

No. 3185

**CANADA
and
NETHERLANDS**

Exchange of notes constituting an agreement regarding compensation for war damage. Ottawa, 3 and 30 December 1946

Official text: English.

Registered by Canada on 13 March 1956.

**CANADA
et
PAYS-BAS**

Échange de notes constituant un accord relatif à l'indemnisation des dommages de guerre. Ottawa, 3 et 30 décembre 1946

Texte officiel anglais.

Enregistré par le Canada le 13 mars 1956.

No. 3185. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN CANADA AND NETHERLANDS REGARDING COMPENSATION FOR WAR DAMAGE. OTTAWA, 3 AND 30 DECEMBER 1946

I

The Netherlands Minister to Canada to the Secretary of State for External Affairs

NETHERLANDS LEGATION

Ottawa, December 3, 1946

Sir,

I have the honour to refer to the third unanimous resolution adopted by the Conference on Reparation, held in December 1945, in Paris, which was signed on December 21, 1945. This resolution, as you will no doubt remember, is worded as follows :

3. Equality of Treatment regarding Compensation for War Damage.

The Conference unanimously resolves that, in the administration of reconstruction or compensation benefits for war damage to property, the treatment accorded by each Signatory Government to physical persons who are nationals of any other Signatory Government, so far as they have not been compensated after the war for the same property under any other form or on any other occasion, shall be in principle not less favourable than that which the Signatory Government accords to its own nationals. In view of the fact that there are many special problems of reciprocity related to this principle, it is recognized that in certain cases the actual implementation of the principle cannot be achieved except through special agreements between Signatory Governments.

My Government has now instructed me to inform the Canadian Government of their readiness, in principle, to treat Canadian citizens and institutions or corporations under Canadian jurisdiction, in respect of compensation of war

¹ Came into force on 30 December 1946 by the exchange of the said notes.

damage to property situated in the Netherlands, on the same basis as Netherlands nationals, institutions and corporations. This readiness of the Netherlands Government is based on the above-mentioned resolution which pre-supposes reciprocity and is therefore subject to an undertaking by the Canadian Government to extend to Netherlands nationals and Netherlands institutions and corporations the same facilities of compensation for war damage as they make or have made applicable to Canadian nationals.

My Government regrets to point out that the undertaking with respect to national treatment cannot, at the present moment, be understood to apply to territories in the Netherlands East Indies because no decision has as yet been taken by the Netherlands East Indies Government. My Government, however, wishes to express the hope, that a similar arrangement will soon be possible in respect of the Netherlands East Indies.

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

SNOUCK HURGRONJE

II

The Secretary of State for External Affairs to the Netherlands Minister to Canada

DEPARTMENT OF EXTERNAL AFFAIRS

No. 126

Ottawa, December 30, 1946

Excellency,

I have the honour to acknowledge receipt of your note of the 3rd December regarding compensation for war damage.

2. The Canadian Government is pleased to note the readiness of the Netherlands Government to treat Canadian citizens and institutions or corporations under Canadian jurisdiction, in respect of compensation for war damage to property situated in the Netherlands, on the same basis as Netherlands nationals, institutions and corporations.

3. In accordance with the resolution adopted by the Reparations Conference held in Paris in December, 1945, this treatment is "subject to an undertaking by the Canadian Government to extend to Netherlands nationals and Netherlands institutions and corporations the same facilities of compensation for war damage as they make or have made applicable to Canadian nationals". The Canadian Government is pleased to give this undertaking but I must point out that because

there was, fortunately, no war damage to property in Canada there are no provisions for compensation for war damage to property in Canada.

4. It is noted that the undertaking of the Netherlands Government does not at the present moment apply to the Netherlands East Indies but that a similar arrangement may soon be possible in respect of the Netherlands East Indies

5. Unless you wish an agreement in some other form, I am willing to consider your note and this reply as placing on record the agreement between our two governments on the subject of national treatment for war damage compensation.

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

R. M. MACDONNELL
For the Secretary of State for External Affairs