

# TRACTATENBLAD

VAN HET

## KONINKRIJKDERNEDER LAN DEN

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JAARGANG 1951 No. 41

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

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A. TITFX

*Memorandum houdende een schikking tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Verenigde Staten van Amerika met betrekking tot aanspraken van de Nederlandse Regering op geroofde effecten; Washington, 19 Januari 1951.*

B. TEKST

Memorandum of understanding between the Government of the Netherlands and the Government of the United States of America regarding claims by the Government of the Netherlands to looted securities

Whereas, the Government of the Netherlands and the Government of the United States of America declared their intent by the Inter-Allied Declaration regarding forced transfers of property in enemy-controlled territory of January 5, 1943, and Resolution no. VI of the United Nations Monetary and Financial Conference held at Bretton Woods, New Hampshire, July 1—22, 1944, to frustrate the attempts of the enemy and persons dealing with the enemy to profit from wartime loot; and

Whereas, the Government of the Netherlands has represented that substantial quantities of securities were looted by the Government of Germany from the Netherlands during World War II and has furnished to the Government of the United States serial numbers and other identifying data with respect to such securities; and

Whereas, the Government of the United States, in order to implement the objectives of the aforementioned Declaration and Reso-

lutions, and in order to assist the Government of the Netherlands to assert its rights with respect to such securities, issued General Ruling no. 5, as amended, of the regulations of the United States Department of Justice, Office of Alien Property, to which ruling was appended a list of such securities, and by which ruling such of the securities so listed as were brought into the United States were required to be deposited with the Federal Reserve Bank of New York; and

Whereas, it appears that a considerable amount of such securities was obtained at a discount by persons under circumstances which should have indicated that infirmities of title existed; and

Whereas, the major portion of the securities contained in the list appended to said General Ruling no. 5, as amended, is still undeposited and it is apparent to the Government of the Netherlands and the Government of the United States that the program with respect to such securities will be indefinitely prolonged unless the hereinafter described action contemplated by the Government of the United States is undertaken; and

Whereas, by requiring holders of such securities to deposit them and to establish the circumstances under which they were acquired, a determination of the rights thereto can be made, thus affording a means of accomplishing the objectives of the aforesaid Declaration and Resolution, and also of protecting present holders who had purchased innocently; and

Whereas, the Government of the United States of America contemplates undertaking the following program of action:

A. A new General Ruling in the form shown in Annex A to this Memorandum of Understanding will be issued by the United States Department of Justice, Office of Alien Property, with a list appended thereto containing substantially all those securities of United States issue which are on the list of securities appended to General Ruling no. 5 in its present form. The securities which will appear on the list appended to the new Ruling are referred to in this Memorandum of Understanding as "domestic scheduled securities".

B. (1) The aforementioned General Ruling no. 5 will be amended to read as shown in Annex B to this Memorandum of Understanding and the list of securities appended thereto will be revised so as to delete therefrom all securities of United States issue. Securities which will appear on the list as so revised are referred to in this Memorandum of Understanding as "foreign scheduled securities".

(2) Said General Ruling no. 5 will be revoked six months after the date hereof, or said Ruling may be continued or revised if it appears to the Government of the United States to be desirable to do so in light of actions which may be taken by the governments of

the countries of issue with respect to foreign scheduled securities. The Government of the United States will discuss with the Government of the Netherlands any such proposed action prior to the execution thereof.

C. A Press Release will be issued announcing the promulgation of the aforementioned amended General Ruling no. 5 and the new General Ruling, and declaring, among other things, certain consequences which will attend the failure to deposit domestic scheduled securities as required.

D. Action will be taken to vest the rights of holders of certain or all of the domestic scheduled securities, including interest unpaid at date of vesting, which have not been deposited with the Federal Reserve Bank of New York by a specified date, approximately six months from the date of the issuance of the aforementioned new General Ruling, and the issuers of such securities will be directed to issue new certificates evidencing the rights vested in lieu of those in which the rights of holders thereof have been vested. Such of the new certificates as the Government of the United States may determine under the procedures set forth in the Trading with the Enemy Act, as amended, to be the property of the Government of the Netherlands or its nationals will be turned over to such owner or owners.

And whereas, the Government of the Netherlands recognizes that such a program, if undertaken, will be primarily to the material benefit of itself and its nationals; that fairness to present holders requires wide publicity with respect to the program; that the administration of such program and the attendant publicity required will entail considerable expense; and that circumstances may develop which may make it inappropriate for the United States to continue the program in part or in whole or without change;

Now, therefore, the Government of the United States of America and the Government of the Netherlands agree as follows:

(1) At the earliest practicable date the Government of the Netherlands will publicize at its own expense the amended General Ruling no. 5 and the new General Ruling in United States and foreign newspapers which shall be determined in consultation with the Government of the United States.

(2) The Government of the Netherlands will turn over to the Office of Alien Property of the United States Department of Justice at the time of the execution of this Memorandum of Understanding the sum of twenty-five thousand dollars (\$ 25,000) as a fund out of which the United States may reimburse itself for all expenses which are reasonably allocable to this program incurred after the execution of this Memorandum of Understanding. Such expenses are understood to include and are not limited to salaries of personnel engaged

in administering the program and costs of litigation and administrative hearings, if any, incurred in connection with this program. In addition, from time to time upon request of the Government of the United States, the Government of the Netherlands will pay into the aforementioned fund such additional sums as will be required to restore the amount in the fund to twenty-five thousand dollars (\$ 25,000). Any balance in said fund remaining after the termination of the program shall be returned to the Government of the Netherlands. The Government of the Netherlands will hold the Government of the United States, its agencies and personnel harmless from all liabilities incurred in connection with the program insofar as it relates to securities placed upon the lists appended to the aforementioned General Rulings at the request of the Government of the Netherlands.

(3) The Government of the Netherlands will, upon the request of the Government of the United States, intervene in any suit against the Government of the United States, its agencies or personnel, with respect to title to any domestic or foreign scheduled security claimed by the Government of the Netherlands for itself or its nationals or with respect to any certificate in lieu thereof turned over to the Government of the Netherlands by the United States Department of Justice, Office of Alien Property, and defend its claims and rights thereto.

(4) Said Office of Alien Property may license any and all transactions by innocent persons with respect to coupons appertaining to domestic and foreign scheduled securities.

(5) In every instance in which there is issued, in lieu of a domestic scheduled security, a certificate with interest coupons attached which are duplicates of the interest coupons originally issued and such certificate and duplicate interest coupons are turned over to the Government of the Netherlands by said Office of Alien Property, the Government of the Netherlands will either reimburse such issuer for all payments which, in spite of appropriate measures taken to prevent such payments, are made by the issuer or its paying agents on the original interest coupons for which the duplicate coupons are issued or will surrender such duplicate coupons to the issuer for cancellation. The Government of the Netherlands will give assurance to each issuer of a certificate in lieu of a domestic scheduled security which is turned over to it that it will comply with the requirement provided in this paragraph.

(6) Said Office of Alien Property may license any and all transactions with respect to those domestic and foreign scheduled securities which it considers to be held by innocent persons. Said Office of Alien Property may delete securities it considers to be so held from the schedule appended to said General Ruling no. 5, as amended, or appended to the aforementioned new Ruling and may instruct the

Federal Reserve Bank of New York, if held by that Bank, to return such securities to the persons depositing them.

(7) The Government of the United States shall at any time have the right to *delete* any securities from the lists of domestic and foreign scheduled securities, to determine whether to proceed with the program as contemplated, amend, or abandon it. The Government of the United States also reserves the right to revise or revoke at any time the aforesaid General Rulings.

(8) The Government of the Netherlands will use its best efforts *io* settle its claims with respect to all deposited domestic and foreign scheduled securities as speedily as possible and understands that the United States may exercise the right reserved to it by paragraph (7) above to delete from the list of domestic scheduled securities and instruct the Federal Reserve Bank of New York to return such domestic securities as may have been on deposit: for the period of eighteen months after the date of the issuance of the aforementioned new General Ruling and with respect to which the Government of the Netherlands has not commenced litigation.

(9) The Government of the United States will discuss with the Government of the Netherlands any proposed action pursuant to paragraphs (4), (6) and (7) above prior to the execution thereof.

(10) The Government of the Netherlands will furnish to the Government of the United States upon request all information in its possession with respect to any domestic or foreign scheduled security.

(11) The question of the ultimate disposition of domestic scheduled securities which fall in the category of "heirless assets" shall be subject to agreements arrived at between the Government of the Netherlands and the Government of the United States as to other property in the category of "heirless assets".

(12) This Memorandum of Understanding shall enter into force on the day it is signed.

Done at Washington, in duplicate, this nineteenth day of January, 1951.

*For the Government of the Netherlands:*

(s.) J. H. VAN ROYEN.

*For the Government of the United States  
of America:*

(s.) DEAN ACHESON.

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#### ANNEX A

§ 511.205b *General Ruling No. 5B.* (a) *Prohibitions with respect to domestic scheduled securities.* Except as authorized by license or other authorization specifically referring to this section from the Director, Office of Alien Property, Department of Justice, or as

required or authorized by paragraph (e) of this section, any transfer of, dealing in, or other transaction with respect to, a domestic scheduled security or any obligation, interest, or claim of which such security is evidence, is prohibited.

(b) *Definition.* As used in this section, the term "domestic scheduled securities" shall include all securities wherever located which appear on the list in paragraph (g) of this section, entitled "Domestic Scheduled Securities," including coupons appertaining thereto.

(c) *Notice.* The provisions of this section shall apply whether the parties to any act with respect to domestic scheduled securities prohibited by this section, or persons subject to the requirements with respect to domestic scheduled securities imposed by this section, do or do not have actual notice or knowledge that such securities are domestic scheduled securities.

(d) *Effect of a prohibited transaction.* Any transaction in violation of the prohibitions contained in paragraph (a) of this section shall be null and void.

(e) *Duty of persons bringing, receiving, or holding domestic scheduled securities.* (1) Domestic scheduled securities brought from a foreign country to the United States by any person shall be forwarded by such person within five (5) days after his arrival in the United States to the Federal Reserve Bank of New York together with a statement in triplicate setting forth the following:

- (i) His name and address;
- (ii) A complete description of the securities;
- (iii) The name and address of the person from whom he received the securities and the date of receipt; and
- (iv) The circumstances under which the securities were received.

(2) Domestic scheduled securities mailed or otherwise sent from a foreign country to any person within the United States shall be forwarded by such person within five (5) days after receipt thereof to the Federal Reserve Bank of New York together with the above-specified statement in triplicate.

(3) Domestic scheduled securities held on January 20, 1951, by any person within the United States (whether for himself or for any such person) shall within thirty days thereafter be forwarded by such person to the Federal Reserve Bank of New York together with the above-specified statement in triplicate. Any such person who on January 20, 1951, held domestic scheduled securities as security for an obligation owing to him shall not be required to forward the securities to the Federal Reserve Bank of New York, but shall be required to file the above-specified statement in triplicate with the Office of Alien Property, 120 Broadway, New York 5, New York, together with a statement of the circumstances under which the securities are being held.

(4) Domestic scheduled securities received by any person within the United States (whether for himself or for any other person)

shall be forwarded by such person within five (5) days after receipt thereof to the Federal Reserve Bank of New York together with the above-specified statement in triplicate.

(5) Any person required by the provisions of subparagraphs (3) or (4) of this paragraph to forward securities, to the Federal Reserve Bank of New York may, instead, return such securities to the person from whom he received them, if the latter is within the United States. The person initiating such return shall file a report with the Office of Alien Property, 120 Broadway, New York 5, New York, giving the name and address of the person to whom he makes such return and he shall advise such person that they are domestic scheduled securities which should be deposited with the Federal Reserve Bank of New York pursuant to this ruling unless they are returned with a similar notice to the person in the United States from whom they were received. The last person in the United States to whom such securities are returned under this subparagraph shall forward them to the Federal Reserve Bank of New York, together with the above-specified statement in triplicate with respect to this original receipt of the securities. In case securities are returned under the rules of a securities exchange, an association of securities dealers, or a similar organization, the last member of an exchange or similar organization or dealer to whom such securities are returned under such procedure, if he is not the last person to whom such securities are returned hereunder, shall file with the Office of Alien Property, 120 Broadway, New York 5, New York, the above-specified statement in triplicate with respect to his original receipt of the securities together with the date on which he returned such securities to the person from whom he received them.

(6) Domestic scheduled securities held by any person not within the United States shall be deposited with the Federal Reserve Bank of New York together with the statement specified in subparagraph (1) of this paragraph on or before July 31, 1951.

(7) Acts or transactions required or authorized by the provisions of this paragraph are licensed to the extent, and only to the extent, of permitting compliance therewith.

(f) *Disposition of securities delivered to Federal Reserve Bank of New York.* The Federal Reserve Bank of New York shall act only as fiscal agent of the United States under this section, and shall receive and hold securities delivered to it pursuant to this section as such fiscal agent, subject to the further order of the Director, Office of Alien Property. Applications for release of securities so held may be filed with the Office of Alien Property, 120 Broadway, New York 5, New York.

(g) *Appendix.*

**Domestic Scheduled Securities**  
(effecten-lijst niet afgedrakt)

## ANNEX B

§ 511.205 *General Ruling No. 5.* (a) *Prohibitions with respect to foreign scheduled securities.* Except as authorized by license or other authorization specifically referring to this section from the Director, Office of Alien Property, Department of Justice, or as required or authorized by paragraph (e) of this section, any transfer of, dealing in, or other transaction by a person within the United States or a person subject to the jurisdiction of the United States with respect to a foreign, scheduled security or any obligation, interest, or claim of which such security is evidence, is prohibited.

(b) *Definition.* As used in this section, the term "foreign scheduled securities" shall include all securities wherever located which appear on the list in paragraph (g) of this section, entitled "Foreign Scheduled Securities," including coupons appertaining thereto.

(c) *Notice.* The provisions of this section shall apply whether the parties to any act; with respect to foreign scheduled securities prohibited by this section, or persons subject to the requirements with respect to foreign scheduled securities imposed by this section, do or do not have actual notice or knowledge that such securities are foreign scheduled securities.

(d) *Effect of a prohibited transaction.* Any transaction in violation of the prohibitions contained in paragraph (a) of this section shall be null and void.

(e) *Duty of persons bringing, receiving, or holding foreign scheduled securities.* (1) Foreign scheduled securities brought from a foreign country to the United States by any person shall be forwarded by such person within five (5) days after his arrival in the United States to the Federal Reserve Bank of New York together with a statement in triplicate setting forth the following:

- (i) His name and address;
- (ii) A complete description of the securities;
- (iii) The name and address of the person from whom he received the securities and the date of receipt; and
- (iv) The circumstances under which the securities were received.

(2) Foreign scheduled securities mailed or otherwise sent from a foreign country to any person within the United States shall be forwarded by such person within five (5) days after receipt thereof to the Federal Reserve Bank of New York together with the above-specified statement in triplicate.

(3) Foreign scheduled securities held on January 20, 1951, by any person within the United States (whether for himself or for any other person) shall within thirty days thereafter be forwarded by such person to the Federal Reserve Bank of New York together with the above-specified statement in triplicate. Any such person who on January 20, 1951, held foreign scheduled securities as security for an obligation owing to him shall not be required to forward the



securities to the Federal Reserve Bank of New York, but shall be required to file the above-specified statement in triplicate with the Office of Alien Property, 120 Broadway, New York 5, New York, together with a statement of the circumstances under which the securities are being held.

(4) Foreign scheduled securities received by any person within the United States (whether for himself or for any other person) shall be forwarded by such person within five (5) days after receipt thereof to the Federal Reserve Bank of New York together with the above-specified statement in triplicate.

(5) Any person required by the provisions of subparagraph (3) or (4) of this paragraph to forward securities to the Federal Reserve Bank of New York may, instead, return such securities to the person from whom he received them, if the latter is within the United States. The person initiating such return shall file a report with the Office of Alien Property, 120 Broadway, New York 5, New York, giving the name and address of the person to whom he makes such return and he shall advise such person that they are foreign scheduled securities which should be deposited with the Federal Reserve Bank of New York pursuant to this ruling unless they are returned with a similar notice to the person in the United States from whom they were received. The last person in the United States to whom such securities are returned under this subparagraph shall forward them to the Federal Reserve Bank of New York, together with the above-specified statement in triplicate with respect to his original receipt of the securities. In case securities are returned under the rules of a securities exchange, an association of securities dealers, or a, similar organization, the last member of an exchange or similar organization or dealer to whom such securities are returned under such procedure, if he is not the last person to whom such securities are returned hereunder, shall file with the Office of Alien Property, 120 Broadway, New York 5, New York, the above-specified statement in triplicate with respect to his original receipt of the securities together with the date on which he returned such securities to the person from whom he received them.

(6) Foreign scheduled securities held by any person not within the United States may be deposited with the Federal Reserve Bank of New York together with the statement specified in subparagraph (1) of this paragraph on or before July 31, 1951.

(7) Acts or transactions required or authorized by the provisions of this paragraph are licensed to the extent, and only to the extent, of permitting compliance therewith.

(f) *Disposition of securities delivered to Federal Reserve Bank of New York.* The Federal Reserve Bank of New York shall act only as fiscal agent of the United States under this section, and shall receive and hold securities delivered to it pursuant to this section as such fiscal agent, subject to the further order of the Director,

Office of Alien Property. Applications for release of securities so held may be filed with the Office of Alien Property, 120 Broadway, New York 5, New York.

(g) *Appendix.*

**Foreign Scheduled Securities Bonds**  
(effecten-lijst niet afgedrukt)

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C. VERTALING

**Memorandum houdende een schikking tussen de Nederlandse Regering en de Regering van de Verenigde Staten van Amerika met betrekking tot aanspraken van de Nederlandse Regering op geroofde effecten**

Aangezien de Nederlandse Regering en de Regering van de Verenigde Staten van Amerika door middel van de Inter-geallieerde Verklaring tot het tegengaan van onteigeningsmaatregelen in gebieden onder vijandelijke bezetting of controle van 5 Januari 1943, en van Resolutie No. VI van de Monetaire en Financiële Conferentie der Verenigde Naties, gehouden te Bretton Woods, New Hampshire, van 1 tot 22 Juli 1944, haar voornemen kenbaar hebben gemaakt de pogingen van de vijand en van personen die met de vijand handel drijven, om te profiteren van in oorlogstijd geroofde goederen, te ver%ietea; en

Aangezien de Nederlandse Regering er op heeft gewezen dat gedurende de Tweede Wereldoorlog aanzienlijke hoeveelheden effecten door de Duitse Regering uit Nederland zijn geroofd, en aan de Regering van de Verenigde Staten serie-nummers en andere gegevens voor de identificatie van deze effecten heeft verstrekt; en

Aangezien de Regering van de Verenigde Staten, ten einde de doelstellingen van bovengenoemde Verklaring en Resolutie te verwezenlijken, en ten einde de Nederlandse Regering behulpzaam te zijn bij het doen gelden van haar rechten met betrekking tot dergelijke effecten, de Algemene Beslissing No. 5, zoals gewijzigd, van de voorschriften van het Amerikaanse Ministerie van Justitie, "Office of Alien Property", heeft uitgegeven, bij welke Beslissing een lijst was gevoegd van deze effecten, en krachtens welke Beslissing dat gedeelte van de op de lijst voorkomende effecten, dat in de Verenigde Staten was ingevoerd, bij de Federal Reserve Bank of New York diende te worden gedeponereerd; en

Aangezien blijkt dat een aanzienlijk aantal van deze effecten door personen beneden de geldende koersen werd verkregen onder omstandigheden die een aanwijzing hadden behoren te zijn, dat er een gebrek in de titel bestond; en

Aangezien het grootste gedeelte van de effecten vervat in de lijst gevoegd bij genoemde Algemene Beslissing No. 5, zoals gewijzigd, nog steeds niet gedeponereerd is en het de Nederlandse Regering en de Regering van de Verenigde Staten duidelijk is, dat de procedure met betrekking tot dergelijke effecten zich over onbepaalde tijd zal uitstrekken indien de hierna beschreven stappen welke door de Regering van de Verenigde Staten worden overwogen, niet worden genomen; en

Aangezien, door van de houders van dergelijke effecten te eisen, dat zij ze deponeren en de omstandigheden bewijzen waaronder ze werden verkregen, de rechten welke op die effecten bestaan kunnen worden vastgesteld waardoor de mogelijkheid wordt geschapen de doeleinden van bovengenoemde Verklaring en Resolutie te verwezenlijken, en ook om de tegenwoordige houders, die de effecten te goeder trouw hebben gekocht, te beschermen; en

Aangezien de Regering van de Verenigde Staten van Amerika overweegt het volgend samenstel van maatregelen te nemen:

A. Er zal een nieuwe Algemene Beslissing, in de vorm als aangegeven in Bijlage A bij dit Memorandum, worden uitgevaardigd door het Amerikaanse Ministerie van Justitie, "Office of Alien Property", met een daarbij gevoegde lijst welke in hoofdzaak al die in de Verenigde Staten uitgegeven effecten bevat welke voorkomen op de lijst gevoegd bij de Algemene Beslissing No. 5 in haar huidige vorm. De effecten welke zullen voorkomen op de lijst gevoegd bij de nieuwe Beslissing, worden in dit Memorandum aangeduid als "domestic scheduled securities".

B. (1) Bovengenoemde Algemene Beslissing No. 5 zal worden gewijzigd in de vorm als aangegeven in Bijlage B bij dit Memorandum en de daarbij gevoegde lijst van effecten zal zodanig worden herzien, dat alle in de Verenigde Staten uitgegeven effecten ervan worden geschrapt. De effecten welke op de aldus herziene lijst voorkomen worden in dit Memorandum aangeduid als "foreign scheduled securities".

(2) Genoemde Algemene Beslissing No. 5 zal zes maanden na haar dagtekening worden ingetrokken, of genoemde Beslissing zal eventueel worden verlengd of herzien indien het de Regering van de Verenigde Staten wenselijk blijkt dit te doen in het licht van stappen welke eventueel door de regeringen van de landen van uitgifte genomen zullen worden met betrekking tot "foreign scheduled securities". De Regering van de Verenigde Staten zal met de Nederlandse Regering iedere in dat opzicht voorgenomen stap bespreken alvorens tot een dergelijke stap over te gaan,

C. Er zal een persbericht verschijnen waarin de afkondiging van bovengenoemde gewijzigde Algemene Beslissing No. 5 en van de nieuwe Beslissing wordt bekend gemaakt en waarin o.a. zekere gevolgen bekend zullen worden gemaakt die verbonden zijn aan een

niet-nakoming van de verplichting tot deponeren van "domestic scheduled securities".

D. Stappen zullen worden ondernomen om de rechten te naasten van houders van bepaalde of alle "domestic scheduled securities" — met inbegrip van de op de datum van naasting niet-uitbetaalde rente — die op een bepaalde datum, ongeveer zes maanden na de datum van uitvaardiging van de bovengenoemde nieuwe Algemene Beslissing niet gedeponerd zijn bij de Federal Reserve Bank of New York, en aan de emittenten van dergelijke effecten zal opdracht gegeven worden nieuwe certificaten uit te geven ten bewijze van de genaaste rechten ter vervanging van die waarin de rechten van de houders waren vastgelegd. Dat gedeelte van de nieuwe certificaten dat op grond van richtlijnen vervat *in* de "Trading with the Enemy Act" (zoals gewijzigd), naar het oordeel van de Regering van de Verenigde Staten het eigendom van de Nederlandse Regering is of van haar onderdanen, zal aan een dergelijke eigenaar of eigenaars worden overgedragen.

En aangezien de Nederlandse Regering erkent dat een dergelijke procedure, indien ingesteld, hoofdzakelijk van essentieel belang zal zijn voor haar zelf en haar onderdanen; dat de eerlijkheid ten opzichte van de tegenwoordige houders gebiedt, dat aan deze procedure op ruime schaal bekendheid wordt gegeven; dat de administratie van een dergelijke procedure en de daarbij komende vereiste publiciteit aanzienlijke kosten met zich zullen brengen; en dat er zich omstandigheden kunnen voordoen die het voor de Verenigde Staten niet dienstig kunnen doen zijn, om de procedure geheel of gedeeltelijk of ~~of~~ te zetten;

Komen, derhalve, de Nederlandse Regering en de Regering van de Verenigde Staten als volgt overeen:

(1) Zo spoedig als uitvoerbaar is zal de Nederlandse Regering op haar eigen kosten, de gewijzigde Algemene Beslissing No. 5 en de nieuwe Algemene Beslissing publiceren in Amerikaanse en buitenlandse couranten die gekozen zullen worden in overleg met de Regering van de Verenigde Staten.

(2) De Nederlandse Regering zal aan het "Office of Alien Property" van het Amerikaanse Ministerie van Justitie op het ogenblik van de ten uitvoerlegging van dit Memorandum een bedrag van vijf en twintig duizend dollar (\$ 25,000) overdragen als een fonds waaruit de Verenigde Staten zich kunnen schadeloosstellen voor alle onkosten welke redelijkerwijze aan deze procedure kunnen worden toegeschreven en welke zijn gemaakt na de uitvoering van dit Memorandum. Er wordt overeengekomen, dat zulke onkosten ook omvatten, en niet beperkt zijn tot, de salarissen van personeel dat werkzaam is aan de administratie van deze procedure, en de kosten van eventuele procesvoering en administratieve verhoren, die gemaakt worden in verband met deze procedure. Bovendien zal de Nederlandse Regering

op verzoek van de Regering van de Verenigde Staten van tijd tot tijd aanvullende stortingen verrichten in bovengenoemd fonds nodig om het bedrag van het fonds weer op vijf en twintig duizend dollar (\$ 25,000) te brengen. Indien na beëindiging van de procedure een saldo van het fonds, overblijft, dan zal dat saldo aan de Nederlandse Regering worden terugbetaald. De Nederlandse Regering zal de Regering van de Verenigde Staten, haar organen en personeel vrijwaren voor alle aansprakelijkheid die op haar komt te rusten in verband met de procedure voor zover zij betrekking heeft op effecten, op verzoek van de Nederlandse Regering geplaatst op de lijsten welke gevoegd zijn bij de bovengenoemde Algemene Beslissingen.

(3) De Nederlandse Regering zal, op verzoek van de Regering van de Verenigde Staten, tussenbeide komen in elk rechtsgeding tegen de Regering van de Verenigde Staten, haar organen of personeel, met betrekking tot het eigendomsrecht op "domestic" of "foreign scheduled securities", die door de Nederlandse Regering voor zich zelf of voor haar onderdanen worden opgeëist of met betrekking tot een certificaat dat in plaats daarvan door het Amerikaanse Ministerie van Justitie, "Office of Alien Property", aan de Nederlandse Regering was overgedragen, en haar vorderingen en rechten daarop verdedigen.

(4) Genoemd "Office of Alien Property" kan vergunning verlenen voor alle transacties van houders te goeder trouw met betrekking tot coupons of dividendbewijzen behorend bij "domestic" of "foreign scheduled securities".

(5) In elk geval waarin een certificaat is uitgegeven ter vervanging van een "domestic scheduled security", aan welk certificaat coupons of dividend-bewijzen bevestigd zijn welke duplicaten zijn van de oorspronkelijk uitgegeven coupons of dividend-bewijzen en indien dergelijke certificaten en duplicaat-coupons of -dividend-bewijzen door genoemd "Office of Alien Property" aan de Nederlandse Regering worden overgedragen, dan zal de Nederlandse Regering of de emittent schadeloosstellen voor alle betalingen welke, ondanks de daartoe strekkende maatregelen genomen om dergelijke betalingen te voorkomen, door de emittent of door diens betaalkantoor verricht worden op de originele coupons of dividend-bewijzen waarvoor duplicaat-coupons of -dividend-bewijzen zijn uitgegeven, of dergelijke duplicaat-coupons of -dividend-bewijzen ter intrekking overhandigen aan de emittent. De Nederlandse Regering zal elke emittent van een certificaat ter vervanging van een "domestic scheduled security", hetwelk aan haar wordt overgedragen, de verzekering geven dat zij zich zal houden aan de in dit lid gestelde eisen.

(6) Genoemd "Office of Alien Property" kan vergunning verlenen voor alle transacties met betrekking tot die "domestic" en "foreign scheduled securities", welke naar zijn mening in het bezit zijn van houders te goeder trouw. Genoemd "Office of Alien Property" kan effecten, welke naar zijn mening in het bezit zijn van houders te goeder trouw, schrappen van de lijst gevoegd bij de

genoemde Algemene Beslissing No. 5, zoals gewijzigd, of gevoegd bij de bovengenoemde nieuwe Beslissing en het kan de Federal Reserve Bank of New York, indien bedoelde effecten in het bezit van die bank zijn, opdracht geven dergelijke effecten terug te geven aan de personen die ze hebben gedeponoord.

(7) De Regering van de Verenigde Staten heeft te allen tijde het recht, een of meer effecten te schrappen van de lijsten van "domestic" en "foreign scheduled securities", te beslissen of zij met de procedure, zoals beoogd, zal voortgaan, wijzigen of ervan afzien. De Regering van de Verenigde Staten behoudt zich eveneens het recht voor, bovengenoemde Algemene Beslissingen te allen tijde te kunnen herzien of herroepen.

(8) De Nederlandse Regering zal haar uiterste best doen, haar vorderingen met betrekking tot alle gedeponoerde "domestic" en "foreign scheduled securities" zo spoedig mogelijk vast te leggen, en neemt er nota van dat de Verenigde Staten het recht kunnen uitoefenen dat zij zich krachtens bovenstaand lid (7) hebben voorbehouden om van de lijst van "domestic scheduled securities" te schrappen — en de Federal Reserve Bank of New York te instrueren terug te geven — die "domestic securities", welke gedurende een periode van achttien maanden na de datum van uitvaardiging van bovengenoemde nieuwe Algemene Beslissing gedeponoord zijn geweest en met betrekking tot welke de Nederlandse Regering geen procesvoering is begonnen.

(9) De Regering van de Verenigde Staten zal met de Nederlandse Regering alle voorgenomen stappen bespreken krachtens de bovengenoemde leden (4), (6) en (7) alvorens tot die stappen over te gaan.

(10) De Nederlandse Regering zal op verzoek aan de Regering van de Verenigde Staten alle in haar bezit zijnde inlichtingen verstrekken met betrekking tot een of meer "domestic" of "foreign scheduled securities".

(11) De kwestie van de uiteindelijke bestemming van "domestic scheduled securities", die onder de groep „Nagelaten Vermogensbestanddelen zonder bekende Rechthebbenden" vallen, zullen het onderwerp zijn van tussen de Nederlandse Regering en de Regering van de Verenigde Staten met betrekking tot andere eigendommen in de groep „Nagelaten Vermogensbestanddelen zonder bekende Rechthebbenden" bereikte overeenstemming.

(12) Dit Memorandum treedt in werking op de dag van ondertekening.

Gedaan te Washington, in tweevoud, de negentiende Januari 1951.

*Voor de Nederlandse Regering:*

(w.g.) J. H. VAN ROYEN.

*Voor de Regering van de Verenigde Staten:*

(w.g.) DEAN ACHESON.

## G. INWERKINGTREDING

19 Januari 1951.

## J. GEGEVENS

De Inter-geallieerde Verklaring van 5 Januari 1943, genoemd in de Preambule van het Memorandum, is afgedrukt in *Tractatenblad* 1951, No. 39.

De Engelse tekst van Resolutie No. VI van de Monetaire en Financiële Conferentie der Verenigde Naties, genoemd in even-gevoemde Preambule, luidt als volgt:

**Enemy Assets and Looted Property**

"Whereas, in anticipation of their impending defeat, enemy leaders, enemy nationals and their collaborators are transferring assets to and through neutral countries in order to conceal them and to perpetuate their influence, power, and ability to plan future aggrandisement and world domination, thus jeopardizing the efforts of the United Nations to establish and permanently maintain peaceful international relations;

Whereas, enemy countries and their nationals have taken the property of occupied countries and their nationals by open looting and plunder, by forcing transfers under duress, as well as by subtle and complex devices, often operated through the agency of their puppet governments, to give the cloak of legality to their robbery and to secure ownership and control of enterprises in the post-war period;

Whereas, enemy countries and their nationals have also, through sales and other methods of transfer, run the chain of their ownership and control through occupied and neutral countries, thus making the problems of disclosure and disentanglement one of international character;

Whereas, the United Nations have declared their intention to do their utmost to defeat the methods of dispossession practiced by the enemy, have reserved their right to declare invalid any transfers of property belonging to persons within occupied territory, and have taken measures to protect and safeguard property, within their respective jurisdictions, owned by occupied countries and their nationals, as well as to prevent the disposal of looted property in United Nations markets; therefore

The United Nations Monetary and Financial Conference

1. Takes note of and fully supports steps taken by the United Nations for the purpose of:

(a) uncovering, segregating, controlling, and making appropriate disposition of enemy assets;

(b) preventing the liquidation of property looted by the enemy, locating and tracing ownership and control of such looted property,

and taking appropriate measures with a view to restoration to its lawful owners;

2. Recommends:

That all Governments of countries represented at this Conference take action consistent with their relations with the countries at war to call upon the Government of neutral countries

(a) to take immediate measures to prevent any disposition or transfer within territories subject to their jurisdiction of any

(1) assets belonging to the Government or any individuals or institutions within those United Nations occupied by the enemy; and

(2) looted gold, currency, art objects, securities, other evidences of ownership in financial or business enterprises, and of other assets looted by the enemy;

as well as to uncover, segregate and hold at the disposition of the post-liberation authorities in the appropriate country any such assets within territory subject to their jurisdiction;

(b) to take immediate measures to prevent the concealment by fraudulent means or otherwise within countries subject to their jurisdiction of any

(1) assets belonging to, or alleged to belong to, the Government of the individuals or institutions within enemy countries;

(2) assets belonging to, or alleged to belong to, enemy leaders, their associates and collaborators;

and to facilitate their ultimate delivery to the post-armistice authorities."

De bij dit Memorandum behorende effectenlijsten zijn, tezamen met het Memorandum en de bijlagen, overgelegd aan de Staten-Generaal bij brief van 15 Februari 1951 (Bijlagen *Handelingen* Tweede Kamer 1950—1951, 2081, No. 1).

Uitgegeven de *dertiende* April 1951.

*De Minister van Buitenlandse Zaken a.i>.*

W. DREES.