

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1951 No. 39

Overgelegd aan de Staten-Generaal door de Minister
van Buitenlandse Zaken

A. TITEL

*Inter-Geallieerde Verklaring tot het tegengaan van onteigenings-
maatregelen in gebieden onder vijandelijke bezetting of contrôle;
Londen, 5 Januari 1943.*

B. TEKST

**Inter-Allied Declaration against Acts of Dispossession Committed in
Territories under Enemy Occupation or Control.
Approved at London, January 5, 1943**

The Governments of the Union of South Africa; the United States of America; Australia; Belgium; Canada; China; the Czechoslovak Republic; the United Kingdom of Great Britain and Northern Ireland; Greece; India; Luxemburg; the Netherlands; New Zealand; Norway; Poland; the Union of Soviet Socialist Republics; Yugoslavia; and the French National Committee;

Hereby issue a formal warning to all concerned, and in particular to persons in neutral countries, that they intend to do their utmost to defeat the methods of dispossession practised by the Governments with which they are at war against the countries and peoples who have been so wantonly assaulted and despoiled.

Accordingly, the Governments making this Declaration and the French National Committee reserve all their rights to declare invalid any transfers of, or dealings with, property, rights and interests of any description whatsoever which are, or have been, situated in the territories which have come under the occupation or control, direct or indirect, of the Governments with which they are at war, or which belong, or have belonged, to persons (including juridical persons) resident in such territories. This warning applies whether such transfers

or dealings have taken the form of open looting or plunder, or of transactions apparently legal in form, even when they purport to be voluntarily effected.

The Governments making this Declaration and the French National Committee solemnly record their solidarity in this matter.

London, January 5, 1943.

F. TOETREDING

Tot op 1 Januari 1949 hadden de navolgende Staten hun goedkeuring van deze Verklaring aan de Britse Regering medegedeeld: Argentinië, Bolivia, Brazilië, Columbia, Ecuador, Egypte, Guatemala, Haïti, Honduras, Nicaragua, Panama, Paraguay, Peru, Uruguay en Venezuela.

J. GEGEVENS

Deze Verklaring was vergezeld van het navolgende verklarend Memorandum:

Note on the meaning, scope and application of the Inter-Allied Declaration against Acts of Dispossession Committed in Territories under Enemy Occupation or Control

The Governments who have to-day issued this Declaration include all the Governments of the United Nations who have suffered the invasion of their national territory by brutal and rapacious enemies.

2. The Declaration is being communicated on behalf of all parties to the Governments of the other United Nations, with an invitation to consider marking their adherence to the principles embodied in the Declaration by some pronouncement of their own. The Declaration is also being brought to the notice of neutral Governments. The parties to the Declaration are collaborating to arrange the maximum publicity for it, through the press and by broadcasting.

3. The Declaration is in the form of a general statement of the attitude of the participating Governments and of the French National Committee towards the acts of dispossession, of whatever nature, which have been, and are being increasingly, practised by the enemy Powers in the territories which they have occupied or brought under their control by their successive aggressions against the free peoples of the world. The Declaration makes it clear that it applies to transfers and dealings effected in territory under the indirect control of the enemy (such as the former "unoccupied zone" in France) just as much as it applies to such transactions in territory which is under his direct physical control.

4. In the Declaration the parties "reserve all their rights" to declare invalid transfers of or dealings with property, rights, &c., which have taken place during the period of enemy occupation or control of the territories in question. It is obviously impossible for a general declaration of this nature to define exactly the action which will require to be taken when victory has been won and the occupation or control of foreign territory by the enemy has been brought to an end. Dispossession has taken many forms and all will require consideration in the light of circumstances which may well vary from country to country. The wording of the Declaration, however, clearly covers all forms of looting to which the enemy has resorted. It applies, e.g., to the stealing or forced purchase of works of art just as much as to the theft or forced transfer of bearer bonds.

5. In so far as transfers or dealings are confined in their scope to the territory of a particular country, the procedure of examination and the decision reached regarding their invalidation will fall to be undertaken by the legitimate Government of the country concerned on its return. The Declaration marks, however, the solidarity in this important matter of all the participating Governments and of the French National Committee, and this means that they are mutually pledged to assist one another as may be required, and, in conformity with the principles of equity, to examine and if necessary to implement the invalidation of transfers or dealings with property, rights, &c., which may extend across national frontiers and require action by two or more Governments.

6. The expression of solidarity between the parties also means that they are agreed so far as possible to follow in this matter similar lines of policy, without derogation to their national sovereignty and having regard to the differences prevailing in the various countries. The parties making the Declaration have accordingly decided as a first step in this direction to establish a committee of experts, who will consider the scope and sufficiency of the existing legislation of the Allied countries concerned for the purpose of invalidating transfers or dealings of the nature indicated in the Declaration in all proper cases. The Committee have also been asked to receive and collect available information upon the methods adopted by the enemy Governments and their adherents to lay their hands upon property, rights, &c., in the territories which they have occupied or brought under their control. When a report is available from this committee of experts the whole question will be reviewed by the Governments making the Declaration and the French National Committee. The other Governments of the United Nations will be informed of the results of this enquiry.

Op deze Verklaring heeft mede betrekking artikel 75 van het op 10 Februari 1947 te Parijs ondertekende Vredesverdrag tussen de Geallieerde en Geassocieerde Mogendheden en Italië, bekendgemaakt

bij Koninklijk besluit van 6 April 1949 (*Staatsblad* No. J 166), en het Memorandum van 19 Januari 1951, Washington, tussen de Regeringen van het Koninkrijk der Nederlanden en van de Verenigde Staten van Amerika (*Tractatenblad* 1951 No. 41).

Uitgegeven de *dertiende* April 1951.

De Minister van Buitenlandse Zaken a.i.,
W. DREES.