

No. 748

**BELGIUM
and
CANADA**

Exchange of letters constituting a reciprocal agreement relating to compensation for war damage to private property. Brussels, 17 August and 16 November 1949

Official text : French.

Registered by Belgium on 16 March 1950.

**BELGIQUE
et
CANADA**

Echange de lettres constituant un accord de réciprocité en matière de réparation des dommages de guerre aux biens privés. Bruxelles, 17 août et 16 novembre 1949

Texte officiel français.

Enregistré par la Belgique le 16 mars 1950.

TRANSLATION—TRADUCTION

No. 748. EXCHANGE OF LETTERS BETWEEN THE GOVERNMENTS OF BELGIUM AND CANADA CONSTITUTING A RECIPROCAL AGREEMENT¹ RELATING TO COMPENSATION FOR WAR DAMAGE TO PRIVATE PROPERTY. BRUSSELS, 17 AUGUST AND 16 NOVEMBER 1949

I

DIRECTORATE-GENERAL P

Department of International Organization and of the Settlement of the Peace

No. R.10.25/49/4368

17 August 1949

Your Excellency,

In a note dated 30 December 1947 the Canadian Embassy in Brussels expressed the wish that a reciprocal agreement be concluded between Canada and Belgium concerning reparation of war damage to private property.

I have the honour to inform Your Excellency that the Belgian Government, which is also anxious to see an agreement of this nature concluded, is prepared to grant to Canadian nationals who sustained war damage in Belgium the same treatment as that given to Belgian nationals under Belgian legislation in force or subsequently to be enacted concerning compensation for war damage to private property if the Canadian Government, for its part, also grants, as it has proposed to do, the national treatment to Belgian nationals who sustained war damage in Canada.

For the purpose of enjoying the benefit of Belgian national treatment, the applicants, whether individuals or bodies corporate, must produce evidence to show that they had Canadian nationality both when the damage was sustained and when this agreement came into force. Persons who were Canadian nationals on one only of these dates and were, on the other date, either Belgian nationals or nationals of another country with which

¹ Came into force on 17 August 1949, by the exchange and according to the terms of the said letters.

Belgium has concluded a reciprocal agreement concerning war damage, shall also enjoy the benefit of Belgian national treatment.

For the purpose of enjoying the benefit of Canadian national treatment, the applicants, whether individuals or bodies corporate, must produce evidence to show that under the legislation in force they are Belgian nationals, either as citizens or as subjects (Belgian Congo). The benefits of this provision shall also extend to the nationals of Ruanda-Urundi.

For the purpose of the last paragraph of subsection 2 of section 3 of the Act of 1 October 1947, Canadian capital invested in Belgian companies shall be treated as capital held by Belgian nationals, provided that Belgian capital in Canada is treated as capital held by Canadian nationals. Equality of treatment shall also be granted to members of non-profit organizations.

Since war damage to Belgian ships and boats is compensated for by the Belgian Government whatever the place where the damage was sustained (section 1, paragraph 2, of the Act of 1 October 1947), the provisions of this agreement shall not apply to war damage to Belgian ships and boats; similarly, and on the basis of reciprocity, no application for compensation in respect of Canadian vessels shall be made in Belgium. Nevertheless, these limitations shall only apply to the vessels proper and to the tackle and accessory equipment necessary for navigation; they shall not apply to cargoes, furniture or to the personal belongings of the sailors, boatmen or passengers.

Since, under the Belgian Act of 1 October 1947, the amount of compensation payable is proportionate to the personal wealth of the persons who suffered the war damage, they are required to file a statement setting forth the nature and estimated value of their property as constituted on 9 October 1944 (Regent's Order of 7 November 1947). Accordingly, Canadian nationals who apply for compensation under the above-mentioned Act will be required to make a similar statement; this statement may be subject to inspection by the competent Belgian and Canadian authorities.

I should be grateful if Your Excellency would be good enough to inform me at his earliest convenience whether the above arrangements are agreeable to the Canadian Government.

If so, this letter and your reply thereto would constitute the agreement between our two Governments which would come into force on this date.

Applicants should file their requests within three months from the date of publication of the agreement in each country; otherwise, they would forfeit their rights.

A subsequent time-limit of three months would be allowed for the filing of claims based on legal provisions enacted later.

I have the honour to be, etc.

To His Excellency Mr. Victor Dore
Canadian Ambassador
Brussels

-II

CANADIAN EMBASSY

No. 86

The Canadian Embassy presents its compliments to the Ministry of Foreign Affairs and External Trade and has the honour to refer to the note of 17 August 1949 relating to a reciprocal agreement concerning reparation of war damage to private property.

The Canadian Embassy has the honour to inform the Ministry of Foreign Affairs and External Trade that the Canadian Government has instructed this Embassy to say that the arrangements suggested in the note of 17 August 1949 meet with its approval and that, in conformity with the terms of the said note, the exchange of notes constitutes an agreement between the two Governments, with effect from 17 August 1949.

Brussels, 16 November 1949.