

No. 4434

**BELGIUM
and
FRANCE**

**Exchange of letters constituting an agreement for the
settlement of claims which originated during or in
consequence of the war. Paris, 12 November 1954**

Official text: French.

Registered by Belgium on 21 July 1958.

**BELGIQUE
et
FRANCE**

**Échange de lettres constituant un accord visant au règlement
des questions litigieuses nées ou issues de la guerre.
Paris, 12 novembre 1954**

Texte officiel français.

Enregistré par la Belgique le 21 juillet 1958.

[TRANSLATION — TRADUCTION]

No. 4434. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN BELGIUM AND FRANCE FOR THE SETTLEMENT OF CLAIMS WHICH ORIGINATED DURING OR IN CONSEQUENCE OF THE WAR. PARIS, 12 NOVEMBER 1954

I

BELGIAN EMBASSY

Paris, 12 November 1954

Your Excellency,

With reference to the financial negotiations which were held in Paris from 24 to 26 June 1954 and at Brussels on 2 July 1954, I have the honour to inform you that the Belgian Government has agreed to the following :

1. *Settlement of clearing transactions pending between the two countries*

According to an exchange of letters on 28 July 1953, the final offsetting of accounts prepared on 30 June 1953 shows a balance of 37,377,329.74 Belgian francs outstanding in favour of Belgium.

This sum shall be paid by the French Government, in final settlement, to the Banque d'Émission de Bruxelles at Brussels.

2. *French claim for the transport of Belgian refugees in France in 1940*

On the basis of the minute of the meeting held at Brussels on 24 April 1953 between the representatives of the Société Nationale des Chemins de Fer Français and the Société Nationale des Chemins de Fer Belges, it is agreed that France is entitled to 95 million French francs (1940 value) to cover the cost of the transport of Belgian refugees in France in 1940.

Converted into Belgian francs on the basis of the rate of exchange in force in 1940, i.e. 144.40 French francs to 100 Belgian francs, this sum amounts to 65,789,475 Belgian francs.

This amount of 65,789,475 Belgian francs shall be paid by the Belgian Government to the French Government.

3. *Agreement of 23 December 1944 between Belgium and France concerning the repatriation of their nationals displaced as a result of hostilities*

With respect to the application of article 11 of the Agreement of 23 December 1944,

¹ Came into force on 12 November 1954 by the exchange of the said letters. This Agreement is not applicable to the Territories of Belgian Congo and Ruanda-Urundi.

the two Governments have agreed to waive any claims that may have arisen on either side respecting repatriation costs other than the costs of rail transport.

With respect to the latter costs, the following settlement has been made :

- (a) *French claim* : a sum of 42,407,544 French francs has been paid by the Ministry of Prisoners, Deportees and Refugees to the Société Nationale des Chemins de Fer to cover the costs of transport of Belgian repatriates at the rate of 0.64 francs per kilometre ; however, an examination of the relevant vouchers having shown that some of the transport concerned was not, in fact used to convey repatriates of Belgian nationality, that sum was reduced by 20 per cent, thus bringing the French claim to 42,407,544 less 8,481,509, or 33,926,035 French francs, which at the rate of 144.40 French francs to 100 Belgian francs amounts to 23,494,484.10 Belgian francs.
- (b) *Belgian claim* : the number of kilometres covered in Belgian territory by French repatriates was 118,016,174 kilometres ; calculated at the same rate as that applied in France, i.e. 0.64 French francs per kilometre, the Belgian claim amounts to 0.64 multiplied by 118,016,174 which equals 75,530,351 French francs, or, at the rate of 144.40 French francs to 100 Belgian francs, 52,306,337.50 Belgian francs.

An offsetting of the Belgian and French claims shows a balance of 28,811,853.40 Belgian francs outstanding in favour of Belgium.

This sum of 28,811,853.40 Belgian francs shall be paid by the French Government to the Belgian Commissariat for Repatriation.

4. *Disposal of claims to be settled by the French and Belgian Departments of National Defence*

A. *Settlement pursuant to the Agreement of 30 October 1945¹ concerning military requisitions by both sides*

(a) In conformity with the exchange of notes between France and Belgium of 30 October 1945 respecting the settlement of certain Belgian claims on the French Army and certain French claims on the Belgian Army which originated during the war owing to the presence of French troops in Belgium and of Belgian troops in France, the accounts opened in pursuance of that Agreement have been finally closed and offset.

The amount of the French claims has been finally established at 86,000,000 French francs (1940 value), which, on the basis of the rate of exchange of 144.40 French francs to 100 Belgian francs then in force, amounts to a sum of 59,556,786.70 Belgian francs.

On the other hand, the Belgian claims have been finally established at the sum of 40,000,000 Belgian francs.

(b) The French Ministry of National Defence shall, if necessary, repay, up to the amount of 256,016 Belgian francs, such sums as the Belgian Treasury may be called upon to pay in pursuance of the judgement to be handed down in the action pending between Mr. Leroy and the Belgian Ministry of National Defence.

¹ United Nations, *Treaty Series*, Vol. 19, p. 87, and Vol. 51, p. 326.

B. *Belgian aircraft placed in 1940 aboard the French aircraft carrier Béarn and diverted to Martinique*

In settlement of this claim, the French Government shall pay to the Belgian Government a sum of 2,230,200 Belgian francs.

C. An offsetting of the French and Belgian claims mentioned under A(a) and B above shows a balance of 17,326,586.70 Belgian francs outstanding in favour of France.

This sum shall be paid to the French Government by the Belgian Government.

5. *Case of the gold seized aboard the Léopoldville*

The two Governments agree to settle this claim, which has been the subject of correspondence through the diplomatic channel, in the following manner :

The total idemnity for the seizure, amounting to 3,242,404 French francs, shall be converted into Belgian francs on the basis of the rate of exchange prevailing in 1940, i.e. 144.40 French francs to 100 Belgian francs, and shall therefore be regarded as 2,245,429.60 Belgian francs.

Considering that 458,269.20 Belgian francs were already paid in 1949, the Belgian parties concerned are still entitled to receive a sum of 2,245,429.60 Belgian francs less 458,269.20 Belgian francs, which amounts to 1,787,160.40 Belgian francs.

This sum shall be paid to their credit by the French Government.

6. *Requisition of a cargo of tin shipped aboard the S.S. Henri Jaspar*

The two Governments agree to settle this claim, which has been the subject of correspondence through the diplomatic channel, in the following manner :

In settlement of the claim submitted by the parties affected by the requisition of this cargo, the French Government shall pay 378,645.55 Belgian francs to the credit of the A.M.A.R.I.G.

7. *Claim by the Société Stuyck respecting cargoes of wheat requisitioned aboard the S.S. Taranger and the S.S. Espagne*

The two Governments agree to settle this claim, which has been the subject of correspondence through the diplomatic channel, in the following manner :

The total idemnity for the requisitioned cargoes, amounting to 2,349,926 French francs, shall be converted into Belgian francs on the basis of the rate of exchange prevailing in 1940, i.e. 144.40 French francs to 100 Belgian francs, and shall therefore be regarded as 1,627,372.60 Belgian francs.

This amount shall be paid by the French Government to the credit of the Société Stuyck, subject to the latter's prior waiver of all other claims in connexion with this dispute.

8. *Belgian vehicles parked or requisitioned in France in 1940*

The two Governments, desirous of reaching a final settlement of the claims arising out of cases concerning Belgian vehicles which were parked or requisitioned in France, and upon the waiver by Belgium of any further claims relating to those vehicles, have agreed as follows :

(1) *Parked vehicles*

The French Government shall pay to the Belgian Government a sum of 3,000,000 Belgian francs, which shall be divided among the parties concerned according to criteria to be determined by the Belgian Government.

(2) *Requisitioned vehicles*(a) *Military requisitions*

The two Governments have reached agreement regarding the fourteen claims hereunder, in respect of which a total sum of 243,508 Belgian francs shall be paid to the Belgian Government by the French Government :

- | | |
|---|-------------------|
| 1. Société anversoise des Goudrons et
Asphaltes | 8. Billen |
| 2. Empain | 9. Delwick |
| 3. Mouillard | 10. Goossens |
| 4. van Adelsberghe | 11. Jullien |
| 5. Lallemand | 12. van der Elst |
| 6. Geimer | 13. Verpeut |
| 7. Régie des Télégraphes et Téléphones
(Moto Gillet) | 14. Evence Coppée |

With respect to the eleven claims listed below, concerning which additional information must still be provided, the two Governments agree that they shall be settled later, according to the rules adopted for the preceding cases :

- | | |
|---------------------|--|
| 1. Deffet | 7. Dupont, Adrien |
| 2. Bouronne | 8. Dupont, Émile |
| 3. Durand, Berthe | 9. Tinant, Désiré |
| 4. Bertrand, Albert | 10. Société Union coopérative de Liège |
| 5. Evrard, Nestor | 11. Minne |
| 6. Simon, Émile | |

(b) *Civil requisitions*

Ministry of Ex-Servicemen :

The two Governments have reached agreement regarding the thirteen claims hereunder, in respect of which a total sum of 313,649.50 Belgian francs shall be paid to the Belgian Government by the French Government :

- | | |
|--|-------------------|
| 1. Pirotte | 8. Somville |
| 2. Association Liégeoise d'Électricité | 9. Lannoy |
| 3. Theys | 10. Moens de Haze |
| 4. Grande Miroiterie générale | 11. Grombe |
| 5. Éts. Liard | 12. Pillois |
| 6. Meeuws | 13. Dussard |
| 7. Fréché | |

With respect to the claim of J. Decubber, concerning which additional information must still be provided, the two Governments agree that it shall be settled later, according to the rules adopted for the preceding cases.

Ministry of the Interior :

The two Governments have reached agreement regarding the four claims hereunder, in respect of which a total sum of 103,922 Belgian francs shall be paid to the Belgian Government by the French Government.

- | | |
|------------|--------------|
| 1. Radelet | 3. Éliot |
| 2. Wittock | 4. Van Praag |

With respect to the claim of Idès de Groeve, concerning which additional information must still be provided, the two Governments agree that it shall be settled later, according to the rules adopted for the preceding cases.

9. The settlements specified in paragraphs 1 to 8 above shall be completed as soon as possible and in accordance with the current Franco-Belgian payments agreement. The two Governments shall, where necessary, take all practical measures to ensure that the responsible departments have the necessary budgetary funds available.

The two Governments agree that the present arrangement is designed to settle all outstanding claims on either side relating to the cases listed above and, more generally, they undertake not to support, in any way, any claims concerning Franco-Belgian financial disputes arising out of the war or the German occupation in the two countries (with the exception of disputes resulting from conflicting acts of sequestration, from the application of the Paris Reparations Agreement of 14 January 1946, from the settlement of questions relating to Belgian property in the Saar and from questions covered by the Franco-Belgian war damage agreements or by "claims" agreements).

Moreover, it is stipulated that each of the two countries waives any claims which it may otherwise have pressed with respect to assistance furnished by it in its own territory during the hostilities to nationals of the other country.

I have the honour to be, etc.

(Signed) Baron GUILLAUME

His Excellency Pierre Mendès-France
President of the Council
Ministry of Foreign Affairs
Paris

II

LIBERTY—EQUALITY—FRATERNITY

FRENCH REPUBLIC

MINISTRY OF FOREIGN AFFAIRS

Paris, 12 November 1954

Your Excellency,

In your letter of today's date you were kind enough to inform me as follows :

[See letter I]

I have the honour to inform you that my Government is in agreement with the above provisions.

I have the honour to be, etc.

(Signed) P. MENDÈS-FRANCE

[SEAL]

His Excellency J. Guillaume
Belgian Ambassador
Paris