.

(c) The term "nationals" also includes all legal persons, partnerships or associations deriving their status as such from the laws in force in the United Kingdom, in Belgium or in any of the territories mentioned in sub-paragraphs (a) and (b) of this paragraph.

I have the honour to inform you that the Belgian Government signifies its acceptance of the foregoing text and regards this agreement as concluded on today's date.

I have the honour to be, etc.

(Signed) SPAAK

His Excellency Sir George William Rendel, K.C.M.G.
British Ambassador,
Brussels