

No. 1295

BELGIUM
and
UNITED STATES OF AMERICA

Exchange of letters constituting an agreement providing for reciprocity in the matter of compensation for war damage to private property. Brussels, 5 December 1949, 17 March and 1 December 1950, and 12 and 16 March 1951

Official texts: English and French.
Registered by Belgium on 10 July 1951.

BELGIQUE
et
ÉTATS-UNIS D'AMÉRIQUE

Échange de lettres constituant un accord de réciprocité en matière de réparation des dommages de guerre aux biens privés. Bruxelles, 5 décembre 1949, 17 mars et 1er décembre 1950, et 12 et 16 mars 1951

Textes officiels anglais et français.
Enregistré par la Belgique le 10 juillet 1951.

No. 1295. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN BELGIUM AND THE UNITED STATES OF AMERICA PROVIDING FOR RECIPROcity IN THE MATTER OF COMPENSATION FOR WAR DAMAGE TO PRIVATE PROPERTY. BRUSSELS, 5 DECEMBER 1949, 17 MARCH AND 1 DECEMBER 1950, AND 12 AND 16 MARCH 1951

I

TRANSLATION² — TRADUCTION³

MINISTRY OF FOREIGN AFFAIRS
AND FOREIGN COMMERCE

Office of the Director General of Policy
Office of the Director of International Organization
and Peace Settlement

No. P.K./R.10.25/49/5628

War Damages.
Belgium - United States.
Reciprocity Agreement.

Brussels, December 5, 1949

Mr. Ambassador,

In note No. 654 of February 6, 1947,⁴ the Embassy of the United States of America at Brussels was good enough to express the desire to see a reciprocity agreement with regard to compensation for war damages to private property concluded between the United States of America and Belgium.

I have the honour to inform Your Excellency that the Belgian Government, having the same desire, is prepared to accord nationals of the United States of America who suffered war damages in Belgium the Belgian national treatment provided for by the legislation which is in force or which may subsequently be put into force concerning compensation for war damages to private property if, for its part, the American Government accords national treatment in this matter, as it has proposed, to Belgian nationals who sustained war damages in its territory or possessions, as well as in the Philippine Islands.

¹ Came into force on 12 March 1951, in accordance with the terms of the said letters.

² Translation by the Government of the United States of America.

³ Traduction du Gouvernement des États-Unis d'Amérique.

⁴ Not printed by the Department of State of the United States of America.

In order to be entitled to Belgian national treatment, the persons concerned whether natural or juridical, must prove their status as "American nationals" both on the date of the war damage and on the date of the entry into force of the present agreement. This benefit is likewise granted to persons who had the status of "American nationals" on only one of the two aforesaid dates and that of nationals of either Belgium or another country with which Belgium concluded a reciprocity agreement regarding war damages on the other date.

In order to receive American national treatment, the persons concerned, whether natural or juridical, must prove, on the basis of the laws in force, their status as Belgian nationals, either citizens or subjects (Belgian Congo). The benefit of this provision shall likewise be granted to nationals of Ruanda-Urundi.

For the purpose of the application of the last subparagraph of paragraph 2 of Article 3 of the Belgian Law of October 1, 1947, the capital of Belgian companies belonging to American nationals shall be assimilated to capital held by Belgians, provided that, reciprocally, in the United States of America or in the American possessions, Belgian capital is, in this regard, assimilated to capital held by American nationals. There shall also be complete assimilation in respect of members of nonprofit associations.

In as much as war damages to Belgian ships and boats are compensated by the Belgian State, whatever the place of damage (Article 1, paragraph 2 of the Law of October 1, 1947), they shall not be included within the framework of the provisions of the present agreement; the same shall hold true, reciprocally, for American vessels, which therefore may not be the subject of a request for compensation in Belgium. Such limitations apply, however, only to vessels properly speaking and to the equipment, apparatus and accessories necessary for navigation; they shall not apply to cargoes, furniture and the personal effects of sailors, boatmen or passengers.

Lastly, since the Belgian Law of October 1, 1947 fixes compensation on the basis of the property of war victims, the latter must submit a declaration of the items and valuation of their property on October 9, 1944 (Regent's Decree of November 7, 1947). Consequently, American nationals who request the benefits of the aforesaid law shall be required to furnish a similar statement; this statement may be submitted for verification by the competent Belgian and American authorities.

If the foregoing provisions meet with the approval of the Government of the United States of America, I should appreciate it if Your Excellency would so inform me without delay.

In such case, the present note and Your Excellency's reply would constitute an agreement between the two Governments, which would enter into force immediately.

The persons concerned must, under pain of forfeiture of their rights, submit their requests within a period of three months beginning, in each country, with the publication of the agreement.

An equal period of three months would be granted thereafter for the submission of claims based on legal provisions which may subsequently be adopted.

I avail myself of this occasion, Mr. Ambassador, to renew to Your Excellency the assurance of my highest consideration.

Paul VAN ZEELAND

His Excellency Robert D. Murphy
Ambassador of the United States of America
at Brussels

II

EMBASSY OF THE UNITED STATES OF AMERICA
BRUSSELS, BELGIUM

March 17, 1950

No. 235

Excellency :

I have the honor to refer to Your Excellency's Note of December 5, 1949 offering national treatment to nationals of the United States under the Belgian laws for indemnity for private war damages on a basis of reciprocity. The proposal contemplates the same treatment for war damages suffered in possessions of the United States and in the Philippine Islands as for those suffered within the territorial limits of our respective nations.

My government has now informed me that, although sympathetic to the proposal in principle, it is not able at this time to offer national treatment to Belgian nationals for war damages suffered in the Philippine Islands. The existing legislation governing such damages (Philippine Rehabilitation Act of 1946¹ as interpreted by the Philippine War Damage Commission,) restricts

¹ United States of America : 60 Stat. 128.

eligibility for indemnification of war damages to property in the Philippine Islands to nationals of the United States, of the Philippine Islands and of non-enemy nations which prior to February 29, 1948, have granted reciprocal benefits to American nationals in their home territory and overseas possessions. The extension of national treatment to nationals of Belgium and to other countries whose nationals are ineligible to receive compensation could only be accomplished if the existing legislation were appropriately amended.

My government therefore proposes that the contemplated reciprocal agreement be limited at this time to war damages suffered within the territorial limits of Belgium in Europe and of the United States of America including Hawaii and Alaska, respectively, and that eligibility for national treatment under legislation in effect and which may become effective in the future in regard to war damages within the aforesaid territorial limits of the two countries be recognized immediately upon conclusion of the agreement. The notes constituting the agreement under this proposal would be so expressed as not to preclude the extension of eligibility for national treatment to persons who suffered war damages in the possessions of the two countries and the Philippine Islands in the event that legislation pertaining to war damages in the Philippine Islands should be amended in the future to make such extension possible.

Subject to the limitations suggested in the foregoing paragraph, my government is agreeable to the terms of the proposal made in your Excellency's note.

I take this opportunity to renew to Your Excellency the assurances of my highest consideration.

Robert MURPHY

His Excellency Paul van Zeeland
Minister for Foreign Affairs and Foreign Commerce
Brussels

III

TRANSLATION¹ — TRADUCTION²

MINISTRY OF FOREIGN AFFAIRS
AND FOREIGN COMMERCE

Office of the Director General of Policy

No. P.II/R.10.25/50/8762

Brussels, December 1, 1950

Mr. Ambassador,

Under date of December 5, 1949, I submitted to Your Excellency a draft agreement designed to establish between the United States of America and Belgium the system of reciprocity with regard to compensation for war damages to private property.

In the opinion of the Belgian Government, this agreement was to insure compensation to Belgians who sustained war damages in the Philippines, by application of the American law known as the "Philippine Rehabilitation Act of 1946".

In a note of March 17, 1950, Your Excellency was good enough to inform me that the draft submitted had met with the approval of the American Government in principle, but you added that the legislation in force applied only to nationals of the United States of America, the Philippine Islands, and non-enemy countries which, before February 29, 1948, had granted reciprocity to American citizens in their metropolitan territories and overseas possessions.

Under these conditions, an agreement concluded on December 5, 1949 could not apply to Belgians who sustained war damages in the Philippines.

Your Excellency added that the American authorities proposed the conclusion of an agreement the effects of which would be limited to continental Belgium and to the United States, including Hawaii and Alaska, while suggesting that the texts to be exchanged be so worded that the agreement may be extended to the possessions of the two countries and to the Philippine Islands in the event that amendment of the legislation on compensation for war damages in the Philippines would make such an extension possible later.

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.

I have the honor to inform Your Excellency that, considering the point of view of the American authorities regarding the draft of December 5, 1949, the Belgian Government is prepared to conclude the agreement with a limited scope proposed by the said authorities.

The text and the date of my note of December 5, 1949 may be kept as the basis of such an agreement, on condition, of course, that it apply only to continental Belgium on the one hand and to the United States of America, including Hawaii and Alaska, on the other hand.

The Belgian Government expresses the hope that an amendment of the Philippine Rehabilitation Act of 1946 will, in the near future, establish the rights to compensation of some eight Belgians who sustained war damages in the Philippines and whom the present agreement excludes from indemnification.

I avail myself of this occasion, Mr. Ambassador, to renew to Your Excellency the assurance of my highest consideration.

Paul VAN ZEELAND

His Excellency Robert D. Murphy
Ambassador Extraordinary and Plenipotentiary
of the United States of America
at Brussels

IV

EMBASSY OF THE UNITED STATES OF AMERICA
BRUSSELS, BELGIUM

No. 1030

March 12, 1951

Excellency :

I have the honor to refer to Your Excellency's note of December 5, 1949 and my reply, No. 235 of March 17, 1950, and your Excellency's subsequent note of December 1, 1950, concerning the conclusion of an agreement between our two Governments granting reciprocal national treatment, on the basis of existing or future legislation, to the nationals of the two States for indemnity of war damage to private property.

I have now been instructed by my Government to conclude an agreement with the Belgian Government granting reciprocal national treatment for war damage sustained within the territorial limits of the United States including Hawaii and Alaska, and within Belgium in Europe; and also to agree that should the Philippine Rehabilitation Act of 1946 be amended, the right of indemnification for war damages which occurred in the Philippine Islands shall be extended to Belgian citizens there, and in the possessions of the United States, and reciprocally to American nationals who suffered damages in the possessions of Belgium.

The Government of the United States, on the basis of legislation covering indemnification for war damage to private property now in effect or which may become effective in the future, will accord to Belgian nationals national treatment for damages sustained within the territorial limits of the United States of America including Hawaii and Alaska, and the Belgian Government will give the nationals of the United States of America who suffered war damages in metropolitan Belgium, Belgian national treatment as provided by similar legislation in effect or which may become effective in the future.

In order to receive American national treatment interested persons, individual or legal, must prove on the basis of laws in effect their status as nationals of Belgium.

In order to be entitled to Belgian national treatment, the interested persons, individual or legal, must qualify as "American Nationals" both on the date of the war damage and on the effective date of the present agreement. The benefits are extended equally to persons who had the status of "American Nationals" only on one of the above-mentioned dates and that of a national either of Belgium or of one of the other countries with which Belgium has concluded a reciprocal agreement concerning war damages, on the other date.

With a view to applying the last section of paragraph 2 of Article 3 of the Belgian law of October 1, 1947, the capital of Belgian companies belonging to American nationals will be considered as capital held by Belgians on the condition that reciprocally in the United States of America Belgian capital will in this regard be considered as capital held by American nationals. In so far as members of non-profit organizations are concerned they will also receive similar treatment.

War damages to Belgian ships and boats being indemnified by the Belgian Government no matter where the place of damage (Article I, Paragraph 2 of the law of October 1, 1947), will not be included within the framework of the provisions of the present agreement. The same will be true reciprocally with reference to American ships and boats which may not seek indemnity

in Belgium. These limitations pertain only to the vessels themselves and to the equipment, apparatus and accessories necessary for navigation; they do not apply to the cargoes, furnishings and personal effects of sailors, boatmen or passengers.

Finally, the Belgian law of October 1, 1947 fixing indemnification proportionally to the value of the property of those suffering war damage requires the latter to present an inventory and an estimate of the value of their property as of October 9, 1944 (Decree of the Regent of November 7, 1947). American nationals who seek the benefits of the above-mentioned law will also be required to present a similar statement. This statement may be submitted for certification as correct to the competent Belgian or American authorities.

All interested persons must, under pain of forfeiture of their rights under this agreement, present their claims within three months of the publication of the agreement in each country. An equal period of grace of three months will be granted for the presenting of claims based on provisions of any law which may be subsequently adopted.

The Government of the United States of America considers that Your Excellency's note of December 5, 1949 and December 1, 1950, and my replies, constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of this note.

Accept, Excellency, the renewed assurances of my highest consideration.

Robert MURPHY

His Excellency Paul van Zeeland
Minister for Foreign Affairs
Bruxelles

V

TRANSLATION — TRADUCTION

MINISTRY OF FOREIGN AFFAIRS
AND FOREIGN TRADEGeneral Department P.
Department of International Organization
and Peace Settlement

No. P.II/R.10.25/51/3502

*Subject:**War damages.
Agreement between the United States and Belgium of 12 March 1951.*

Brussels, 16 March 1951

The Ministry of Foreign Affairs presents its compliments to the United States Embassy in Brussels and has the honour to acknowledge receipt of letter No. 1030 dated 12 March 1951 from His Excellency the Honourable Robert D. Murphy.

This Ministry considers the agreement between the United States of America and Belgium with regard to reciprocal compensation for war damages to private property as definitively concluded on 12 March 1951; it will do its utmost to ensure the earliest possible publication of this agreement in the *Moniteur belge*.

[SEAL OF THE MINISTRY OF FOREIGN AFFAIRS]

To the United States Embassy
Brussels
