



Treaty Series No. 18 (1949)

Exchange of Notes

between the Government of the United Kingdom
and the Netherlands Government relating to the

Release of Netherlands Money and Property held by the United Kingdom Custodian of Enemy Property

[with Annexes]

London, 24th November, 1948/17th January, 1949

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty*

LONDON

HIS MAJESTY'S STATIONERY OFFICE

TWOPENCE NET

Cmd. 7644

**EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM AND THE NETHERLANDS GOVERNMENT
RELATING TO THE RELEASE OF NETHERLANDS MONEY
AND PROPERTY HELD BY THE UNITED KINGDOM
CUSTODIAN OF ENEMY PROPERTY**

London, 24th November, 1948/17th January, 1949

No. 1

*From the Netherlands Ambassador to the Secretary of State
for Foreign Affairs*

Netherlands Embassy,

Your Excellency,

London, 24th November, 1948.

I HAVE the honour to inform your Excellency that, as a result of discussions between representatives of the Royal Netherlands Government and the Administration of Enemy Property Department to provide for the more speedy release of Netherlands money and property held by, or for, the Custodians of Enemy Property in the United Kingdom, arrangements of a technical nature have been made which are recorded in an exchange of letters of to-day's date between Sir Henry Gregory and the Acting Financial Counsellor of this Embassy, copies of which are annexed.

In connection with these arrangements I have been instructed and have the honour to inform your Excellency that the Royal Netherlands Government has voluntarily undertaken to account to His Majesty's Government for any money or property released under these arrangements and subsequently found to be that of a person who is not a "Netherlands person" within the terms of the Anglo-Netherlands Property Agreement of 2nd October, 1944, and furthermore to hold His Majesty's Government harmless against any claims of third parties arising from any improper release.

The above guarantee will in each case be valid for six years after the release of the item concerned has been effected.

I have, &c.

(Sd.) E. MICHIELS VAN VERDUYNEN.

No. 2

*The Secretary of State for Foreign Affairs to the Netherlands
Ambassador in London*

Sir,

Foreign Office, 17th January, 1949.

I HAVE the honour to acknowledge receipt of the Note of the 24th November, 1948, in which you informed me that the Royal Netherlands Government has voluntarily undertaken to account to His Majesty's Government for

any money or property released under the arrangements to provide for the more speedy release of Netherlands money and property held by, or for, the Custodian of Enemy Property in the United Kingdom which are recorded in an exchange of letters of the 24th November, 1948, between Sir Henry Gregory and the Acting Financial Counsellor of the Royal Netherlands Embassy, and subsequently found to be that of a person who is not a "Netherlands person" within the terms of the Anglo-Netherlands Property Agreement of the 2nd October, 1944, and furthermore to hold His Majesty's Government harmless against any claims from third parties arising from any improper release.

2. The above guarantee will in each case be valid for six years after the release of the item concerned has been effected.

3. His Majesty's Government regard your note and the reply thereto as constituting an agreement on the matter between the Royal Netherlands Government and His Majesty's Government.

I have, &c.

(Sd.) ERNEST BEVIN.

ANNEXES

Dr. J. M. Fehmers to Sir Henry Gregory

Netherlands Embassy,

London, 24th November, 1948.

Dear Sir Henry,

WITH reference to the discussions which have taken place between representatives of the Netherlands Embassy and representatives of De Nederlandsche Bank on the one side and representatives of the Administration of Enemy Property Department on the other with a view to arranging a procedure which it is hoped will effect a more speedy release of Netherlands assets in this country held by or under the Custodian Order, I am writing to put on record what I understand to be the terms of agreement.

2. All applications for the release of property will be prepared by the appropriate authority in the Netherlands.

As there would be considerable administrative difficulty in providing the Administration of Enemy Property Department with conclusive proof as regards the ownership of the property, it is understood that the bringing forward by the appropriate Department of the Royal Netherlands Government (*i.e.*, the Office of the Financial Counsellor to the Embassy) to the Administration of Enemy Property Department of the applications for release referred to herein, will be accepted by the Administration of Enemy Property Department as fulfilling their general requirements for release and consequently personal application by the individual beneficial owners is not deemed necessary.

3. The appropriate Department of the Royal Netherlands Government will forward from time to time to the Administration of Enemy Property Department groups of applications in quadruplicate covered by a general certificate from the Netherlands Embassy that each of the applications in the group is from a "Netherlands person" within the terms of paragraph 1 of the Anglo-Netherlands Property Agreement of 2nd October, 1944.

Cases coming within the following categories will not be forwarded with a general certificate:—

- (a) those in which the capital, the release of which is required, shows a marked discrepancy between the information at the disposal of the Netherlands Government and the return made to the Custodian (about which there will be further consultation previous to release);

- (b) those which are listed for discussion by the Anglo-Netherlands Sub-Committee, which are subject to an absolute stop until such time as release is agreed upon in the Anglo-Netherlands Executive Committee or by other agreement.

Further, money, securities and gold held in depot for Netherlands banks and money and property of the kinds referred to in paragraph 5 below, will be dealt with under the terms of paragraphs 4 and 5 respectively of this letter.

4. As regards money, securities and gold held in depot for Netherlands Banks, as mentioned in the attached list (Annex I), a declaration will be furnished by the authorised Netherlands Bank concerned, countersigned by De Nederlandsche Bank in the terms set out in Annex II. This declaration will be given only in respect of depositors in the Netherlands or, by way of extension of the Agreement of 2nd October, 1944, in countries with which the Netherlands Authorities have an agreement providing for a cross-check on the presence of enemy interests. The countries with whom the Netherlands Authorities have agreements of this kind are those shown on the list attached (Annex III). If it is impossible for any reason to have a declaration cross-checked, a nationality and a non-enemy declaration signed by the beneficial owner will be submitted, specimens of which are attached (Annexes IV and IVA).

5. It is understood that the above arrangements will not apply to the "Administratie Kantoren" which will be treated as a special group (to be discussed at an early date), to safe deposits, or to property representing the estates of deceased persons, trusts and contingent interests. It is further understood that, having regard to the law relating to real estate, property consisting of real estate and mortgages will best be dealt with individually, although the Administration of Enemy Property Department has every intention of expediting the release of all property referred to in this paragraph.

6. Subject to the foregoing, and on receipt of the appropriate certificate or declaration referred to in paragraphs 3 and 4 above, directions will be given to the Custodian forthwith, and without further examination for "enemy" interest, for the release of the money or items of property (including the corresponding income) shown on the individual applications. So far as possible, where banks are concerned, releases will be by a series of general directions or notices each covering blocks of identified forms. The Custodian's examination will be restricted to the check and identification of the money and property and to verifying that he has not received in respect of them valid claims from third parties. The Netherlands Embassy will be advised of any valid claims received.

7. Additional to the steps to be taken to ensure by means of certificates and declarations that application is made for the release of the money and property of "Netherlands persons" within the meaning of paragraph 1 of the Agreement of 2nd October, 1944, only, the Royal Netherlands Government has given an undertaking to His Majesty's Government to account for any money or property which may be found subsequently to have been incorrectly released as that of a "Netherlands person." This action is to be regarded as fundamental to the procedure as laid down above, which does away with certain other formal requirements.

8. Finally it is agreed that the Custodian will be relieved of the responsibility for taking active measures in future to collect debts due to Netherlands persons. The Netherlands Authorities are aware of the steps which have already been taken, and the necessary directions will be given to the Custodian, who will inform the individual debtors concerned. The Administration of Enemy Property Department will, as soon as possible, give the Netherlands Embassy Custodian Department details of these uncollected debts.

9. It is understood that the Administration of Enemy Property Department assures the Netherlands Authorities that it will be its intention to do its utmost, both in dealing with those cases which come within the terms of the new arrangements and those which have to be dealt with in other ways, to expedite the release of the money and property of Netherlands persons which has been subject to Custodian control in the United Kingdom.

10. I shall request Her Majesty's Ambassador to have a copy of this letter enclosed with his Excellency's formal undertaking as referred to under paragraph 7.

Yours sincerely,
(Sd.) J. M. FEHMERS.

(ANNEX I)

AUTHORISED BANKS

The American Express Co., Inc., Amsterdam.	Nederlandsche Landbouwbank N.V., Amsterdam.
N.V. Jordaen Bank, Haaksbergen.	Nederlandsche Middenstandbank N.V., Amsterdam.
Crediet & Effecten Bank, Utrecht.	Nederlandsch-Indische Escompte Mij. N.V., Amsterdam.
Groningsche Bank voor Handel & Nijverheid, Groningen.	Nederlandsch-Indische Handels Bank N.V., Amsterdam.
Hoornsche Crediet & Effecten Bank, Dal 8, Hoorn.	Pierson and Co., Amsterdam.
Firma J. Luykx, Roosendaal.	Van Ranzow's Bank N.V., Arnhem.
Fred. Philip's Assurantie Kantoor N.V., Zaltbommel.	Rotterdamsche Bank N.V., Rotterdam.
Salvenburg's Bank N.V., Rotterdam.	Rotterdamsche Bank N.V., Amsterdam.
Rembours- & Industrie Bank N.V., Amsterdam.	Sallandsche Bank N.V., Deventer.
Comm. Venn. G. Vermeer Johz, Deventer.	De Twentsche Bank N.V., Amsterdam.
Amsterdamsche Bank N.V., Amsterdam.	Vermeer and Co., Amsterdam.
Amsterdamsche Goederen Bank N.V., Amsterdam.	Vlaer and Kol, Utrecht.
Associatie Cassa, Amsterdam.	De Nederlandsche Bank N.V., Kantoor Deviezenvergunningen, Amsterdam.
Bank van Doijer & Kalff, N.V., Zwolle.	De Nederlandsche Bank N.V., Amsterdam.
Bank van Haffmans & Steegh N.V., Venlo.	Trichtsche Bank N.V., Maastricht.
Banque de Paris et des Pays-Bas, Amsterdam.	Teixeira de Mattos, Gebr., Amsterdam.
Coöperatieve Centrale Boerenleenbank, Eindhoven.	De Surinaamsche Bank N.V., Amsterdam.
Coöperatieve Centrale Raiffeisen Bank, Utrecht.	Rhodus Koenigs Handel-Mij. N.V., Amsterdam.
Heldring & Pierson, The Hague.	Noorder Bank N.V., Alkmaar.
A. van Hoboken and Co., Amsterdam.	Van Mierlo & Zoon N.V., Breda.
Hollandsche Bank-Unie N.V., Amsterdam.	Labouchere and Co., N.V., Amsterdam.
Hope and Co., Amsterdam.	Hugo Kaufman and Co.'s Bank N.V., Amsterdam.
Incasso Bank, N.V., Amsterdam.	De Javasche Bank N.V., Amsterdam.
Kas-Vereniging N.V., Amsterdam.	Hollandsche Koopmansbank N.V., Amsterdam.
Kingma's Bank N.V., Leeuwarden.	Handel Mij. H. Albert de Bary and Co. N.V., Amsterdam.
F. van Lanschot, Den Bosch.	De Lange and De Moraas, Alkmaar.
Lippman, Rosenthal and Co.	Continentale Handelsbank N.V., Amsterdam.
R. Mees & Zoonen, Rotterdam.	Bankierskantoor M. Van Embden N.V., Amsterdam.
Van Mierlo & Zoon, N.V., Breda.	Amsterdamsche Bankierskantoor v/h Mendes Gans and Co., N.V., Amsterdam.
Nederlandsche Bank voor Zuid-Afrika N.V., Amsterdam.	
Nederlandsche Handel-Mij. N.V., Amsterdam.	

(ANNEX II)

I/We, the undersigned.....
.....(authorised Bank).....

declare upon oath that on or since the 3rd September, 1939, the beneficial owner(s) of the assets set out on the attached schedule was/were not an individual(s) or juridical person(s) possessing the nationality of, residing in, carrying on business in, or having its (their) Head Office in any of the following countries:—

Germany, Austria, Italy, Hungary, Roumania, Bulgaria, or Japan,
nor has any such person since 3rd September, 1939, had any interest in the aforesaid assets.

Signature:

To be countersigned by De Nederlandsche Bank N.V.

(ANNEX III)

Belgium,
France,
Switzerland,
Sweden,
Denmark,
Norway,
Finland,
Czechoslovakia,

Greece,
Italy,
Liechtenstein,
Luxembourg,
Monaco,
French Morocco,
Poland.

(ANNEX IV)

DECLARATION AS TO NATIONALITY

I (full name)
of (address)

DO SOLEMNLY AND SINCERELY DECLARE that I am a.....national:—

(a) by birth	} on (date)	and	} (i) possess also.....nationality		
(b) by naturalisation				} (ii) do not possess any other nationality	
(c) by marriage					} (iii) was a.....national from.....to.....
(d) by exercise of option					

or (e) am stateless, having lost on.....(date) my previous.....nationality by virtue of.....

Signature.....

Declared before me this
day of 194

(Description of Officer
taking declaration)

The Declaration must be made and signed before a British Consul or other official British Representative by—

1. Filling in the particulars above where applicable and striking out the headings which do not apply.
2. Attaching any particulars not covered by those above.
3. *In the case of joint ownership by individuals*, giving a separate statement for each such individual.
4. *In the case of a company or other body corporate or unincorporate*, attaching full information as to date and place of incorporation or formation.
5. *In the case of a trust*, attaching particulars of any individual for whom the property is held in trust.

(ANNEX IVA)

CLAIM AND DECLARATION FOR RELEASE OF PROPERTY HELD IN THE UNITED KINGDOM SUBJECT TO THE PROVISIONS OF THE TRADING WITH THE ENEMY ACT, 1939

I, (full name) of (address)

DO SOLEMNLY AND SINCERELY DECLARE:—

- 1. THAT the following are the particulars of my last residence prior to 3rd September, 1939, and all residence thereafter: (a)
- 2. THAT I arrived in (x) above on
- 3. THAT since a date prior to the 3rd September, 1939, I (we) have been the beneficial owner(s) of the property (b) herein claimed, and that no individual persons or concerns residing in or having its head office in one of the following countries:—

Germany, Austria, Italy, Hungary, Roumania, Bulgaria, Japan, which are or have been at war with the United Kingdom of Great Britain and Northern Ireland, has or has had at any time since the 3rd September, 1939, any interest whatever in the ownership of the property.

THAT the other person(s) having an interest in the property are given on the attached schedule (c).

4. THAT I have no intention of travelling or returning to any of the enemy territories mentioned above and that no part of the within-mentioned property will be transferred directly or indirectly to or for the benefit of any person living therein.

5. THAT I hold Passport No. OR Citizenship papers

6. Declared at Signature(s)..... British Consulate: (c) Beneficial owner: or

Attorney or Legal Representative of:

Notes:—

- (a) particulars of any transit or exit visas or permits issued should be given.
- (b) full particulars of the property claimed and by whom held in the United Kingdom to be given on the reverse of this form or on a schedule to be attached hereto.
- (c) cross out that which is not applicable. Further particulars may be entered overleaf.

(Date)

I request that the monies or other property claimed, held by the Custodian of Enemy Property shall be paid or transferred to:—

Signed.....

Sir Henry Gregory to Dr. J. M. Fehmers

Administration of Enemy Property Department,

London, 24th November, 1948.

Dear Dr. Fehmers,

THANK you for your letter of 24th November, recording your understanding of the agreement reached in the discussions between representatives of the Netherlands Embassy and representatives of De Nederlandsche Bank on the one side and representatives of the Administration of Enemy Property Department on the other with a view to expediting the release of Netherlands assets held by or under the Custodian Order.

I have pleasure in confirming that we accept your letter as an accurate record of the arrangements to which we have agreed.

Yours sincerely,

(Sd.) H. S. GREGORY.

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