

N° 4131.

BELGIQUE ET PAYS-BAS

Convention concernant l'assistance
aux indigents et leur rapatriement.
Signée à La Haye, le 15 mai 1936.

**BELGIUM
AND THE NETHERLANDS**

Convention concerning Assistance to
and Repatriation of Indigent Per-
sons. Signed at The Hague, May
15th, 1936.

¹ TRADUCTION. — TRANSLATION.

No. 4131. — CONVENTION BETWEEN BELGIUM AND THE NETHERLANDS CONCERNING ASSISTANCE TO AND REPATRIATION OF INDIGENT PERSONS. SIGNED AT THE HAGUE, MAY 15TH, 1936.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and HIS MAJESTY THE KING OF THE BELGIANS, being desirous of laying down rules for the treatment and repatriation of their indigent nationals, have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Jonkheer Andries Cornelis Dirk DE GRAEFF, Her Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE BELGIANS :

Monsieur Charles MASKENS, His Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions :

Article 1.

Each of the High Contracting Parties undertakes to ensure that indigent nationals of the other Contracting Party shall, in its territory in Europe, be maintained and receive necessary medical or obstetric aid and treatment, in accordance with the regulations applicable to its own nationals, in the district in which they are resident. Provided that the state of health of the person concerned does not preclude it, either in his own interest or on the ground of the danger of spreading contagion to others, repatriation may take place at any time without a preliminary application to the State of origin, except in the cases referred to in Articles 2 and 3.

Article 2.

Indigent persons who are unable to provide for their own maintenance owing to the death or absence of the family supporter, illness, infirmity or old age, and orphans, abandoned children and mentally diseased persons, who are in receipt of public relief, shall not be repatriated until the Party whose national the indigent person is has made the necessary provision for receiving its national and has agreed to his repatriation.

The application for repatriation and the reply thereto shall be transmitted through the diplomatic channel.

The application for repatriation shall be accompanied by all the information that the Party making the application is able to furnish regarding the identity of the indigent person and, in the case of a person suffering from physical or mental disease, by a medical certificate containing

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

detailed particulars regarding the physical or mental state of the patient. The application for repatriation shall, when necessary, specify the number of attendants required on the journey.

Within forty-five days of the date of the application for repatriation made to the State of origin by the diplomatic representative of the applicant State, the Party applied to shall inform the applicant Party whether it agrees to the repatriation of the indigent person. Except in the case of delay due to the insufficient or inaccurate nature of the information regarding identity furnished by the applicant Party, the latter may claim from the Party applied to, if it has not given its authorisation in due time, the reimbursement of the costs incurred in respect of the necessary maintenance, medical and obstetric aid, and treatment of the indigent person from the date of expiration of the period of forty-five days to the date on which the diplomatic representative of the Party making the application is notified of the agreement of the Party applied to. These costs shall be calculated at the rate applicable in respect of nationals of the Party making the application. The foregoing provisions shall not preclude repatriation after a period of more than forty-five days, should the Party making the application deem this preferable, provided, however, that the Party applied to is informed at least three weeks beforehand of the place and date at which the indigent person will be handed over.

At the same time as repatriation is agreed to, information shall be given as to the frontier point in the State to which the indigent person belongs at which he will be received and as to the authority responsible for receiving him.

Article 3.

The fact that the indigent person has lost the nationality of the Party applied to may not be adduced as a reason for refusing the application for repatriation unless the indigent person has in the meantime acquired the nationality of the Party making the application or of a third State.

The provisions of the last three paragraphs of Article 2 shall apply also in the cases referred to in the present Article.

Article 4.

The Party that has applied for repatriation shall bear all the costs thereof up to the time at which the person repatriated is handed over.

Article 5.

Save as provided in Articles 2 and 3 of the present Convention, the refund of the costs of maintenance, medical and obstetric aid, treatment, repatriation, or burial, may not be claimed from the Party of which the indigent person is a national, nor from any public assistance authority of that Party.

If the indigent person himself or any other persons who, in virtue of the rules of civil law, are obliged to provide for his maintenance, are in a position to refund the above-mentioned costs, the right of claiming such refund from them shall be reserved. Each of the High Contracting Parties undertakes to employ its good offices in favour of the other Party, within the limits of its own laws, with a view to the refunding of such costs.

Article 6.

The repatriation of the indigent persons referred to in Articles 1, 2 and 3 need not take place if the Contracting Parties are agreed that the indigent person concerned shall for some time continue to receive relief at his place of residence at the cost of the Party of which he is a national.

An agreement reached directly between the competent authorities of the Contracting Parties shall be sufficient for this purpose.

Article 7.

Each of the High Contracting Parties reserves the right to denounce the present Convention, subject to at least six months' notice being given to the other Party.

Article 8.

The present Convention is drawn up in the Dutch and French languages, both texts being equally authentic. It shall be ratified and the instruments of ratification shall be exchanged at Brussels as soon as possible.

It shall come into force one month after the exchange of the instruments of ratification.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicate at The Hague, this 15th day of May, 1936.

(L. S.) DE GRAEFF.

(L. S.) Ch. MASKENS.