No. 8525

UNITED NATIONS
and
ITALY

Exchange of letters constituting an agreement relating to the settlement of claims filed against the United Nations in the Congo by Italian nationals. New York, 18 January 1967

Official text: English.

Registered ex officio *on 18 January 1967.*

ORGANISATION DES NATIONS UNIES
et
ITALIE

Échange de lettres constituant un accord relatif au règlement de réclamations présentées par des ressortissants italiens contre l'Organisation des Nations Unies au Congo. New York, 18 janvier 1967

Texte officiel anglais.

Enregistré d'office le 18 janvier 1967.

No. 8525. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT [1] BETWEEN THE UNITED NATIONS AND ITALY RELATING TO THE SETTLEMENT OF CLAIMS FILED AGAINST THE UNITED NATIONS IN THE CONGO BY ITALIAN NATIONALS. NEW YORK, 18 JANUARY 1967

I

UNITED NATIONS
NEW YORK

18 January 1967

Dear Mr. Ambassador,

A number of Italian nationals have lodged with the United Nations claims for damage to persons and property arising from the operations of the United Nations Force in the Congo, particularly those which took place in Katanga. The claims in question have been examined by United Nations officials assigned to assemble all the information necessary for establishing the facts submitted by the claimants or their beneficiaries and any other available information.

The United Nations has agreed that the claims of Italian nationals who may have suffered damage as a result of harmful acts committed by ONUC personnel, not arising from military necessity, should be dealt with in an equitable manner.

It has stated that it would not evade responsibility where it was established that United Nations agents had in fact caused unjustifiable damage to innocent parties.

It is pointed out that, under these principles, the Organization does not assume liability for damage to persons or property, which resulted solely from military operations or which was caused by third parties ; cases based on such claims are therefore excluded from the proposed compensation.

Consultations have taken place with the Italian Government. The examination of the claims having now been completed, the United Nations shall, without prejudice to its privileges and immunities, pay to the Italian

[1] Came into force on 18 January 1967 by the exchange of the said letters.

Government the amount of one hundred fifty thousand (150,000) United States dollars plus two million five hundred thousand (2,500,000) francs of the Democratic Republic of the Congo in lump-sum and final settlement of all claims arising from the causes mentioned in the first paragraph of this letter.

The distribution to be made of the amount referred to in the preceding paragraph shall be the responsibility of the Italian Government. The United Nations shall supply to the Italian Government all information at its disposal which might be useful in carrying out the distribution of the amount in question, including the list of individual cases in respect of which the United Nations has considered that it must bear financial responsibility, and any other information relevant to the determination of such responsibility.

Acceptance of the above-mentioned payment shall constitute lump-sum and final settlement between Italy and the United Nations of all the claims referred to in this letter. It is understood that this settlement does not affect any claims arising from contractual relationships between the claimants and the Organization or those which are at present still handled by United Nations administrative departments, such as ordinary requisitions.

Accept, dear Mr. Ambassador, the assurances of my highest consideration.

U THANT
Secretary-General

His Excellency Mr. Piero Vinci
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Italy
to the United Nations

II

THE ITALIAN REPRESENTATIVE
TO THE UNITED NATIONS

18 January 1967

Dear Mr. Secretary-General,

I have the honour to acknowledge receipt of your letter of 18 January 1967 concerning the settlement of claims lodged with the United Nations by Italian nationals or their beneficiaries who suffered damage arising from the operations carried out by the United Nations Force in the Congo, particularly those which took place in Katanga.

I have the honour to inform you that the Italian Government accepts the lump-sum and final settlement which you have proposed.

Your letter of 18 January 1967 and my reply constitute an agreement between Italy and the United Nations which comes into effect on this day.

Accept, Sir, the assurances of my highest consideration.

Piero VINCI
Ambassador

His Excellency U Thant
Secretary General of the United Nations
United Nations Secretariat
New York, N. Y.