

No. 18134

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
CUBA**

Exchange of notes constituting an agreement concerning compensation for losses suffered by certain United Kingdom nationals as a result of the implementation of Cuban nationalization, expropriation and similar laws and measures since 1 January 1959 (with annexes). Havana, 18 October 1978

Authentic texts: English and Spanish.

Registered by the United Kingdom of Great Britain and Northern Ireland on 4 December 1979.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
CUBA**

Échange de notes constituant un accord concernant l'indemnisation des pertes subies par certains ressortissants du Royaume-Uni par suite des nationalisations et expropriations auxquelles ont procédé les autorités cubaines, ainsi que du fait des mesures de même nature, législatives ou autres, prises par ces autorités depuis le 1^{er} janvier 1959 (avec annexes). La Havane, 18 octobre 1978

Textes authentiques : anglais et espagnol.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 4 décembre 1979.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE REPUBLIC OF CUBA CONCERNING
COMPENSATION FOR LOSSES SUFFERED BY CERTAIN
UNITED KINGDOM NATIONALS AS A RESULT OF THE
IMPLEMENTATION OF CUBAN NATIONALISATION, EXPRO-
PRIATION AND SIMILAR LAWS AND MEASURES SINCE
1 JANUARY 1959

I

*Her Majesty's Ambassador at Havana to the First Vice-President
of the National Bank of Cuba*

BRITISH EMBASSY
HAVANA

18 October 1978

Sir,

I have the honour to refer to discussions which have recently taken place between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the Government of the United Kingdom") and the Government of the Republic of Cuba (hereinafter referred to as "the Government of Cuba"), concerning the question of compensation for losses suffered by certain United Kingdom nationals as a result of the implementation of Cuban nationalisation, expropriation and similar laws and measures since the 1st of January 1959. In accordance with those discussions, I have the honour to make the following proposals:

1. The Government of Cuba shall pay to the Government of the United Kingdom a sum in pounds sterling equivalent to Cuban pesos \$350,000 in full and final settlement of the claims arising out of losses suffered prior to the date of this Note by the United Kingdom nationals listed in annex A and annex B to this Note as a result of the implementation of Cuban nationalisation, expropriation and similar laws and measures since the 1st of January 1959. Payment of the aforesaid sum shall be made in accordance with the provisions of paragraphs 2 and 4 of this Note.

2. Within one month of the date of this Note, the Government of Cuba shall pay to the Government of the United Kingdom through the Cuban Embassy in London, by cheque made payable to the Finance Officer, Diplomatic Service, a sum in pounds sterling equivalent to Cuban pesos \$172,115, at the rate of exchange prevailing on the date of payment, which sum represents the total compensation agreed in respect of the losses incurred by the persons listed in annex A to this Note.

3. The Government of Cuba shall hold in suspense in a special account with the Banco Nacional in Havana the sum of Cuban pesos \$177,885, which sum represents the total compensation agreed in respect of the losses incurred by the persons listed in annex B to this Note.

¹ Came into force on 18 October 1978, in accordance with the provisions of the said notes.

4. The Government of Cuba shall pay to the Government of the United Kingdom, through the Cuban Embassy in London, by cheque made payable to the Finance Officer, Diplomatic Service, at the rate of exchange applied to the payment under paragraph 2 of this Note, a sum in pounds sterling equivalent to the amount specified in respect of each of the persons listed in annex B to this Note, either

- (a) Within one month of the date on which the British Embassy in Havana notifies the Government of Cuba that the person listed in annex B or his heir or successor in title is resident outside the United States of America; or
- (b) At such earlier date as the Government of Cuba shall determine.

5. Payment of the sum in pounds sterling equivalent to Cuban pesos \$350,000, in accordance with paragraphs 2 and 4 of this Note, shall fully and finally discharge the Government of Cuba and Cuban nationals (whether physical or juridical persons) from all liability to the Government of the United Kingdom and to the persons listed in annex A and annex B to this Note in respect of the claims mentioned in paragraph 1 of this Note.

6. For its part the Government of the United Kingdom undertakes not to present to the Government of Cuba, on its own behalf or on behalf of any person, any claim relating to a matter for the settlement of which paragraph 1 of this Note provides, or any claim relating to losses suffered by physical persons as a result of the implementation of the laws and measures referred to in paragraph 1 and which were the subject of discussions between the two Governments prior to the date of this Note; nor shall the Government of the United Kingdom support such claims.

If the foregoing proposals are acceptable to the Government of Cuba, I have the honour to propose that the present Note and your reply to that effect shall constitute an Agreement between the two Governments which shall enter into force on today's date.

I avail myself of this opportunity to renew to you the assurances of my most distinguished consideration.

E. JACKSON

ANNEX A

	<i>Pesos Cubanos</i> [Cuban pesos]
Acheson, William McS.	299.00
Allbon, Miss Ethel L.	2,502.00
Beauclerk, Mrs. Lola, Diana M. and Rafael.	72,750.00
Binge, Derick V.	780.00
Brooks, Mrs. Mary E.	269.00
Cameron, John S.	16,652.00
Fraser, Archibald L. H.	7,755.00
Green, George E.	24,125.00
Hettena, Mrs. Simone	9,879.00
Labern, Mrs. Frances M.	371.00
Lismore, Mrs. Viva E.	1,489.00
Lugg, Kenneth J.	5,937.00
Milne, John A. G.	486.00
Muller, Arthur R.	414.00
Murray, Moffat	190.00
Pella, Oscar A. and Hilda	9,664.00
Scribante, Joseph A.	606.00
Smith, Miss Hilda.	10.00

	<i>Pesos Cubanos</i> [Cuban pesos]
Thomson, John A.	12,357.00
Vouvalis and Co. Ltd.	2,616.00
Williams, Miss Olwen	<u>2,964.00</u>
	172,115.00

ANNEX B

	<i>Pesos Cubanos</i> [Cuban pesos]
Bell, John D.	8,626.00
Brown, Mrs. Ann	3,204.00
Brummer, P. H.	67.00
Coster, George W.	657.00
Heal, Ralph and Hilda	16,500.00
Howard, Mrs. Mary	16,150.00
Howard, Robert L.	3,685.00
Irvine, Angus M.	77,000.00
King, Mrs. Florence	5,981.00
Mather, E. J.	11,162.00
McGough, Edward L. R.	8,115.00
Solomon, Dr. Frederick	1,237.00
Townend, Mrs. V. S.	16,920.00
Williamson, Peter B.	<u>8,581.00</u>
	177,885.00

II

[SPANISH TEXT — TEXTE ESPAGNOL]

BANCO NACIONAL DE CUBA
LA HABANA, CUBA

La Habana, 18 de octubre de 1978

Señor Embajador:

Tengo el honor de acusar recibo de su carta de fecha 18 de octubre de 1978, cuyo texto es como sigue:¹

[See note I — Voir note I]

En contestación, tengo el honor de informar que las anteriores proposiciones son aceptables al Gobierno de Cuba, el que, por lo tanto, conviene en que debe considerarse que la Nota de usted y la presente respuesta constituyen un Convenio entre los dos Gobiernos, el que entrará en vigor a partir de la fecha de hoy.

Aprovecho la oportunidad para reiterarle el testimonio de mi consideración más distinguida.

JULIO IMPERATORI

¹ The text of note I was supplied in English only — Le texte de la note I était fourni seulement en anglais.

[TRANSLATION¹ — TRADUCTION²]

*The First Vice-President of the National Bank of Cuba
to Her Majesty's Ambassador at Havana*

THE NATIONAL BANK OF CUBA
HAVANA, CUBA

Havana, 18 October 1978

Sir,

I have the honour to acknowledge receipt of your Note dated 18 October 1978, the text of which is as follows:

[*See note I*]

In reply I have the honour to state that the foregoing proposals are acceptable to the Government of Cuba who therefore agree that your Note and the present reply constitute an Agreement between the two Governments, which shall enter into force from today's date.

I avail myself of the opportunity to renew to you the assurance of my highest consideration.

JULIO IMPERATORI

[*Annexes as under note I*]

¹ Translation provided by the Government of the United Kingdom.

² Traduction fournie par le Gouvernement du Royaume-Uni.