



Treaty Series No. 88 (1947)

Exchange of Notes constituting an Agreement

between His Majesty's Government in the United Kingdom
and the Belgian Government for the

Application of the Mutual Aid Agreement to Merchant Shipping Expenditure

[with Annex]

London, 29th September/4th October, 1947

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

LONDON
HIS MAJESTY'S STATIONERY OFFICE

ONE PENNY NET

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN
HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND
THE BELGIAN GOVERNMENT FOR THE APPLICATION OF THE
MUTUAL AID AGREEMENT TO MERCHANT SHIPPING EXPEN-
DITURE [WITH ANNEX]

London, 29th September/4th October, 1947

No. 1

The Secretary of State for Foreign Affairs to the Belgian Ambassador

Your Excellency, *Foreign Office,*
29th September, 1947.

As the result of discussions which have recently taken place between the Belgian and British authorities regarding the attribution under Mutual Aid of expenditure incurred in connexion with ships owned or chartered by the Ministry of War Transport and other local expenditure on behalf of the said Ministry, an arrangement has been reached in the terms set forth in the annex hereto.

2. His Majesty's Government in the United Kingdom approve of the provisions of this arrangement and, if they are likewise acceptable to the Belgian Government, I have the honour to propose that the present note, together with your Excellency's reply to that effect, should be considered as constituting an agreement between the two Governments.

I have, &c.
(Sgd.) ERNEST BEVIN.

ANNEX

THE present Agreement applies the provisions of the Protocol of Mutual Aid, concluded in London on 22nd August, 1944,⁽¹⁾ between the Belgian Government and His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, to expenditure in Belgian ports relating to ships owned or chartered by the Ministry of War Transport (hereinafter referred to as the Ministry) and to other expenditure incurred in such ports on behalf of the Ministry.

A. *Classes of Expenditure deemed to be Mutual Aid*

1. All supplies of equipment and material, payment of charges, and services and facilities, which are provided from local resources, shall be deemed to be mutual aid, which shall include the following: ships' stores;

(1) "Treaty Series No. 1 (1945)," Cmd. 6620.

provisions; fuel not imported from foreign countries; ships' repairs; port charges and dues; stevedoring; agency fees; administrative expenses of the Ministry's Sea Transport Officers; hire and total loss compensation for small craft taken over locally by the Ministry's Sea Transport Officers for military service (save that compensation for such losses failing to be dealt with under the separate claims Mutual Aid Agreement shall not be deemed to be mutual aid); first installation costs of seamen's hostels.

- 2. But the following expenditure shall not be deemed to be mutual aid: —
 - (a) Advances to ships' masters for crews' wages.
 - (b) Administrative expenses of the Ministry's representatives *other than Sea Transport officers*.
 - (c) Disbursements in respect of ships not eligible for mutual aid in the terms of Clause 3 of this Protocol.

B. Classes of Ships employed on Military Service and eligible for Mutual Aid

3. All ships controlled by the Ministry (other than ships operated commercially), such as those allocated or consigned to Sea Transport Service and tankers carrying oil products for the armed forces, shall be eligible for mutual aid; and all expenditure for the account of such ships which is eligible within the terms of Clause 1 of this Protocol shall be deemed to be mutual aid; provided that any such expenditure incurred by the Belgian Government in respect of cargoes delivered under the Military Civil Programme, that is to say cargoes of civilian supplies furnished by the Combined Military Authorities, shall be deemed ineligible for mutual aid and shall be recovered in a manner to be determined later.

4. Expenditure in connexion with ships fitted out for service in the Far East shall be deemed to be mutual aid in so far as it was made or initialled on or before 15th August, 1945.

C. Finance

5. As from 1st August, 1945, the Belgian Government shall grant advances of Belgian francs to the Ministry's representatives in order to meet expenditure which is not settled by the Belgian Government direct.

D. Accounting

6.—(a) For expenditure deemed to be mutual aid and made by the Ministry before 1st August, 1945, the Ministry shall provide a certified statement of expenditure, ship by ship, not supported by vouchers, but showing the nature of each item of expenditure.

For expenditure made by the Ministry on and from 1st August, 1945, the Ministry shall submit to the Office of Mutual Aid: —

- (1) A statement showing the total amount of expenditure deemed to be mutual aid, ship by ship, and supported by copies of the relevant vouchers.
 - (2) A statement showing the total amount of expenditure not deemed to be mutual aid.
- (b) The Office of Mutual Aid shall submit to the Ministry: —
- (1) A statement showing the total amount of the expenditure not deemed to be mutual aid, ship by ship, and supported by copies of the relevant vouchers.
 - (2) A statement showing the total amount of the expenditure deemed to be mutual aid.

(c) The Ministry and the Office of Mutual Aid shall provide preliminary figures under paragraphs (a) and (b) of this Clause not later than 31st December, 1945. The final and complete statements shall be exchanged not later than 31st March, 1946.

(d) A current account shall be kept by the Office of Mutual Aid. It shall be debited with all advances to the Ministry and with the amount of the expenditure not deemed to be mutual aid made by the Office of Mutual Aid under paragraph (b) of this Clause; and shall be credited with the amount of the expenditure deemed to be mutual aid made by the Ministry under paragraph (a) of this Clause. The balance as debited to the Ministry shall be paid to the Belgian Government in a form to be agreed by the authorities concerned.

The Agreement shall cover expenditure incurred during the period from 1st June, 1944, to 8th September, 1945, inclusive, save in respect of the provisions of Clause 4.

No. 2

The Belgian Ambassador to the Secretary of State for Foreign Affairs

Ambassade de Belgique,

M. le Secrétaire d'Etat,

Londres, le 4 octobre 1947.

J'ai l'honneur d'accuser réception de la note de votre Excellence, en date du 29 septembre 1947, dont le texte suit:

[As in No. 1]

J'ai l'honneur de marquer à votre Excellence l'accord de mon Gouvernement en ce qui concerne les termes de sa lettre ci-dessus, ainsi que de son annexe.

La présente lettre et la communication de votre Excellence peuvent être considérées comme constituant un accord entre nos deux Gouvernements.

Je saisis, &c.

(Sgd.) O. DE THIEUSIES.

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