

No. 766

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**AUSTRALIA  
and  
YUGOSLAVIA**

**Exchange of notes constituting an agreement for the release of assets which have been subjected to special measures in Australia and Yugoslavia in consequence of the enemy occupation of Yugoslavia. Canberra and Sydney, 22 February 1950**

*Official text : English.*

*Registered by Australia on 17 April 1950.*

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**AUSTRALIE  
et  
YOUGOSLAVIE**

**Echange de notes constituant un accord relatif au déblocage des avoirs qui ont fait l'objet de mesures spéciales en Australie et en Yougoslavie par suite de l'occupation ennemie de la Yougoslavie. Canberra et Sydney, 22 février 1950**

*Texte officiel anglais.*

*Enregistré par l'Australie le 17 avril 1950.*

No. 766. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENTS OF AUSTRALIA AND YUGOSLAVIA FOR THE RELEASE OF ASSETS WHICH HAVE BEEN SUBJECTED TO SPECIAL MEASURES IN AUSTRALIA AND YUGOSLAVIA IN CONSEQUENCE OF THE ENEMY OCCUPATION OF YUGOSLAVIA. CANBERRA AND SYDNEY, 22 FEBRUARY 1950

I

MINISTER FOR EXTERNAL AFFAIRS  
CAMBERRA A.C.T. AUSTRALIA

22nd February, 1950

Sir,

I have the honour to refer to previous negotiations between representatives of the Government of the Federal People's Republic of Yugoslavia and the Government of Australia concerning the release of property situated in Yugoslavia and Australia which is owned by persons resident in Australia and Yugoslavia respectively and which has been subjected to special measures in consequence of the enemy occupation of Yugoslavia.

The understanding of the Australian Government as to the agreement reached between our two Governments in this matter is as follows :

" PART I—SCOPE AND OBJECT

" *Article 1*

" (a) In the case of money and property in Australia this agreement shall apply to money and property of Yugoslav persons which have been dealt with under the National Security (Enemy Property) Regulations made under the National Security Act 1943 and under the Trading with the Enemy Act 1939-1947 being Statutes of the Parliament of the Commonwealth of Australia (hereinafter called the Commonwealth Statutes).

<sup>1</sup> Came into force on 22 February 1950 by the exchange of the said notes.

“ In the case of money and property in Yugoslavia it shall apply to money and property of Australian persons which have been subject to special measures in Yugoslavia since 18th April, 1941 by reason of the occupation of Yugoslavia by the enemy, other than money or property which come within the scope of the agreement for compensation for British property, rights and interests affected by various Yugoslav measures of nationalisation, expropriation, dispossession and liquidation, signed at London on 23rd December, 1948.

“(b) For the purpose of this Agreement the phrase “ Yugoslav Persons ” shall mean persons (including juridical persons), being Yugoslav nationals, whose money and property in Australia have been subject to the Commonwealth Statutes solely because they are and have been resident or carrying on business in Yugoslavia. The phrase “ Australian Persons ” shall mean persons (including juridical persons) whose money and property have been subject to special measures in Yugoslavia solely because they are and have been resident or carrying on business in Australia.

“(c) “ Controller ” means the Controller of Enemy Property of Australia.

“ Article 2

“ This Agreement does not purport to deal with the position of money and property of Yugoslav and Australian persons under taxation or foreign exchange control legislation in force in Australia or Yugoslavia.

“ PART II—MONEYS

“ Article 3

“ Bank Balances

“ Bank balances belonging to Yugoslav and Australian persons shall be placed at the disposal of the original account holders.

“ Article 4

“ Other Moneys

“(a) Moneys at present held by the Controller of Enemy Property and the Treasurer of the Commonwealth in the terms of the Commonwealth Statutes as due to Yugoslav persons on account of commercial debts, bank balances and deposits, interest, dividends and moneys of a like nature arising

from the sale of goods or by way of legacies or under trusts or settlements or from other causes will be transferred in Australian currency to the Yugoslav Government or to such agency as may be authorised by the Yugoslav Government for this purpose, with a view to the satisfaction of the claims of Yugoslav persons, but the Government of Australia may, with the agreement of the Yugoslav Government, repay moneys now held in the terms of the Commonwealth Statutes to the persons from whom such moneys were received in cases which are held to justify this action. The Yugoslav Government undertakes to return to the Controller any moneys which are found not to be due to or owned by Yugoslav persons and which have been transferred to the Yugoslav Government in pursuance of this Article.

“(b) The Controller shall release from his control all other Yugoslav moneys which have been subject to the National Security (Enemy Property) Regulations.

“(c) The Yugoslav Government will, in accordance with Yugoslav legislation, assist Australian persons who are creditors of persons in Yugoslavia to trace and identify their debtors and will, similarly, facilitate the enforcement of the claims of such creditors against such debtors, their heirs or successors.

### “ PART III—PROPERTY

#### “ Article 5

“ Property (including securities) in Australia of Yugoslav persons and property (including securities) in Yugoslavia of Australian persons which has been subjected to special measures solely because of the occupation of Yugoslavia by the enemy shall be released from any restrictions imposed by such measures.

#### “ Article 6

#### “ Industrial, Literary and Artistic Property

“ This Agreement does not apply to rights in industrial, literary and artistic property.

### “ PART IV—GENERAL

#### “ Article 7

#### “ Acts of Dispossession

“ The Government of Yugoslavia will give no less favourable treatment to individuals resident in Australia than they do to Yugoslav nationals in

regard to property situated in Yugoslavia which has been the subject of dispossession of the kinds covered by the Inter-Allied Declaration of 5th January, 1943, or of discriminatory legislation during the Occupation.

*“ Article 8*

*“ Estates of Deceased Persons*

“ Where Yugoslav persons have died since their money and property became subject to the Commonwealth Statutes, their estates in Australia shall not be dealt with until a legal personal representative has been appointed in Australia.

*“ Article 9*

*“ Fees*

“ No fees will be charged in Australia or in Yugoslavia in respect of the release or restoration of property as provided in this Agreement.

*“ Article 10*

“ The Yugoslav Government hereby agrees to indemnify and keep indemnified the Government of Australia, the Treasurer of the Commonwealth of Australia and the Controller of Enemy Property from all actions, suits, proceedings, claims, or demands which may arise from the payment or transfer of the moneys or property as aforesaid to the Yugoslav Government or to such agency as may be authorised by the Yugoslav Government in accordance with this Agreement.

*“ Article 11*

“ It is expressly understood that this Agreement does not apply to any settlements to be effected between the contracting Governments or in which one or more Government Departments are concerned, except by mutual agreement.

*“ Article 12*

“ The Contracting Governments shall consult together with a view to settling methods for giving effect to the provisions of this Agreement.

*“ Article 13*

“ This Agreement shall be concluded by an exchange of Notes between the duly accredited representatives of the Government of Australia and the Government of the Federal People's Republic of Yugoslavia and shall come into force upon the date of the said exchange of Notes.”

If the foregoing provisions are acceptable to the Government of the Federal People's Republic of Yugoslavia, I have the honour to propose that

this Note and your confirmatory reply thereto be deemed to constitute and evidence the agreement reached between our two Governments in this matter.

I have the honour to be, Sir,

Your obedient servant,

(Signed) Percy C. SPENDER

Minister of State for External Affairs

Mr. I. Kosovic  
Consul of the Federal People's  
Republic of Yugoslavia  
The Yugoslav Consulate General  
Sydney, N.S.W.

## II

### CONSULATE GENERAL OF FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

Hon. P. C. Spender, K.C., M.P.  
Minister for External Affairs  
Canberra, A.C.T.

Sir,

I have the honour to acknowledge receipt of your Note of to-day's date concerning negotiations which have been taking place between representatives of the Government of the Federal People's Republic of Yugoslavia and the Government of Australia concerning the release of property situated in Yugoslavia and Australia respectively which is owned by persons resident in Australia and Yugoslavia respectively and which has been subjected to special measures in consequence of the enemy occupation of Yugoslavia.

The understanding of my Government as to the Agreement reached between our two Governments in this matter is as follows :

[See note I]

I am authorised by the Government of the Federal People's Republic of Yugoslavia to state that it agrees to the foregoing provisions and that your Note and this reply shall be deemed to constitute and evidence the agreement reached between the Government of Yugoslavia and the Government of Australia in this matter.

I have the honour to be, Sir,

Your obedient servant,

(Signed) I. Kosovic  
Consul

For the Federal People's Republic  
of Yugoslavia

Sydney, 22nd February, 1950