

No. 7780

**UNITED NATIONS
and
BELGIUM**

Exchange of letters constituting an agreement relating to the settlement of claims filed against the United Nations in the Congo by Belgian nationals. New York, 20 February 1965

Official text: French.

Registered ex officio on 17 May 1965.

**ORGANISATION DES NATIONS UNIES
et
BELGIQUE**

Échange de lettres constituant un accord relatif au règlement de réclamations présentées contre l'Organisation des Nations Unies au Congo par des ressortissants belges. New York, 20 février 1965

Texte officiel français.

Enregistré d'office le 17 mai 1965.

[TRANSLATION — TRADUCTION]

No. 7780. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED NATIONS AND BELGIUM RELATING TO THE SETTLEMENT OF CLAIMS FILED AGAINST THE UNITED NATIONS IN THE CONGO BY BELGIAN NATIONALS. NEW YORK, 20 FEBRUARY 1965

I

UNITED NATIONS
NEW YORK

20 February 1965

Sir,

A number of Belgian nationals have lodged with the United Nations claims for damage to persons and property arising from the operations of the United Nations Force in the Congo, particularly those which took place in Katanga. The claims in question have been examined by United Nations officials assigned to assemble all the information necessary for establishing the relevant facts submitted by the claimants or their beneficiaries and any other available information.

The United Nations has agreed that the claims of Belgian nationals who may have suffered damage as a result of harmful acts committed by ONUC personnel, and not arising from military necessity, should be dealt with in an equitable manner.

It has stated that it would not evade responsibility where it was established that United Nations agents had in fact caused unjustifiable damage to innocent parties.

It is pointed out that, under these principles, the United Nations does not assume liability for damage to persons or property which resulted solely from military operations or which, although caused by third parties, has given rise to claims against the United Nations; such cases are therefore excluded from the proposed compensation.

Consultations have taken place with the Belgian Government. The examination of the claims having now been completed, the Secretary-General shall, without prejudice to the privileges and immunities enjoyed by the United Nations,

¹ Came into force on 17 May 1965, the date on which the Belgian Government notified the Secretary-General of the United Nations that the Belgian Legislative Chambers assented to the Agreement, in accordance with the provisions of the latter.

pay to the Belgian Government the sum of one million five hundred thousand United States dollars in outright and final settlement of all claims arising from the causes mentioned in the first paragraph of this letter.

The distribution of the sum referred to in the preceding paragraph shall be effected by the Belgian Government. Upon the entry into force of this exchange of letters, the Secretary-General of the United Nations shall supply to the Belgian Government all information at his disposal which might be useful in effecting the distribution of the sum in question, including the list of individual cases in which the United Nations has considered that it must bear financial responsibility, and any other information relevant to the determination of such responsibility.

Acceptance of the above-mentioned payment shall constitute the outright and final settlement between Belgium and the United Nations of all the matters referred to in this letter. It is understood that this settlement does not affect any claims arising from contractual relationships between the claimants and the United Nations or those which are at present still handled by United Nations administrative departments, such as ordinary requisitions.

Accept, Sir, etc.

U THANT
Secretary-General

His Excellency Mr. Paul-Henri Spaak
Vice-President of the Council of Ministers of Belgium
Minister for Foreign Affairs

II

PERMANENT MISSION OF BELGIUM TO THE UNITED NATIONS

S. 589

New York, 20 February 1965

Sir,

I have the honour to acknowledge receipt of your letter of 20 February concerning the settlement of the problem of claims lodged with the United Nations by Belgian nationals who suffered damage in the Congo.

I accept the proposals which you make in that letter.

The agreement resulting from this exchange of letters shall enter into force at the time when the Belgian Government notifies you of the assent of the Belgian Legislative Chambers to the provisions therein set forth.

Accept, Sir, etc.

P.-H. SPAAK
Vice-President of the Council
Minister for Foreign Affairs of Belgium

The Secretary-General
of the United Nations
New York
