

No. 2467

**GREECE
and
UNION OF SOUTH AFRICA**

**Exchange of notes constituting an agreement concerning the
release of funds and property. Pretoria, 28 July 1947**

Official text: English.

Registered by Greece on 28 January 1954.

**GRÈCE
et
UNION SUD-AFRICAINE**

**Échange de notes constituant un accord relatif au déblocage
de fonds et de biens. Prétoria, 28 juillet 1947**

Texte officiel anglais.

Enregistré par la Grèce le 28 janvier 1954.

No. 2467. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN GREECE AND THE UNION OF SOUTH AFRICA CONCERNING THE RELEASE OF FUNDS AND PROPERTY. PRETORIA, 28 JULY 1947

I

The Secretary for External Affairs to the Chargé d'Affaires of Greece at Pretoria

UNION OF SOUTH AFRICA
DEPARTMENT OF EXTERNAL AFFAIRS

Pretoria, 28th July 1947

Mr. Chargé d'Affaires,

I have the honour to inform you that the Government of the Union of South Africa are desirous of expediting the release of funds and property held by the Custodian of Enemy Property on behalf of Greek citizens, and after careful consideration of the matter the Government of the Union of South Africa feel that the settlement of claims by Greek citizens would be greatly facilitated if the Government of Greece could see their way to accept responsibility for restoring moneys and property released by the Custodian to the rightful owners in Greece.

The following conditions are proposed by the Union Government for the settlement of this matter :

1. In this Note—

“ person ” shall mean natural person;

“ institution ” shall include any firm, authority, government department, partnership and company, limited or unlimited;

“ Union ” and “ Union of South Africa ” shall include the Mandated Territory of South West Africa.

2. The Custodian of Enemy Property of the Union of South Africa (hereinafter called the Custodian) shall furnish the representatives of the Government of Greece with full particulars in regard to all funds deposited with him on behalf of persons in Greece and institutions established in Greece, as also in regard to all property, including shares, debentures and other securities belonging to persons in Greece and to insti-

¹ Came into force on 28 July 1947 by the exchange of the said notes.

tutions established in Greece, the title to which has in the meantime been transferred to him, provided of course, that such funds or property have not already been returned to the rightful owners before the coming into effect of this Agreement.

3. The Custodian shall also furnish the said representatives with particulars of all claims registered in his office by persons and institutions in the Union of South Africa against persons in Greece and against institutions established in Greece and of any claims registered in respect of property in Greece belonging to persons in the Union of South Africa, Union nationals resident outside the Union and institutions established in the Union.

4. The funds and property referred to in paragraph 2, with the exception of registered securities, shall be transferred en bloc to the Government of Greece. As far as registered securities are concerned, the Custodian shall release such securities in each case whenever he receives a request to that effect from the Government of Greece.

5. The Government of Greece shall make arrangements for the verification of all particulars supplied to them under paragraph 2 by the Government of the Union of South Africa and shall in due course inform the Custodian which of the items included in the return of funds and property held on behalf of persons in Greece were registered in the names of German or Japanese nationals. The Government of Greece undertake to return to the Custodian the funds or property belonging to German or Japanese nationals or institutions.

6. The Government of Greece hereby indemnify the Custodian against any claims from any sources whatever in regard to all moneys paid over to that Government and all property, including securities, released by him to that Government or to Greek nationals at that Government's request.

7. The Custodian shall not be held liable for payment to the Greek Government of moneys which have not been deposited with him by the debtors in the Union or which have been so deposited but which were released to the owners before the coming into force of this Agreement. In so far as such moneys are not due to institutions established in Greece which, in the opinion of the Government of the Union of South Africa, are owned by German or Japanese nationals, the Custodian undertakes, however, to assist the Government of Greece to the best of his ability with the collection of such moneys as should have been paid but were not thus paid.

8. The Government of Greece shall cause the statements of claims received from the Custodian to be investigated, notify him of the correctness or otherwise of claims for money due in respect of debts and furnish him with full details of the position in regard to any claim in respect of property in Greece, indicating whether such property is available for restoration to the owners in the Union of South Africa and the condition of such property. The Government of Greece shall assist the Government of the Union of South Africa to the best of their ability with the collection of such moneys owing by debtors in Greece to creditors in the Union and the restoration to persons in the Union of the right of disposal over their property in Greece. The Government of Greece shall, if necessary, take powers to force debtors in Greece to pay their debts where such debtors are in a position to do so but refuse to meet their obligations.

9. (a) The Government of the Union of South Africa and Greece undertake to make available foreign exchange for the payment of all claims in respect of commercial transactions, including claims in respect of services and income from investments.

(b) In regard to the supply of foreign exchange for meeting claims not covered by (a), the Governments of the Union of South Africa and Greece undertake to accord each most-favoured-nation treatment.

10. The Governments of the Union of South Africa and Greece undertake to accord each other most-favoured-nation treatment in respect of compensation for damage caused as a result of the war to the property of citizens of either country in the territory of the other.

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, the renewed assurance of my high consideration.

For the Minister of External Affairs :

(Signed)

Secretary for External Affairs

II

The Chargé d'Affaires of Greece at Pretoria to the Secretary for External Affairs

ROYAL GREEK LEGATION IN THE UNION OF SOUTH AFRICA

No. 1100)G)2

Pretoria, 28th July 1947

Sir,

I have the honour to acknowledge the receipt of your Note No.P.M. 139)7 of to-day's date as regards the release of funds and property held by the Custodian of Enemy Property on behalf of Greek citizens, containing the following conditions :

[See note I]

The foregoing proposals are acceptable to my Government and I confirm that your Note and this reply will be regarded as an Agreement between our two Governments in the matter.

Please accept, Sir, the renewed assurance of my highest consideration.

B. KALEVRAS
Chargé d'Affaires

The Minister for External Affairs
Union Buildings
Pretoria