

No. 5518

**UNITED STATES OF AMERICA
and
POLAND**

**Agreement (with annex and exchange of notes) regarding
claims of nationals of the United States. Signed at
Washington, on 16 July 1960**

Official texts: English and Polish.

Registered by the United States of America on 6 January 1961.

**ÉTATS-UNIS D'AMÉRIQUE
et
POLOGNE**

**Accord (avec annexe et échange de notes) relatif aux de-
mandes d'indemnisation de ressortissants des États-
Unis. Signé à Washington, le 16 juillet 1960**

Textes officiels anglais et polonais.

Enregistré par les États-Unis d'Amérique le 6 janvier 1961.

No. 5518. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC REGARDING CLAIMS OF NATIONALS OF THE UNITED STATES. SIGNED AT WASHINGTON, ON 16 JULY 1960

The Government of the United States of America and the Government of the Polish People's Republic desiring to effect a settlement of claims of nationals of the United States against Poland and desiring to advance economic relations between the two countries,

Have agreed as follows :

Article I

A. The Government of the Polish People's Republic, hereinafter referred to as the Government of Poland, agrees to pay, and the Government of the United States agrees to accept, the sum of \$40,000,000.00 United States currency in full settlement and discharge of all claims of nationals of the United States, whether natural or juridical persons, against the Government of Poland on account of the nationalization and other taking by Poland of property and of rights and interests in and with respect to property, which occurred on or before the entry into force of this Agreement.

B. Payment of the sum of \$40,000,000.00 by the Government of Poland shall be made to the Secretary of State of the United States in twenty annual installments of \$2,000,000.00 United States currency, each installment to be paid on the tenth day of January, commencing on the tenth day of January 1961.

Article II

Claims to which reference is made in Article I and which are settled and discharged by this Agreement are claims of nationals of the United States for

- (a) the nationalization or other taking by Poland of property and of rights and interests in and with respect to property;
- (b) the appropriation or the loss of use or enjoyment of property under Polish laws, decrees or other measures limiting or restricting rights and interests in and with respect to property, it being understood that, for the purpose of

¹ Came into force on 16 July 1960, the date of signature, in accordance with article VIII.

this clause, the date of appropriation or the loss of use or enjoyment is the date on which such Polish laws, decrees or other measures were first applied to the property; and

- (c) debts owed by enterprises which have been nationalized or taken by Poland and debts which were a charge upon property which has been nationalized, appropriated or otherwise taken by Poland.

Article III

The amount paid to the Government of the United States under Article I of this Agreement shall be distributed in such manner and in accordance with such methods of distribution as may be adopted by the Government of the United States.

Article IV

After the entry into force of this Agreement the Government of the United States will neither present to the Government of Poland nor espouse claims of nationals of the United States against the Government of Poland to which reference is made in Article I of this Agreement. In the event that such claims are presented directly by nationals of the United States to the Government of Poland, the Government of Poland will refer them to the Government of the United States.

Article V

A. With a view to assisting the Government of the United States in its distribution among claimants of the sum to be paid by the Government of Poland, the Government of Poland will, upon the request of the Government of the United States, furnish such information or evidence, including details as to ownership and value of property and rights and interests in and with respect to property, as may be necessary or appropriate for that purpose and, in the event that such information or evidence is deemed insufficient, permit examination by representatives of the Government of the United States, to the extent allowed by Polish laws, of property which it is claimed has been nationalized or taken by Poland.

B. With a view to protecting the Government of Poland from the possible assertion through third countries, or otherwise, of claims settled by this Agreement, the Government of the United States will furnish to the Government of Poland copies of such formal statements of claims as may be made by claimants and copies of decisions with respect to the validity and amounts of claims.

C. With respect to each claim found to be valid by the Government of the United States, the Government of the United States will furnish to the Govern-

ment of Poland original documents of title pertaining to the property nationalized or taken by Poland by which the claim was established, including securities of juridical persons owned by the claimant if all of the property of such juridical persons has been nationalized or taken by Poland. In the event that a claim is not based on such documents, the Government of the United States will furnish to the Government of Poland a release signed by the claimant.

D. Each Government will furnish to the other the information or render the assistance referred to in paragraphs A, B and C of this Article in accordance with procedures to be agreed upon by the two Governments.

Article VI

Within thirty days after the entry into force of this Agreement, the Government of the United States will release its blocking controls over all Polish property in the United States.

Article VII

The Annex¹ to this Agreement is an integral part of this Agreement.

Article VIII

The present Agreement shall enter into force on the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE at Washington, in duplicate, in the English and Polish languages, both equally authentic, this 16th day of July 1960.

For the Government of the United States of America :
Foy D. KOHLER

For the Government of the Polish People's Republic :
S. RĄCZKOWSKI

¹ See p. 176 of this volume.

A N N E X

A. For the purpose of distribution by the Government of the United States of the sum to be paid by the Government of Poland, "claims of nationals of the United States" are rights and interests in and with respect to property nationalized, appropriated or otherwise taken by Poland which, from the date of such nationalization, appropriation or other taking to the date of entry into force of this Agreement,¹ have been continuously owned, subject to the provisions of paragraphs B and C of this Annex,

- (a) directly by natural persons who were nationals of the United States;
- (b) directly by juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof, of which fifty per cent or more of the outstanding capital stock or proprietary interest was owned by nationals of the United States;
- (c) directly by juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof, of which fifty per cent or more of the outstanding capital stock or proprietary interest was owned by natural persons who were nationals of the United States, directly, or indirectly through interests in one or more juridical persons of any nationality;
- (d) indirectly by natural persons who were nationals of the United States or by juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof, through interests in juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof which are not included within category (b) or (c) above;
- (e) indirectly by persons within category (a), (b) or (c) above through ownership of capital stock or direct proprietary interests in juridical persons organized under the laws of Poland, any part of whose property has been taken by Poland, or in juridical persons organized under the laws of Germany, a major part of whose property has been taken by Poland;
- (f) indirectly by persons within category (d) above through ownership by juridical persons to which reference is made in the last clause thereof, of capital stock or direct proprietary interests in juridical persons organized under the laws of Poland, any part of whose property has been taken by Poland or in juridical persons organized under the laws of Germany, a major part of whose property has been taken by Poland and which have ceased their activities; or
- (g) indirectly by persons within category (a), (b), (c) or (d) above through interests which collectively are substantial in amount, through any number of juridical persons organized under the laws of any country, a substantial part of whose property has been taken by Poland, excepting, however, interests which are compensable through any other international agreement to which Poland is a party.

B. Juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof which have been reorganized through judicial

¹ See p. 170 of this volume.

proceedings after their property or rights and interests in and with respect to property were nationalized or taken by Poland shall participate in the sum to be paid by the Government of Poland only to the extent that the outstanding capital stock or proprietary interest in such juridical persons was owned, at the time of such nationalization or other taking, by natural persons who were nationals of the United States, directly, or indirectly through interests in one or more juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof.

C. Claims based in whole or in part on property acquired after the application of discriminatory German measures depriving or restricting rights of owners of such property shall participate in the sum to be paid by the Government of Poland only for the parts of such claims which are not based upon property acquired under such circumstances.

II

*The Secretary of State to the Minister Plenipotentiary, Financial Counselor,
Polish Embassy*

DEPARTMENT OF STATE
WASHINGTON

July 16, 1960

Excellency :

I have the honor to acknowledge the receipt of your letter of this date which reads as follows :

“ I have the honor to refer to the discussions held during the negotiations concerning the Agreement signed today¹ between the Governments of the Polish People's Republic and the United States of America regarding claims of nationals of the United States.

“ In connection with the interest expressed by the Government of the United States of America in the settlement of outstanding dollar bonds, issued or guaranteed by the Polish Government in the United States during the period 1919 to 1939, I have the honor to inform you that the Polish Government confirms its intention to settle the problem of this bonded indebtedness by direct talks with American bondholders or their representatives.

“ Accept, Excellency, the assurances of my highest consideration. ”

I have the honor to inform you that my Government has taken note of the statement quoted above.

Accept, Excellency, the assurances of my highest consideration.

For the Secretary of State :

Foy D. KOHLER
Assistant Secretary of State for European Affairs

His Excellency Stanislaw Rączkowski
Minister Plenipotentiary
Financial Counselor
Embassy of the Polish People's Republic

¹ See p. 170 of this volume.