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10/3
FRANCE



Treaty Series No. 71 (1954)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the French Government

extending the provisions of the Exchange of Notes
concerning War Damage Compensation of the
3rd of December, 1946, to United Kingdom
and French overseas territories

Paris, October 6, 1954

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of Her Majesty
August 1955*

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Cmd. 9550

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE FRENCH GOVERNMENT EXTENDING THE PROVISIONS OF THE EXCHANGE OF NOTES CONCERNING WAR DAMAGE COMPENSATION OF THE 3rd OF DECEMBER, 1946, TO THE UNITED KINGDOM AND FRENCH OVERSEAS TERRITORIES

Paris, October 6, 1954

No. 1

Her Majesty's Ambassador at Paris to the French Minister for Foreign Affairs

British Embassy, Paris,

October 6, 1954.

Monsieur le Président,

By an Exchange of Notes which took place on the 3rd of December, 1946,⁽¹⁾ the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic agreed to accord to French and British nationals respectively, treatment, as regards compensation for property in the United Kingdom and France which had been lost or damaged as a result of the war, equal to that accorded to their own nationals in respect of similar loss or damage. It was also agreed that any corporations or associations in which the French and British interests together constituted a majority shareholding or control would receive treatment equal to that accorded to corporations or associations in which the majority holding or controlling interest was British or French.

2. As the result of discussions which have taken place between representatives of the two Governments on the subject of compensation for war damage incurred in territories for whose international relations the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic are respectively responsible, I have the honour to propose to your Excellency, under instructions from Her Majesty's Principal Secretary of State for Foreign Affairs, that an agreement extending the scope of the Agreement constituted by the above-mentioned Exchange of Notes should now be concluded in the following terms:—

- (1) British nationals whose property in the Overseas departments and territories, and in territories for whose international relations the Government of the French Republic are responsible (hereinafter referred to as "the said French territories") was lost or damaged as a result of the war, shall, under the laws and regulations in force or which may come into force relating to compensation for war damage or loss sustained in the "said French territories," be granted treatment, as regards compensation, equal to that accorded to French nationals in respect of similar loss or damage.
- (2) Applications for compensation under the provisions of the preceding sub-paragraph (1) shall be notified to the appropriate authorities in the said French territories within 12 months after the entry into force of the present agreement. No application submitted after the expiration of this period of 12 months will be accepted.

⁽¹⁾ "Treaty Series No. 60 (1946)," Cmd. 7012.

- (3) French nationals whose property in the territories for whose international relations the Government of the United Kingdom are responsible (hereinafter referred to as "the said United Kingdom territories") was lost or damaged as a result of the war, are and shall be, under the laws and regulations in force or which may come into force relating to compensation for war damage or loss sustained in the "said United Kingdom territories," granted treatment, as regards compensation, equal to that accorded to British nationals in respect of similar loss or damage.
- (4) Applications for compensation under the provisions of the preceding sub-paragraph (3) shall be notified to the appropriate authorities in the "said United Kingdom territories" within 12 months after the entry into force of the present agreement. No application submitted after the expiration of this period of 12 months will be accepted.
- (5) Any corporation or association, incorporated or constituted under the law in force in France, the United Kingdom of Great Britain and Northern Ireland or in any of the "said French territories" or "said United Kingdom territories" and having its registered offices in France, in the United Kingdom or in any of the "said French territories" or "United Kingdom territories," in which the French and British interests together constitute a majority holding or control, will receive treatment equal to that accorded to corporations or associations in which the majority holding or controlling interest is British or French.
- (6) In the present agreement:
- (a) The expression "British nationals" means—
- (i) citizens of the United Kingdom and Colonies, Southern Rhodesian citizens and British-protected persons deriving their status as such from connexion with any other territory for whose international relations the Government of the United Kingdom are responsible;
 - (ii) juridical persons incorporated or constituted under the laws in force in the United Kingdom of Great Britain and Northern Ireland or in any of the "said United Kingdom territories."
- (b) The expression "French nationals" means—
- (i) French citizens, French-protected persons and nationals of the French Union, with the exception of the nationals of the Associated States of Cambodia, Laos and Vietnam;
 - (ii) juridical persons incorporated or constituted under the laws in force in France or in any of the "said French territories."
- (7) (a) The provisions of the present agreement shall apply only to claims for compensation in respect of war loss or war damage sustained during the Second World War.
- (b) The provisions of the present agreement shall not apply to claims of British nationals in respect of compensation for loss or damage incurred in Vietnam, Cambodia and Laos.
- (8) British and French nationals, as defined in sub-paragraph (6) (a) and (b) who sustained war loss or damage in France or in the United Kingdom shall be entitled to the benefits of the legislation in force in Metropolitan France and in the United Kingdom of Great Britain and Northern Ireland.

3. If the foregoing provisions are acceptable to the Government of the French Republic, I have the honour to suggest that the present Note and your Excellency's reply in that sense should be regarded as placing formally on record the agreement between the two Governments in this matter, which shall enter into force one month after the date of the publication of the Notes in the *Journal Officiel*.⁽²⁾

I have, &c.

GLADWYN JEBB.

No. 2

M. de Moustier to Her Majesty's Ambassador at Paris

Ministère des Affaires Étrangères,

Monsieur l'Ambassadeur.

Paris, le 6 octobre, 1954.

Me référant à la lettre que votre Excellence m'a adressée à la date de ce jour au sujet de l'extension aux possessions françaises et britanniques d'Outre-Mer des stipulations de l'Arrangement relatif aux dommages de guerre conclu le 3 décembre 1946, j'ai l'honneur de lui confirmer ce qui suit :

Par un échange de lettres en date du 3 Décembre 1946, le Gouvernement de la République Française et le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord sont convenus d'accorder respectivement aux ressortissants britanniques et français, en ce qui concerne l'indemnisation à attribuer aux propriétaires dont les biens situés dans le Royaume-Uni ou en France avaient été perdus ou avaient subi des dommages du fait de la guerre, un traitement identique à celui qu'ils accordaient à leurs propres ressortissants dans des cas analogues. Il a également été convenu que toute société ou association dans laquelle, soit le droit de vote, soit le capital était en majorité franco-anglais, jouirait du traitement accordé aux sociétés ou associations à majorité française ou anglaise.

2. A l'issue des négociations qui ont eu lieu entre représentants de nos deux Gouvernements au sujet de l'indemnisation des dommages de guerre subis dans les territoires dont le Gouvernement de la République Française et le Gouvernement de Grande-Bretagne et d'Irlande du Nord assurent respectivement les relations internationales, j'ai l'honneur de vous faire savoir que le Gouvernement français est disposé à ce qu'un accord étendant le champ d'application de l'Accord susmentionné, soit maintenant conclu dans les conditions ci-après :

- (1) Les ressortissants britanniques dont les biens situés dans les départements et les territoires d'Outre-Mer, et dans les territoires dont le Gouvernement de la République Française assure les relations internationales (désignés ci-après par les termes : "lesdits territoires français") ont été perdus ou ont subi des dommages du fait de la guerre, bénéficieront, en vertu des lois et règlements en vigueur ou qui pourront être mis en vigueur en matière d'indemnisation des pertes et dommages de guerre subis dans lesdits territoires français, d'un traitement identique, en ce qui concerne l'indemnisation, à celui qui est accordé ou qui sera accordé aux ressortissants français ayant subi des pertes ou des dommages de même nature et de même étendue.

⁽²⁾ Published in the "*Journal Officiel*" on November 10, 1954.

(2) Les demandes d'indemnisation au titre des dispositions de l'alinéa (1) ci-dessus devront être adressées aux autorités compétentes desdits territoires français dans un délai de douze mois à compter de la date d'entrée en vigueur du présent accord. Aucune demande ne sera plus acceptée à l'expiration de ladite période de douze mois.

(3) Les ressortissants français dont les biens situés dans les territoires dont le Gouvernement du Royaume-Uni assure les relations internationales (désignés-ci-après par les termes: "lesdits territoires du Royaume-Uni") ont été perdus ou ont subi des dommages du fait de la guerre, bénéficieront, en vertu des lois et règlements en vigueur ou qui pourront être mis en vigueur en matière d'indemnisation des pertes et dommages de guerre subis dans lesdits territoires du Royaume-Uni, d'un traitement identique, en ce qui concerne l'indemnisation, à celui qui est accordé ou qui sera accordé aux ressortissants britanniques ayant subi des pertes ou des dommages de même nature et de même étendue.

(4) Les demandes d'indemnisation au titre des dispositions de l'alinéa (3) ci-dessus devront être adressées aux autorités compétentes desdits territoires du Royaume-Uni dans un délai de douze mois à compter de la date d'entrée en vigueur du présent accord. Aucune demande ne sera plus acceptée à l'expiration de ladite période de douze mois.

(5) Toute société ou association fondée ou constituée conformément à la législation en vigueur en France, dans le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, ou dans l'un quelconque desdits territoires français ou desdits territoires du Royaume-Uni, ayant officiellement son siège en France, dans le Royaume-Uni ou dans l'un quelconque desdits territoires français ou du Royaume-Uni, et dans laquelle, soit le capital, soit le droit de vote est en majorité franco-anglais, jouira d'un traitement identique à celui qui est accordé aux sociétés ou associations à majorité française ou anglaise.

(6) Dans le présent accord :

(a) l'expression "ressortissants britanniques" signifie :

- (i) les citoyens des Royaume-Uni et Colonies, les citoyens de la Rhodésie du Sud et les protégés britanniques, dont la qualité, en tant que tels, résulte de leurs attaches avec un territoire quelconque dont le Gouvernement du Royaume-Uni assure les relations internationales;
- (ii) les personnes morales, fondées ou constituées conformément à la législation en vigueur dans le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord ou dans l'un quelconque desdits territoires du Royaume-Uni.

(b) l'expression "ressortissants français" signifie :

- (i) les nationaux français, les protégés français et les ressortissants de l'Union française, à l'exception des ressortissants des Etats Associés du Cambodge, du Laos et du Vietnam;
- (ii) les personnes morales, fondées ou constituées conformément à la législation en vigueur en France ou dans l'un quelconque desdits territoires français.

(7) (a) les dispositions du présent accord ne s'appliqueront qu'aux demandes d'indemnisation relatives à des pertes provoquées par fait de guerre ou à des dommages de guerre subis pendant la seconde guerre mondiale;

(b) les dispositions du présent accord ne s'appliqueront pas aux demandes d'indemnisation déposées par des ressortissants britanniques en ce qui concerne des pertes ou dommages subis au Vietnam, au Cambodge ou au Laos.

(8) Les ressortissants britanniques et français, tels qu'ils sont définis à l'alinéa (6) (a) et (b), ayant subi des pertes ou des dommages du fait de la guerre en France ou dans le Royaume-Uni seront également admis à bénéficier de la législation en vigueur en France métropolitaine et dans le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

3. Le présent échange de lettres constituera l'accord entre nos deux Gouvernements qui entrera en vigueur un mois après la date de publication dans le *Journal Officiel*.

Veuillez agréer, &c.
MOUSTIER.

(Translation)

Monsieur l'Ambassadeur,

*Ministry of Foreign Affairs,
Paris, October 6, 1954.*

With reference to your Excellency's Note of to-day's date on the subject of the extension to French and British overseas territories of the provisions of the War Damage Agreement concluded on the 3rd of December, 1946, I have the honour to confirm as follows:—

By an Exchange of Notes dated the 3rd of December, 1946, the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland agreed to accord respectively to British and French nationals, as regards compensation to be granted to owners whose property in the United Kingdom or in France had been lost or had suffered damage as a result of the war, treatment equal to that accorded to their own nationals in similar cases. It was also agreed that any corporations or associations in which the French and British interests together constituted a majority shareholding or control would receive treatment equal to that accorded to corporations or associations in which the majority holding or controlling interest was French or British.

2. As the result of negotiations which have taken place between representatives of our two Governments on the subject of compensation for war damage incurred in territories for whose international relations the Government of the French Republic and the Government of Great Britain and Northern Ireland are respectively responsible, I have the honour to inform you that the French Government are agreed that an agreement extending the scope of the above-mentioned Agreement should now be concluded in the following terms:—

(1) British nationals whose property in the Overseas departments and territories, and in territories for whose international relations the Government of the French Republic are responsible (hereinafter referred to as "the said French territories") was lost or damaged as a result of the war, shall, under the laws and regulations in force or which may come into force relating to compensation for war damage or loss sustained in the "said French territories," be granted treatment, as regards compensation, equal to that accorded to French nationals in respect of similar loss or damage.

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- (2) Applications for compensation under the provisions of the preceding sub-paragraph (1) shall be notified to the appropriate authorities in the said French territories within 12 months after the entry into force of the present agreement. No application submitted after the expiration of this period of 12 months will be accepted.
 - (3) French nationals whose property in the territories for whose international relations the Government of the United Kingdom are responsible (hereinafter referred to as "the said United Kingdom territories") was lost or damaged as a result of the war, and shall be, under the laws and regulations in force or which may come into force relating to compensation for war damage or loss sustained in the "said United Kingdom territories," granted treatment, as regards compensation, equal to that accorded to British nationals in respect of similar loss or damage.
 - (4) Applications for compensation under the provisions of the preceding sub-paragraph (3) shall be notified to the appropriate authorities in the "said United Kingdom territories" within 12 months after the entry into force of the present agreement. No application submitted after the expiration of this period of 12 months will be accepted.
 - (5) Any corporation or association, incorporated or constituted under the law in force in France, the United Kingdom of Great Britain and Northern Ireland or in any of the "said French territories" or "said United Kingdom territories" and having its registered offices in France, in the United Kingdom or in any of the "said French territories" or "United Kingdom territories," in which the French and British interests together constitute a majority holding or control, will receive treatment equal to that accorded to corporations or associations in which the majority holding or controlling interest is British or French.
 - (6) In the present agreement:—
 - (a) The expression "British nationals" means—
 - (i) citizens of the United Kingdom and Colonies, Southern Rhodesian citizens and British-protected persons deriving their status as such from connexion with any other territory for whose international relations the Government of the United Kingdom are responsible;
 - (ii) juridical persons incorporated or constituted under the laws in force in the United Kingdom of Great Britain and Northern Ireland or in any of the "said United Kingdom territories."
 - (b) The expression "French nationals" means—
 - (i) French citizens, French-protected persons and nationals of the French Union, with the exception of the nationals of the Associated States of Cambodia, Laos and Vietnam;
 - (ii) juridical persons incorporated or constituted under the laws in force in France or in any of the "said French territories."
 - (7) (a) The provisions of the present agreement shall apply only to claims for compensation in respect of war loss or war damage sustained during the Second World War.
(b) The provisions of the present agreement shall not apply to claims of British nationals in respect of compensation for loss or damage incurred in Vietnam, Cambodia and Laos.

(8) British and French nationals, as defined in sub-paragraph (6) (a) and (b) who sustained war loss or damage in France or in the United Kingdom shall be entitled to the benefits of the legislation in force in Metropolitan France and in the United Kingdom of Great Britain and Northern Ireland.

3. The present Exchange of Notes shall constitute the agreement between our two Governments which shall enter into force one month after the date of publication in the *Journal Officiel*.

Please accept, &c.

MOUSTIER.

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