

No. 720

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**BELGIUM**  
and  
**UNION OF SOUTH AFRICA**

**Exchange of Letters constituting an agreement for the release of  
assets. Pretoria, 4 July 1947**

*Official texts : Afrikaans and Dutch.  
Registered by Belgium on 17 February 1950.*

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**BELGIQUE**  
et  
**UNION SUD-AFRICAINE**

**Échange de lettres constituant un accord de déblocage. Prétoria,  
4 juillet 1947**

*Textes officiels afrikaans et néerlandais.  
Enregistré par la Belgique le 17 février 1950.*

No. 720. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN BELGIUM AND THE UNION OF SOUTH AFRICA FOR THE RELEASE OF ASSETS. PRETORIA, 4 JULY 1947

N° 720. ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD<sup>1</sup> DE DÉBLOCAGE ENTRE LA BELGIQUE ET L'UNION SUD-AFRICAINE. PRÉTORIA, 4 JUILLET 1947

N° 1

AFRIKAANS TEXT — TEXTE AFRIKAANS

UNIE VAN SUID-AFRIKA

DEPARTEMENT VAN BUITELANDSE SAKE

PRETORIA

P.M. 139/2

Meneer die Tydelike Saakgelastigde,

Ek het die eer u mee te deel dat die Regering van die Unie van Suid-Afrika begerig is om die vrystelling van geld en eiendom wat die Bewaarder van Vyandseiendom ten behoeve van Belgiese burgers in bewaring hou te bespoedig. Na sorgvuldige oorweging van die saak is die Regering van die Unie van Suid-Afrika van gevoele dat dit die afhandeling van die eise van Belgiese burgers grootliks sou vergemaklik indien die Belgiese Regering redelike verantwoordelikheid kon aanvaar vir die terugbesorging aan die wettige eienaars in België van geld en eiendom wat die Bewaarder vrygestel het.

Ter afhandeling van hierdie saak doen die Regering van die Unie van Suid-Afrika die volgende aan die hand :

1. In hierdie ooreenkoms beteken « Bewaarder » die « Bewaarder van Vyandseiendom » deur die Minister van Finansies aangestel kragtens die magte aan hom verleen deur Proklamasie n° 31 van 1940 en « persone » beteken natuurlike en regs persone.

<sup>1</sup> Came into force on 4 July 1947, by exchange of the said letters. This agreement does not apply to the territories of the Belgian Congo and Ruanda-Urundi.

<sup>1</sup> Entré en vigueur le 4 juillet 1947 par l'échange desdites lettres. Cet accord n'est pas applicable aux territoires du Congo belge et du Ruanda-Urundi.

of the matter, the Government of the Union of South Africa is of opinion that the settlement of claims of Belgian citizens would be greatly facilitated if the Government of Belgium could accept reasonable responsibility for restoring to their rightful owners in Belgium money and property released by the Custodian.

The following measures are proposed by the Government of the Union of South Africa for the settlement of this matter :

1. In this agreement « Custodian » shall mean the « Custodian of Enemy Property » appointed by the Minister of Finance under the powers vested in him by Proclamation No. 31 of 1940, and « persons » shall mean natural and juristic persons.
2. The Custodian shall furnish the representatives of the Government of Belgium with full particulars of all moneys paid over to him on behalf of persons in Belgium and of all other assets belonging to persons in Belgium, title to which has been transferred to him, in so far as such moneys or assets have not already been restored to the original owners before this agreement became operative.
3. The Custodian shall also furnish the said representatives with particulars of all claims registered by him, at the request of persons in the Union, against persons in Belgium and of all claims registered by him in respect of properties in Belgium belonging to persons resident or settled in the Union.
4. The Custodian shall transfer « en bloc » to the *Belgische Dienst voor Beheer en Liquidatie* all moneys and other assets mentioned in paragraph 2, other than registered shares. The Custodian shall, in each particular case, release registered shares to their rightful owners whenever he receives a request to that effect from the Government of Belgium.
5. The Government of Belgium shall cause the particulars furnished by the Custodian in terms of paragraph 2 to be verified and, if any moneys or other assets mentioned in the return are found to be held by persons in Belgium on behalf of German or Japanese subjects, the Government of Belgium shall return such moneys or assets to the Custodian.
6. The Government of Belgium hereby indemnifies the Custodian against any claims of any nature whatever in regard to all moneys and other assets transferred to that Government and all shares released at that Government's request.
7. The Custodian shall not be held liable for any moneys which should have been paid to him in terms of the Emergency Regulations but which he has not collected because of debtors in the Union having omitted to report their liabilities to him or because the debtors were unable to pay the amounts due by them or for any other reason. In so far as such moneys are not due to persons in Belgium who

should, in the opinion of the Union Government, be regarded as German or Japanese subjects, the Custodian shall, however, assist the Government of Belgium, as far as possible, in the collection of the amounts due.

8. The Government of Belgium shall assist in causing the return of claims submitted to its representatives in terms of paragraph 3 to be investigated and notify the Custodian, as far as possible, of the correctness or otherwise of claims. In regard to claims in connexion with properties, that Government shall, as far as possible, indicate the condition of the properties and whether such properties are available for restoration to the owners in the Union of South Africa. The Government of Belgium shall assist the Government of the Union of South Africa as far as possible in the recovery of claims and the restoration of title to properties.

9. The Government of the Union of South Africa and the Government of Belgium undertake to accord each other most-favoured treatment.

- (a) in respect of compensation for war damage to properties situated in one country and belonging to subjects of the other country;
- (b) in respect of taxes or levies on capital, including bank balances.

10. (a) The Government of the Union of South Africa and the Government of Belgium undertake to make available the necessary exchange for the payment of claims arising from commercial transactions, including claims in respect of services rendered and income derived from investments.

(b) In regard to the making available of the necessary exchange for the payment of claims not covered by sub-paragraph (a), the two Governments undertake to accord each other most-favoured treatment.

11. The provisions of this agreement shall also apply to the Mandated Territory of South-West Africa.

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. Chargé d'Affaires *a. i.*, the assurance of my high esteem.

For the Minister of External Affairs

(Signed) J. D. POHL  
Acting Secretary for External Affairs

F. Jansen, Esq.  
Chargé d'Affaires, *a. i.*  
Legation of Belgium  
Pretoria

No. 2

Pretoria, 4 July 1947

Mr. Minister,

I have the honour to acknowledge the receipt of your letter No. P. M. 139/2 of even date, in which Your Honour informs me that the Government of the Union of South Africa is desirous to expedite the release of money and property held by the Custodian of Enemy Property on behalf of Belgian subjects.

I have not failed to notify my Government that the Government of the Union of South Africa is of opinion that the settlement of the claims of Belgian subjects would be greatly facilitated if the Government of Belgium could accept reasonable responsibility for restoring to their rightful owners in Belgium money and property released by the Custodian.

For the settlement of this matter the Government of the Union of South Africa suggests the following, with which the Government of Belgium concurs :

[See letter No. 1]

Accept, Mr. Minister, the assurance of my highest consideration.

(Signed) Felix JANSEN  
Belgian Minister  
Chargé d'Affaires, *a. i.*

Field Marshal The Right Honourable J. C. Smuts  
Prime Minister and  
Minister of External Affairs  
Pretoria

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