

No. 3149

**BELGIUM
and
SWITZERLAND**

Exchange of letters constituting an agreement for the payment of compensation to individuals and bodies corporate of Swiss nationality for war damage. Brussels, 5 January 1956

Official text: French.

Registered by Belgium on 6 February 1956.

**BELGIQUE
et
SUISSE**

Échange de lettres constituant un arrangement concernant la réparation des dommages de guerre aux personnes physiques ou morales de nationalité suisse. Bruxelles, 5 janvier 1956

Texte officiel français.

Enregistré par la Belgique le 6 février 1956.

[TRANSLATION — TRADUCTION]

No. 3149. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN BELGIUM AND SWITZERLAND FOR THE PAYMENT OF COMPENSATION TO INDIVIDUALS AND BODIES CORPORATE OF SWISS NATIONALITY FOR WAR DAMAGE. BRUSSELS, 5 JANUARY 1956

I

MINISTRY OF FOREIGN AFFAIRS
AND EXTERNAL TRADE

No. P.II/R.19.2/55/8590.

Brussels, 5 January 1956

Your Excellency,

In your letter No. G.55.11.4.G. — A/es of 23 June 1954, you gave me the reasons why you considered it desirable for Swiss nationals who were victims of war damage in Belgium to be placed on the same footing as Belgians in respect of compensation for such damage.

In support of your views, you recalled in particular the decision of 1 April 1946, whereby the Federal Council waived reimbursement by Belgium of maintenance and repatriation costs in respect of Belgian civilians who sought refuge in Switzerland during the Second World War.

I have the honour to inform you that the Royal Government, taking into special consideration this generous gesture which Belgium remembers with gratitude and also the multiform assistance which various private Swiss organizations gave to thousands of Belgian prisoners in Germany, has decided to bear the cost of compensation for war damage suffered in Belgium by individuals and bodies corporate of Swiss nationality, to the extent and under the conditions specified below :

(1) The Belgian Government shall grant to Swiss individuals and bodies corporate whose property was destroyed or damaged by warfare on the territory of Belgium, compensation determined in accordance with the laws, as co-ordinated by the Royal Order of 30 January 1954, relating to compensation for war damage to private property.

The amounts of the indemnities and of the maximum restoration loans computed on the basis of the aforesaid laws shall in both cases be reduced by one half.

¹ Came into force on 5 January 1956 by the exchange of the said letters. Is not applicable to the Territories of the Belgian Congo and Ruanda-Urundi.

(2) The benefits set forth in paragraph (1) shall be available to :

(a) An individual who had the status of a Swiss national both on the date when the damage was sustained and on 10 November 1947.

The said benefits shall also be available to an individual who had the status of a Swiss national on one of these two dates only, but had the status of a Belgian national on the other date.

(b) A body corporate having its head office in Switzerland or Belgium, on condition that it was established under the laws of one of the two countries and that — in accordance with the provisions of article 3, paragraph 3, of the laws, as co-ordinated by the Royal Order of 30 January 1954, relating to compensation for war damage to private property — the majority of the capital is held by, or the majority of the associated members consists of, either Swiss nationals, or Swiss and Belgian nationals conjointly.

(3) The date of 10 November 1947 referred to in paragraph (2) shall be replaced either by the date of death, in the case of an individual who dies before 10 November 1947, or by the date of dissolution, in the case of a body corporate which is dissolved before 10 November 1947.

(4) The provisions of paragraph (1) shall not apply to war damage to ships and boats, including tackle, fittings and navigation equipment, nor to the movable property and personal possession of the seamen, boatmen or passengers on board except in the case of a vessel connected with an undertaking situated in Belgium.

In the latter case, the benefits shall be extended to damage sustained outside Belgium if the vessel was temporarily outside the country on the day it was damaged and if the persons concerned cannot obtain compensation from another source.

(5) The right to compensation for the damage referred to in the preceding paragraphs shall lapse unless the damage is formally notified to the competent Belgian authorities not later than 1 July 1956, in the event that it has not already been so notified.

If the provisions set forth above are acceptable to the Government of the Swiss Confederation, I would venture to suggest that this communication and your reply thereto should be regarded as constituting an agreement between our two Governments in this matter.

I have the honour to be, etc.

Paul-Henri SPAAK

His Excellency Mr. Henry Vallotton
Envoy Extraordinary and Minister Plenipotentiary of Switzerland
Brussels

II

SWISS LEGATION

G.55.11.43.—B/dt
ad P.II/R.19.2/55/8590.

Brussels, 5 January 1956

Your Excellency,

I have the honour to acknowledge receipt of your letter of 5 January 1956, reading as follows :

[*See letter I*]

The Federal Council has taken note of the above provisions with the greatest satisfaction and has authorized me to confirm that your letter and my reply should be regarded as constituting an agreement between our two Governments in this matter.

I would ask you to transmit to the Belgian Government the most heartfelt thanks of the Federal Council for this gesture, which has so happily strengthened the traditional bonds of friendship between our two countries.

I have the honour to be, etc.

Henry VALLOTTON

His Excellency Mr. Paul-Henry Spaak
Minister of Foreign Affairs
Brussels
