

No. 3472

**UNITED STATES OF AMERICA
and
FRANCE**

Exchange of notes (with annexes) constituting an agreement relating to the settlement of claims of French prisoners of war. Paris, 4 June, 15 October and 6 December 1951, and 17 January and 2 February 1952

Official texts: English and French.

Registered by the United States of America on 25 July 1956.

**ÉTATS-UNIS D'AMÉRIQUE
et
FRANCE**

Échange de notes (avec annexes) constituant un accord relatif au règlement des créances des prisonniers de guerre français. Paris, 4 juin, 15 octobre et 6 décembre 1951, et 17 janvier et 2 février 1952

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 25 juillet 1956.

No. 3472. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND FRANCE RELATING TO THE SETTLEMENT OF CLAIMS OF FRENCH PRISONERS OF WAR. PARIS, 4 JUNE, 15 OCTOBER AND 6 DECEMBER 1951, AND 17 JANUARY AND 2 FEBRUARY 1952

I

The American Embassy to the French Ministry of Foreign Affairs

No. 1470

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the conversations which have been taking place between representatives of the United States Government and the French Government concerning the settlement of certain financial obligations, in most cases represented by Military Payment Orders and Certificates of Credit Balances denominated in dollars, which were issued by the United States and are at present held by nationals of France as a result of their status at any time during World War II as prisoners of war in custody of the United States. During these conversations the following points have been agreed upon :

1. The French Government will advertise for the submission of prisoner of war claims of claimants who were nationals of France on October 31, 1947.

2. In collecting claims instruments from the French nationals concerned, the French Government will observe the following precautions against fraud and erroneous payments :

- a) Positive identification of the payee will be required before the Military Payment Order or Certificate of Credit Balance or other form of claims evidence is accepted for payment.
- b) The instrument in question must be signed in the presence of an authorized agent of the French Government prior to acceptance.
- c) Each claimant presenting a Military Payment Order or a Certificate of Credit Balance will be required to submit an affidavit (of the same wording as the model set forth in Annex A² to this Note) to the effect that he was a national of France on October 31, 1947. This affidavit will also include an attestation by a local official of the French Government verifying the statement of the payee.

¹ Came into force on 2 February 1952 by the exchange of the said notes.

² See p. 228 of this volume.

- d) Military Payment Orders and Certificates of Credit Balances which appear to have been altered or tampered with in any manner whatsoever will not be accepted unless the claimant submits an affidavit indicating such circumstances as may clearly warrant the payment of the amount claimed.
- e) Any person or persons who under the provisions of the laws of France are the legal heirs of a deceased prisoner of war or are authorized under its laws to bind his estate in the event of his death or legal disability will be required to take the steps indicated in Annex B¹ in the case of Military Payment Orders and the steps indicated in Annex C² in the case of Certificates of Credit Balances in order to be entitled to receive payment for such instruments which were issued by the United States to any prisoner of war now deceased or under legal disability. In any case where the prisoner of war is under legal disability at the effective date of this arrangement, no payment will be made unless the prisoner of war was a national of France on October 31, 1947. In any case where the prisoner of war is deceased at the effective date of this arrangement, no payment will be made unless the prisoner of war was a national of France on October 31, 1947, or on the date of his death, whichever date was earlier in time.
- f) Each claimant presenting a prisoner of war claim not represented by a Military Payment Order or Certificate of Credit Balance will be required to submit an affidavit giving a detailed statement of the circumstances forming the basis of his claim and including a certification to the effect that he was a national of France on October 31, 1947, in order that said claim may be eligible for consideration. This affidavit will also include an attestation by a local official of the French Government similar to the model in Annex A verifying the statement of the payee that he was a national of France on October 31, 1947.

3. The instruments collected in accordance with the terms of paragraphs 1) and 2) above will be submitted to the United States Military Attaché at Paris within 120 days from the date of publication of the notices concerning collection.

4. The Military Attaché will in turn submit all instruments received to the United States Military Authorities in the United States who will determine the validity of the claims presented. The instruments will be retained in the official records of the United States Armed Forces.

5. Upon the basis of the findings of the Military Authorities in the United States, the United States Government will negotiate a settlement with the French Government to relieve the United States of all obligations arising out of claims under the convention on Prisoners of War, signed at Geneva on July 27, 1929,³ of nationals of France who were formerly prisoners of war in the custody of the United States.

¹ See p. 230 of this volume.

² See p. 232 of this volume.

³ League of Nations, *Treaty Series*, Vol. CXVIII, p. 343; Vol. CXXII, p. 367; Vol. CXXVI, p. 460; Vol. CXXX, p. 468; Vol. CXXXIV, p. 432; Vol. CXXXVIII, p. 452; Vol. CXLII, p. 376; Vol. CXLVII, p. 352; Vol. CLVI, p. 230; Vol. CLX, p. 383; Vol. CLXIV, p. 389; Vol. CLXXII, p. 413; Vol. CLXXXI, p. 393; Vol. CXCI, p. 271; Vol. CXCVI, p. 418; Vol. CXCVII, p. 316; Vol. CC, p. 511; Vol. CCIV, p. 448, and Vol. CCV, p. 203.

6. The United States Government will settle its obligations to the French Government as determined by the negotiations referred to in paragraph 5) above by a payment in francs to the French Treasury from francs accruing to the United States by the terms of any agreement between the Government of the United States and the Government of France, such as the Economic Cooperation Agreement of July 10, 1948¹ and the exchange of letters of December 6, 1947² between the French Minister of Finance and the Central Field Commissioner for Europe, Office of the Foreign Liquidation Commissioner, Department of State in connection with the fifty million dollar credit extended to the French Government on that date. The amount of this payment in francs by the United States Government shall be computed on the basis of the aforementioned dollar obligation resulting from the negotiated settlement and the highest dollar-franc rate quoted on the free foreign exchange market at Paris at the close of the last previous session of that market before the date of settlement.

7. In return for this settlement the French Government agrees to assume the responsibility of satisfying all claims of nationals of France arising under the Convention of Prisoners of War, signed at Geneva on July 27, 1929, and completely discharges and holds harmless the United States from any liability to such persons.

8. The United States Government will make available the details of the verification of claims under the procedure specified in paragraph 4 above, which the French Government may use to reject unfounded claims (counterfeits, lack of proper documentation, etc.).

The Embassy would greatly appreciate confirmation by the Ministry of Foreign Affairs that the contents of this Note are in accord with the understanding of the French Government.

Paris, June 4, 1951

Ministry of Foreign Affairs
Paris

A N N E X A

AFFIDAVIT required to be submitted by claimants presenting Military Payments Orders or Certificates of Credit Balances and ATTESTATION by a local official of the French Government.

"I, the undersigned, certify that the attached Military Payment Order and/or Certificate of Credit Balance was issued to me by the United States Government and was for amounts which, under the provisions of the Conventions on Prisoners-of-War then in force, accrued to my credit for the period I was held in the custody of the

¹ See the Agreement of 28 June 1948 : United Nations, *Treaty Series*, Vol. 19, p. 9 ; Vol. 34, pp. 418 and 421 ; Vol. 79, p. 270 ; Vol. 141, p. 358, and Vol. 214, p. 350.

² Not printed by the Department of State of the United States of America.

United States Government as a prisoner of war during World War II. I further certify that on October 31, 1947 I was a national of France."

(signature)

(United States Prisoner-of-War Number)

"I certify that the above-named person was a national of France on October 31, 1947."

(Signature of local French Government Official)

A N N E X B

AFFIDAVIT required to be submitted by legal heirs or persons authorized to bind the estate for encashment of Military Payment Orders and ATTESTATION by an official of France.

Any person (persons) who under the provisions of the laws of France is (are) the legal heir (heirs) of a deceased prisoner of war or is (are) authorized under its laws to bind his estate in the event of his death or legal disability will be required to take the following steps in order to be entitled to receive payment for a Military Payment Order :

a) On the face of the Military Payment Order, under the caption "received payment", the legal heir (heirs) or person (persons) authorized to bind the estate in the event of death or legal disability will inscribe the name of the prisoner of war as indicated on the Military Payment Order, followed by his (their) own signature (signatures) and the words "legal heir (heirs) under the laws of France", or such other designation as may be appropriate under the laws of France.

b) An official of France will place the following attestation on the reverse side of the Military Payment Order :

"I certify that under the provisions of French law (name of legal heir or heirs) is (are) the legal heir (heirs) or is (are) the person (persons) authorized under French law to bind the estate of the prisoner of war whose name appears on the face of this order and who was a French national on October 31, 1947" (or if he died prior to October 31, 1947, "at the time of his death on _____"), or,

"I certify that under the provisions of French law (name of representative) is authorized to act for (name of prisoner of war) who is under legal disability and who was a French national on October 31, 1947."

c) The legal heir (heirs) or person (persons) authorized to bind the estate will be required to execute the following affidavit with certification by a local official of the French Government.

"I (we) the undersigned, certify that I am (we are) the legal heir (heirs) (or, the person (persons) authorized to bind the estate) under French law of (name of prisoner of war) whose name appears on the attached Military Payment Order, who was a national of France on October 31, 1947" (or if he died prior to October 31, 1947, "at the time of his death on _____").

(signature of legal heir (heirs)
or other appropriate person
authorized to bind the estate)

"I certify that the above-named person is (persons are) the legal heir (heirs) (or the person (persons) legally authorized to bind the estate) of (name of prisoner of war) who was a national of France on October 31, 1947", ("at the time of his death on _____").

(signature of local French
Government Official)

A N N E X C

AFFIDAVIT required to be submitted by legal heirs or persons authorized to bind the estate for encashment of certificates of Credit Balances and ATTESTATION by an official of France.

Any person (persons) who under the provisions of the laws of France is (are) the legal heir (heirs) of a deceased prisoner of war or is (are) authorized under its laws to bind his estate in the event of his death or legal disability will be required to take the following steps in connection with presentation of a Certificate of Credit Balance :

a) An official of France will place the following attestations on the reverse side of the Certificate of Credit Balance :

"I certify that under the provisions of French law (name of legal heir or heirs) is (are) the legal heir (heirs) or is (are) the person (persons) authorized under French law to bind the estate) of the prisoner of war whose name appears on the face of this order and who was a French national on October 31, 1947" (or if he died prior to October 31, 1947, "at the time of his death on _____"), or,

"I certify that under the provisions of French law (name of representative) is authorized to act for (name of prisoner of war) who is under legal disability and who was a French national on October 31, 1947."

b) The legal heir (heirs) or person (persons) authorized to bind the estate will be required to execute the following affidavit with certification by a local official of the French Government :

"I (we), the Undersigned, certify that I am (we are) the legal heir (heirs) (or, the person (persons) authorized to bind the estate) under French law of (name of prisoner of war) whose name appears on the attached Certificate of Credit Balance, who was a national of France on October 31, 1947" (or if he died prior to October 31, 1947, "at the time of his death on _____").

(signature of legal heir (heirs)
or other appropriate person
authorized to bind the estate)

"I certify that the above-named person is (persons are) the legal heir (heirs) (or, the person (persons) legally authorized to bind the estate) of (name of prisoner of war) who was a national of France on October 31, 1947" (or if he died prior to October 31, 1947, "at the time of his death on _____").

(signature of local French
Government Official).

Paris, June 4, 1951

II

The French Ministry of Foreign Affairs to the American Embassy

[TRANSLATION¹ — TRADUCTION²]

BB/EB

LIBERTY-EQUALITY-FRATERNITY

FRENCH REPUBLIC

MINISTRY OF FOREIGN AFFAIRS

Office of the Director of Administrative and Social Affairs
Unions

No. UN.

In its note No. 1470 of June 4, 1951, the Embassy of the United States was good enough to indicate to the Department the procedure by which the American Government proposed to pay the sums it owes to certain French nationals who were held as prisoners of war by the armed forces of the United States of America.

The obligations incurred by the American Government are in most cases represented by military payment orders or certificates of credits denominated in dollars, issued to prisoners of war at the time of their release.

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

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

The procedure suggested by the American Government would be as follows : the competent services of the French Government, after taking the necessary publicity measures so that the reimbursement facilities would be known to all interested persons, would collect, through the National Treasury, the various claims certificates that French nationals hold against the American Government ; in submitting such claims certificates, the persons concerned would affix their signature thereto ; they would, furthermore, certify, by means of an affidavit, that they were French nationals on October 31, 1947. Special formalities would be provided in the event the holder of the certificate is deceased, so as to enable his heirs to assert their claims. Within a period of one hundred twenty days from the publication of the notice requesting the persons concerned to submit their claims certificates, those instruments should be delivered by the French authorities to the Military Attaché of the Embassy of the United States, at Paris, and it would be the duty of the latter to transmit them to the American military authorities in the United States. After an examination of those payment certificates by the competent American services, negotiations would take place between the representatives of the two Governments to determine the exact amount due the French nationals ; the sum representing that amount would be remitted to the French Government. The latter would then take over from the Government of the United States the responsibility for redeeming the claims certificates arising out of the application of the Geneva Convention Relative to Prisoners of War, signed at Geneva on July 27, 1929, in so far as the French nationals who were in the custody of the American armed forces are concerned. Lastly, the Government of the United States would pay that sum by utilizing either the French francs it holds by virtue of the Economic Cooperation Agreement of July 10, 1948, or those it holds by virtue of the exchange of letters of December 1947. Such payments in francs would be made on the basis of the dollar rate of exchange resulting from existing agreements between the two Governments.

The Ministry of Foreign Affairs has the honor to inform the Embassy of the United States that it has no objection to the terms of the above-mentioned note, providing :

1. the phrase "French national" is interpreted to designate also Tunisian and Moroccan nationals as well as all members of the French Union. In fact, among the former prisoners of war of the American armed forces these were not only French of Metropolitan France, especially Alsatians and residents of the Moselle region, but also a certain number of North Africans ;
2. the period of four months stipulated for submitting claims certificates is extended to six months for holders of claims certificates who reside outside the metropolitan territory. The four-month period seems in fact rather short, under the circumstances, in view of the present difficulties in communicating with certain territories of the French Union.

If these reservations should be accepted by the Embassy and confirmed by an affirmative reply, this exchange of notes could be considered as constituting

the agreement between France and the United States settling the question of the payment of the claims which certain French nationals, former prisoners of war of the American armed forces, hold against the Government of the United States.

The Ministry of Foreign Affairs avails itself of this occasion to renew to the Embassy of the United States the assurances of its high consideration.

Paris, October 15, 1951

Embassy of the United States of America
Paris

III

The French Ministry of Foreign Affairs to the American Embassy

[TRANSLATION¹ — TRADUCTION²]

BB/EB

LIBERTY-EQUALITY-FRATERNITY

FRENCH REPUBLIC

MINISTRY OF FOREIGN AFFAIRS

Office of the Director of Administrative and Social Affairs
International Unions

No. UN.

Referring to the Department's note of October 15, 1951, concerning the payment of claims which certain French nationals, former prisoners of war of the American armed forces, hold against the Government of the United States, the Embassy has been so good as to inform the Department in a telephone communication that it could not, without consulting Washington, agree to the supplementary period allowed French nationals of overseas territories for submitting their claims certificates.

Such an action might postpone the date of the Embassy's reply for several months.

The Ministry of Foreign Affairs has the honor to inform the Embassy of the United States that this question has been examined by the interested accounting services of the Ministry of Finance. Although they feel that the period of four months is somewhat short for French nationals residing in North Africa, those services have no objection to omitting that reservation.

The Ministry of Foreign Affairs would be grateful if the Embassy of the United States would be so good as to inform it whether it accepts the terms of the above-mentioned note, with the exception of the additional period requested for French nationals of overseas territories, which stipulation the French Government has decided to withdraw.

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

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

The Ministry avails itself of this occasion to renew to the Embassy of the United States the assurances of its high consideration.

Paris, December 6, 1951

Embassy of the United States
Paris

IV

The American Embassy to the French Ministry of Foreign Affairs

No. 849

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the Ministry's two Notes of October 15, 1951 and December 6, 1951, as well as to the Embassy's Note No. 1470 of June 4, 1951, concerning the proposed procedures for the settlement of certain financial obligations, in most cases represented by Military Payment Orders and Certificates of Credit Balances, denominated in dollars, which were issued by the United States and are at present held by nationals of France as a result of their status at any time during World War II as prisoners of war in the custody of the United States.

In its second Note under reference the Ministry indicated that the proposals set forth in the Embassy's Note No. 1470 were acceptable to the French Government subject to the proviso that the term "nationals of France" should be interpreted to include Moroccan and Tunisian nationals as well as all the members of the French Union. The Ministry further indicated that if this proviso was acceptable to the Embassy and was confirmed by an affirmative reply, the afore-mentioned exchange of Notes could be considered as constituting the agreement between France and the United States on the subject under reference.

The Embassy has the honor to advise the Ministry of its agreement that the claims of Moroccan and Tunisian nationals may be processed in accordance with the procedures specified in the Embassy's Note No. 1470, just as if such claimants were "nationals of France." It is the understanding of the Embassy that with the resolution of this point, there is complete agreement between the United States Government and the French Government on the question of the procedures for reimbursement of the Military Payment Orders and Certificates of Credit Balances in question. The French Government may therefore proceed to advertise for the submission of such claims by claimants who were nationals of France on October 31, 1947, as provided for in paragraph 1 of the Embassy's Note No. 1470.

With reference to the text of the Ministry's Note of October 19, 1951, the Embassy would appreciate confirmation that its interpretation of the points specified below is correct.

(1) In referring to the method to be employed by the United States Government in settling the claims in question, the Ministry's Note states that the United States Government would pay the sum due by utilizing the French francs which it holds by virtue of the provisions of the Economic Cooperation Agreement of June 28, 1948, or those held by virtue of the Mayer-Hysong Agreement of December 6, 1947. Paragraph 6 of the Embassy's Note No. 1470 specified that the United States Government could make the payment from francs accruing to the United States by the terms of any agreement between the United States Government and the French Government, and cited the two aforementioned agreements as examples.

(2) The Ministry's Note of October 15, 1951 further states that these franc payments would be made on the basis of the dollar-franc exchange rate resulting from existing arrangements between the two Governments. Paragraph 6 of the Embassy's Note No. 1470 specified that the exchange rate to be used in computing the amount of the franc payment was to be the highest dollar-franc rate quoted on the free foreign exchange market at Paris at the close of the last previous session of that market before the date of the settlement.

It is the understanding of the Embassy that notwithstanding the differences of wording referred to in the two preceding paragraphs, the language employed in the Ministry's Note of October 15, 1951 was not intended to modify in any way the proposals set forth in paragraph 6 of the Embassy's Note No. 1470. With reference to the question of the exchange rate applicable to the settlement, it is, of course, recognized that if there are any substantial modifications in the French foreign exchange system between now and the time when this settlement is effected, it might be necessary for the two Governments to reexamine the relevant provisions of paragraph 6 to make certain that they were consistent with the system then in effect.

Paris, January 17, 1952

The Ministry of Foreign Affairs
Paris

V

The French Ministry of Foreign Affairs to the American Embassy[TRANSLATION¹ — TRADUCTION²]

AR/EB

LIBERTY-EQUALITY-FRATERNITY
FRENCH REPUBLICMINISTRY OF FOREIGN AFFAIRS
Office of the Director of Administrative and Social Affairs
International Unions

No. UN.

In note 849 of January 17, 1952, the Embassy of the United States was so good as to submit to the Ministry of Foreign Affairs its definitive proposals with a view to payment of the claims which certain French nationals, prisoners of war of the American armed forces, hold against the Government of the United States.

The Ministry of Foreign Affairs has the honor to inform the Embassy that it has no objection to the use, in view of this transaction, of all the franc assets that the Government of the United States holds by virtue of agreements concluded with the French Government, such as the Mayer-Hysong Agreement of December 6, 1947, and the Economic Cooperation Agreement of June 28, 1948.

The French Government, furthermore, agrees that the dollar rate of exchange applicable to each transaction shall be the highest rate quoted on the Paris free market on the day before the settlement.

In view of the fact that the Embassy of the United States has, for its part, agreed that the term "French national" shall include also Moroccan and Tunisian nationals, as well as the inhabitants of the French Union, the Ministry of Foreign Affairs, for its part, is prepared to consider this exchange of notes as the definitive agreement providing for the payment of claims held by French nationals who were prisoners of war of the American armed forces, against the Government of the United States.

The Ministry of Finance will proceed, consequently, with the necessary public-law measures so that the rightful claimants may have their claims certificates redeemed in good time, through the National Treasury.

The Ministry of Foreign Affairs avails itself of this occasion to renew to the Embassy of the United States the assurance of its high consideration.

Paris, February 2, 1952

Embassy of the United States
Paris

¹ Translation by the Government of the United States of America.² Traduction du Gouvernement des États-Unis d'Amérique.