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Treaty Series No. 9 (1929)

NOTES EXCHANGED BETWEEN  
HIS MAJESTY'S GOVERNMENT IN THE  
UNITED KINGDOM AND THE  
GOVERNMENT OF THE NETHERLANDS

*for the*

# Settlement of Claims of the Dutch Fishing Industry arising out of the War

London, March 22, 1929

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

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**Notes exchanged between His Majesty's Government in  
the United Kingdom and the Government of the  
Netherlands for the Settlement of Claims of the  
Dutch Fishing Industry arising out of the War.**

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*London, March 22, 1929.*

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(1.)

*Sir Austen Chamberlain to M. van Swinderen.*

Sir,

*Foreign Office, March 22, 1929.*

WITH reference to the prolonged discussions which have taken place regarding the claims in relation to damage or losses alleged to have been suffered by Netherlands nationals during the late war, I have the honour to state that His Majesty's Government in the United Kingdom, after careful review of the facts of the individual cases, see no reason whatever to modify their conclusion that no liability towards any of the claimants rests upon them under recognised principles of international law.

His Majesty's Government in the United Kingdom have, however, as you are aware, recognised that the claims presented on behalf of the Dutch fishing industry as a consequence of the action which the British authorities were reluctantly compelled to take during the war, stand on a special footing and they are now prepared as an act of grace towards the claimants to pay to the Netherlands Government in respect of the fishing vessels' claims the sum of 1 million guilders, it being left entirely to the Netherlands Government at their discretion to dispose of this amount in favour of those claimants in such way as they may consider proper. With a view to protecting His Majesty's Government in the United Kingdom against a possible double liability, it is understood that the Netherlands Government will obtain an undertaking from claimants benefiting from this payment or from the representatives of such claimants to the effect that the compensation received is accepted in final settlement of their claims, and that no further action will be taken against the Government of His Majesty in the United Kingdom in respect thereof.

His Majesty's Government can, however, only make this offer on condition that it is accepted as finally disposing, as between themselves and the Netherlands Government, of all the claims referred to in the first paragraph of this note.

It is understood that, as regards claims other than those presented on behalf of the Dutch fishing industry, there still remain open to the nationals of the Netherlands concerned the rights and remedies, if any, equally available to British or other nationals in

similar circumstances, and access to the British Prize Courts is still available to claimants subject to the right of the British authorities to plead all defences legally open to them.

It is, of course, understood that the right of each Government to maintain on future occasions such position as it may deem appropriate with respect to the legality under international law of measures such as those giving rise to the claims or other points in dispute is fully reserved, and that the juridical position of neither Government is in any way prejudiced.

I have, &c.

AUSTEN CHAMBERLAIN.

(2.)

*M. van Swinderen to Sir Austen Chamberlain.*

*Légation des Pays-Bas,*

*Londres, le 22 mars 1929.*

M. le Secrétaire d'État,

J'ai l'honneur d'accuser réception à votre Excellence de sa lettre du 22 mars 1929 ayant trait aux discussions prolongées qui ont eu lieu concernant certaines réclamations au sujet de dommages et pertes soufferts par les ressortissants néerlandais pendant la guerre mondiale. Dans cette lettre votre Excellence a bien voulu me faire savoir que le Gouvernement de Sa Majesté dans le Royaume-Uni, après un examen minutieux des faits de chaque cas spécial, ne voit aucune raison de modifier sa conclusion qu'aucune responsabilité ne lui incombe selon les principes reconnus de droit international à l'égard d'aucun des intéressés. Le Gouvernement de Sa Majesté dans le Royaume-Uni a, cependant, reconnu que les réclamations présentées en faveur de l'industrie des pêcheries à la suite des mesures que les autorités britanniques étaient contraintes à prendre, contre leur gré, pendant la guerre, ont un caractère spécial, et il serait disposé à payer, dans les conditions mentionnées dans votre lettre, au Gouvernement néerlandais, en faveur des pêcheries, comme un acte de grâce à l'égard des réclamants, la somme d'un million de florins, laissant entièrement au Gouvernement néerlandais de disposer à sa discrétion de cette somme en faveur des pêcheurs dont il s'agit, de la manière que ce Gouvernement croira équitable.

En réponse, j'ai l'honneur de faire savoir à votre Excellence que le Gouvernement néerlandais regrette vivement que le Gouvernement de Sa Majesté dans le Royaume-Uni n'a pas cru pouvoir entrer dans les vues du Gouvernement néerlandais et qu'il décline toute obligation de dédommagement au sujet des réclamations dont il s'agit et que le Gouvernement néerlandais trouve justifiées. C'est, toutefois, avec satisfaction que le Gouvernement néerlandais a relevé de la lettre précitée de votre Excellence que le Gouvernement de Sa Majesté dans le Royaume-Uni s'est déclaré prêt à accorder une indemnité en faveur des pêcheries néerlandaises et, en offrant une somme d'un million de florins, fait preuve à leur égard

d'un esprit large, que mon Gouvernement apprécie à sa juste valeur. Le Gouvernement néerlandais m'a autorisé à accepter cette offre, aux conditions émises dans la lettre de votre Excellence.

Le Gouvernement néerlandais prend acte de ce que le Gouvernement de Sa Majesté dans le Royaume-Uni assurera aux ressortissants néerlandais intéressés, autres que ceux visés au deuxième paragraphe de votre lettre, tous droits et remèdes dont pourront profiter ses propres nationaux ou les ressortissants d'autres Puissances dans des circonstances analogues et que l'accès aux tribunaux de prises britanniques restera ouvert aux réclamants, le droit des autorités britanniques d'y faire valoir telle défense que les lois leur accordent, demeurant également réservé.

Il est, naturellement, bien entendu que le droit de chacun des deux Gouvernements de maintenir à l'avenir telle attitude qu'il jugera opportune à l'égard de la légalité selon le droit international de mesures comme celles qui ont donné lieu aux réclamations ou à l'égard d'autres points en contestation est complètement réservé, et que la position juridique d'aucun des deux Gouvernements n'est d'aucune façon préjudiciée.

Veuillez agréer, &c.

R. DE MAREES VAN SWINDEREN.

(Translation.)

*Netherlands Legation,*

M. le Secrétaire d'Etat,

*London, March 22, 1929.*

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 22nd March, 1929, relative to the prolonged discussions which have taken place concerning certain claims in respect of damages and losses incurred by Netherlands subjects during the world war. In that note your Excellency was good enough to inform me that, after a careful examination of the facts of each individual case, His Majesty's Government in the United Kingdom see no reason whatever to modify their conclusion that no liability towards any of the interested parties rests upon them according to the recognised principles of international law. His Majesty's Government in the United Kingdom, however, have recognised that the claims presented on behalf of the fishing industry as a consequence of the measures which the British authorities were reluctantly compelled to take during the war, stand on a special footing, and they are prepared, as an act of grace towards the claimants, in the conditions mentioned in your note, to pay to the Netherlands Government on behalf of the fisheries, the sum of 1 million guilders, it being left entirely to the Netherlands Government at their discretion to dispose of this amount in favour of the fishermen in question in such way as this Government may consider proper.

In reply, I have the honour to inform your Excellency that the Netherlands Government deeply regret that His Majesty's Government in the United Kingdom have been unable to accept the views of the Netherlands Government, and that they deny all liability for

compensation in respect of the claims in question which the Netherlands Government consider to be justified. It is, nevertheless, with satisfaction that the Netherlands Government have learned from your Excellency's note mentioned above that His Majesty's Government in the United Kingdom have declared their readiness to accord an indemnity in favour of the Dutch fisheries and, in offering a sum of 1 million guilders, make manifest a spirit of accommodation towards them which my Government appreciate at its true value. The Netherlands Government have authorised me to accept this offer in the conditions set forth in your Excellency's note.

The Netherlands Government note that His Majesty's Government in the United Kingdom will assure to the Netherlands subjects concerned, other than those contemplated in the second paragraph of your note, all rights and remedies available to their own nationals or the nationals of other Powers in similar circumstances, and that access to the British Prize Courts will still be available to the claimants, subject to the right of the British authorities to plead all defences legally open to them.

It is, of course, understood that the right of each Government to maintain on future occasions such position as it may deem appropriate with respect to the legality, under international law, of measures such as those which have given rise to the claims or other points in dispute is fully reserved, and that the juridical position of neither Government is in any way prejudiced.

I have, &c.

R. DE MAREES VAN SWINDEREN.

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