

No. 23012

**SPAIN
and
EGYPT**

**Agreement on the compensation of Spanish citizens (with
annexed letters). Signed at Cairo on 14 April 1982**

*Authentic texts: Spanish, Arabic and English.
Registered by Spain on 23 July 1984.*

**ESPAGNE
et
ÉGYPTE**

**Accord relatif à l'indemnisation de citoyens espagnols (avec
lettres connexes). Signé au Caire le 14 avril 1982**

*Textes authentiques : espagnol, arabe et anglais.
Enregistré par l'Espagne le 23 juillet 1984.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT ON THE COMPENSATION OF SPANISH CITIZENS

The Government of Spain and the Government of the Arab Republic of Egypt, willing to reach a final settlement of the claims of Spanish citizens whose property in Egypt was affected by measures of exclusion or limitation of rights decreed by the Egyptian Government since 1952, and wishing to strengthen and develop the ties of friendship and cooperation existing between the two countries, have agreed upon the following:

Article 1. (a) The Government of the Arab Republic of Egypt has agreed to pay, and the Government of Spain has accepted to receive, the net amount of one million four hundred thousand (1,400,000) U.S. dollars, as a final settlement of all claims of Spanish citizens against the Egyptian Government, deriving from the measures of exclusion or limitation of rights decreed since 1952.

(b) Payment of the above-mentioned amount will be effected by the Egyptian Government in three instalments, the first within six months after the entry into force of the present Agreement, the second, one year after the first instalment, and the third again one year later from the second instalment.

Article 2. 1. The claims which are referred to in article 1, and which are being settled and discharged by this Agreement, are claims of nationals of Spain for: property, rights and interests in Egypt affected by Egyptian measures of land reform, sequestration, nationalization, expropriation, confiscation and other restrictive measures against such property, rights and interests, as well as financial and fiscal matters decreed by the Arab Republic of Egypt, which occurred since January 1, 1952, and before the entry into force of this Agreement.

2. The Egyptian Government declares that, having regard for Egypt's established respect for its obligations under international law, and in view of provisions in similar agreements previously concluded by the Egyptian Government with other Governments, the lump sum referred to in article 1 has been arrived at in accordance with applicable Egyptian laws including, but not limited to, those enumerated hereinafter:

(A) Regarding Land Reform:

- Law No. 127 of 1961 as amended.
- Law No. 15 of 1963 as amended.

(B) Regarding Sequestration:

- Emergency Law No. 162 of 1958, as amended.
- Law No. 150 of 1964.
- General Sequestration Laws and Decrees.

(C) Regarding Nationalization:

- Laws No. 117, 118 and 119 of 1961 and similar complete or partial nationalization laws issued in the Arab Republic of Egypt.

¹ Came into force on 21 January 1984, the date of the exchange of notes by which the Parties informed each other of the fulfilment of the necessary constitutional requirements, in accordance with article 7.

(D) Regarding Expropriation for Public Utilities:

—Law No. 577 of 1954.

(E) Regarding Financial and Fiscal Matters:

—Applicable Laws, Decrees and Regulations.

Article 3. Distribution of the sum agreed upon in article 1 is of the exclusive competence of the Spanish Government, in accordance with the distribution methods that it may adopt, without any responsibility whatsoever in so far as the Egyptian Government is concerned.

Article 4. 1. The Government of Spain declares that full payment of the lump sum referred to in article 1 of this Agreement shall fully discharge the Egyptian Government from its obligations and liabilities to nationals of Spain in respect of all claims referred to in article 2 of this Agreement whether or not they have been brought to the attention of the Egyptian Government.

2. Following upon the discharge of its obligations and liabilities to nationals of Spain referred to in paragraph 1 above of this article, the Egyptian Government shall subrogate to all the legal rights and interests in properties involved in such claims including blocked accounts in the place and stead of the claimants concerned.

3. After the entry into force of this Agreement, the Government of Spain will neither espouse nor present to the Egyptian Government the claims of nationals of Spain which have been referred to in, and settled by, this Agreement. In the event that such claims are presented by nationals of Spain directly against the Egyptian Government, the Egyptian Government will refer them to the Government of Spain.

Article 5. The Government of the Arab Republic of Egypt shall supply the Spanish Government, at the latter's request, and whenever possible, with any information concerning the property, rights and interests affected by the measures mentioned in the present Agreement.

Article 6. Whatever disposition of the Agreements that the Arab Republic of Egypt may conclude in the future with third countries with a view to compensating property, rights and interests affected by measures such as those mentioned in the present Agreement, shall be extended to the Spanish citizens in so far as they might be more advantageous than those deriving from the present Agreement.

Article 7. The present Agreement and the annexed letters shall enter into force on the date of the exchange of the Notes that will fulfil the implementation of all necessary constitutional requirements.

DONE in Cairo on the 14 April 1982, in duplicate in Spanish, Arabic and English, all three texts being authentic. In case of any divergence of interpretation whatsoever in the Spanish and Arabic texts, the English text shall prevail.

[Signed]

For the Government
of Spain:

ALBERTO LÓPEZ HERCE

Ambassador Extraordinary and Plenipotentiary of Spain to Egypt, Head of the Spanish Delegation

[Signed]

For the Government
of the Arab Republic of Egypt:

ABDEL AZIZ HASSAN ZAHWY

Head of the Egyptian Delegation

ANNEXED LETTER NUMBER 1

Cairo, 14 April 1982

Excellency,

With reference to the Agreement signed today on the resolution of the claims concerning the property of Spanish citizens in Egypt, subjected to measures of exclusion or limitation of rights imposed by the Egyptian Government from 1952 up to the signature of the present Agreement, I have the honour to inform Your Excellency that the following Spanish citizens affected by the same measures are not included in the present Agreement, whether at their own request, or because they were unable to produce the required documents to support their claims:

—Gabriela-Alegra Gattegno Vitterbo

—Heirs to Juan Sancho Antonini

—Victor and Benjamin Tueta

—Heirs to Salomon Beinisch

It is understood that the four Spanish citizens not included in the present Agreement, or their heirs, shall be allowed to exercise all actions, in an individual and personal capacity, according to the Egyptian Laws, before the Administrative or Judicial Authorities of the Arab Republic of Egypt, and without any support of the Spanish Government, in order to obtain the compensation or restitution of their property.

I should greatly appreciate, Your Excellency, if you would kindly confirm Your Government's agreement on the matter.

[Signed]

ALBERTO LÓPEZ HERCE

Ambassador Extraordinary and Plenipotentiary
of Spain to Egypt, Head of the Spanish DelegationTo H. E. the Head of the Egyptian Delegation
Cairo

ANNEXED LETTER NUMBER 2

Cairo, 14 April 1982

Excellency,

I have the honour to acknowledge receipt of your letter of today, the text of which reads as follows:

[See annexed letter No. 1]

I have the honour to confirm to Your Excellency my Government's agreement on the foregoing.

[Signed]

ABDEL AZIZ HASSAN ZAHWY
Head of the Egyptian DelegationTo H. E. the Ambassador Extraordinary
and Plenipotentiary of Spain to Egypt,
Head of the Spanish Delegation
Cairo

ANNEXED LETTER NUMBER 3

Cairo, 14 April 1982

Excellency,

With reference to the Agreement signed today on the resolution of the claims concerning the property of Spanish citizens in Egypt, subjected to measures of exclusion or limitation of rights imposed by the Egyptian Government from 1952 up to the signature of the present Agreement, I have the honour to inform Your Excellency that the two Governments agree to execute this Agreement through the Central Bank of Egypt and the Banco de España in Madrid.

I should greatly appreciate, Your Excellency, if you would kindly confirm Your Government's agreement on the matter.

[Signed]

ALBERTO LÓPEZ HERCE

Ambassador Extraordinary and Plenipotentiary
of Spain to Egypt, Head of the Spanish Delegation

To H. E. the Head of the Egyptian Delegation
Cairo

ANNEXED LETTER NUMBER 4

Cairo, 14 April 1982

Excellency,

I have the honour to acknowledge receipt of your letter of today, the text of which reads as follows:

[See annexed letter No. 3]

I have the honour to confirm to Your Excellency my Government's agreement on the foregoing.

[Signed]

ABDAL AZIZ HASSAN ZAHWY
Head of the Egyptian Delegation

To H. E. the Ambassador Extraordinary
and Plenipotentiary of Spain to Egypt,
Head of the Spanish Delegation
Cairo
