

No. 8487

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**UNITED NATIONS  
and  
LUXEMBOURG**

**Exchange of letters constituting an agreement relating to the settlement of claims filed against the United Nations in the Congo by Luxembourg nationals. New York, 28 December 1966**

*Official text: French.*

*Registered ex officio on 28 December 1966.*

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**ORGANISATION DES NATIONS UNIES  
et  
LUXEMBOURG**

**Échange de lettres constituant un accord relatif au règlement de réclamations présentées contre l'Organisation des Nations Unies au Congo par des ressortissants luxembourgeois. New York, 28 décembre 1966**

*Texte officiel français.*

*Enregistré d'office le 28 décembre 1966.*

[TRANSLATION — TRADUCTION]

No. 8487. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED NATIONS AND LUXEMBOURG RELATING TO THE SETTLEMENT OF CLAIMS FILED AGAINST THE UNITED NATIONS IN THE CONGO BY LUXEMBOURG NATIONALS. NEW YORK, 28 DECEMBER 1966

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I

UNITED NATIONS  
NEW YORK

28 December 1966

Sir,

A number of Luxembourg 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 Luxembourg 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 unjustified 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 was caused by third parties, such as Baluba refugees; cases based on such claims are therefore excluded from the proposed compensation.

Consultations have taken place with the Luxembourg Government. The examination of the claims having now been completed, the United Nations shall,

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<sup>1</sup> Came into force on 28 December 1966 by the exchange of the said letters.

without prejudice to its privileges and immunities, pay to the Luxembourg Government the sum of fifteen thousand United States dollars in lump-sum 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 Luxembourg Government. The United Nations shall supply to the Luxembourg Government all information at its 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 lump-sum and final settlement between Luxembourg and the United Nations of all the claims 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. Pierre Wurth  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Luxembourg  
to the United Nations

## II

GRAND DUCHY OF LUXEMBOURG  
PERMANENT MISSION TO THE UNITED NATIONS

New York, 28 December 1966

A.6.11/626

Sir,

I have the honour to acknowledge receipt of your letter of 28 December 1966 concerning the settlement of claims lodged with the United Nations by Luxembourg nationals or their beneficiaries who suffered damage arising from the operations carried out by the United Nations Force in the Congo, particularly those which took place in Katanga.

I have the honour to inform you that the Luxembourg Government accepts the lump-sum and final settlement which you have proposed.

Your letter of 28 December 1966 and my reply constitute an agreement between the United Nations and Luxembourg, which comes into effect on this day.

Accept, Sir, etc.

Pierre WURTH  
Permanent Representative of Luxembourg  
to the United Nations

The Secretary-General of the United Nations  
New York