

**CLAIMS AND DISPUTE RESOLUTION**

**Arrangement Between the  
UNITED STATES OF AMERICA  
and BELGIUM**

Signed at Washington September 15, 2015

*with*

Annexes



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

## **BELGIUM**

### **Claims and Dispute Resolution**

*Arrangement signed at Washington  
September 15, 2015;  
Entered into force September 15, 2015.  
With annexes.*

**ARRANGEMENT ON THE  
AMICABLE SETTLEMENT BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE KINGDOM OF BELGIUM  
ON  
THE SETTLEMENT OF CLAIMS  
FOR INDEXING PENSIONS OBTAINED UNDER  
THE BELGIAN LAW OF 16 JUNE 1960**

The Government of the United States of America (hereinafter "Government of the United States") and the Government of the Kingdom of Belgium (hereinafter "Government of Belgium") (the "Parties"), desiring to advance their mutual interest by reaching an amicable settlement concerning their differences relating to the adjustment (indexing) of the pensions based on the Belgian law of 16 June 1960 (Law putting the organs charged with the administration of the social security for the employees of Belgian-Congo and Ruanda-Urundi under the control and guarantee of the Belgian State, and guaranteeing by the Belgian State the social benefits in favor of these employees, Official Gazette June 30<sup>th</sup>, 1960) and their difference regarding the interpretation of applicability of the Agreement between the United States of America and the Kingdom of Belgium on Social Security, signed in Washington, D.C. on February 19, 1982 (hereinafter the "U.S.-Belgium Social Security Agreement"), have agreed as follows:

**Article I**

1. In accordance with its law and consistent with its practice for Belgian nationals, the Government of Belgium shall continue to adjust for inflation (index) the pensions paid to U.S. nationals who are entitled to pension payments due to their work in the former Belgian overseas territories or as

survivors of those who worked in such territories pursuant to Article 105 of the Belgian program law of 22 June 2012 (Official Gazette, June 28, 2012).

2. As a token of its goodwill towards the United States and in order to put an end to the difference of interpretation between both Parties with regard to the scope of the U.S.-Belgium Social Security Agreement, the Government of Belgium shall transfer to the Government of the United States a total lump-sum payment of € 2.28 million.

3. Upon payment in full of the lump-sum referred to in paragraph 2 of this Article and completion of the other commitments of the Government of Belgium specified in this Amicable Settlement, the Government of the United States shall renounce all its rights under the U.S.-Belgium Social Security Agreement to seek international arbitration concerning the scope of the U.S.-Belgium Social Security Agreement as it relates to the issue of equal treatment of U.S. beneficiaries who are entitled to Belgian pension payments due to their work in the former Belgian overseas territories or as survivors of those who worked in such territories as regards the adjustment (indexing) of these pensions, and shall consider the issue as finally and fully settled.

4. The Parties' undertakings in this Amicable Settlement shall not be construed or interpreted as an acknowledgement of any legal obligation under the U.S.-Belgium Social Security Agreement.

## **Article II**

1. The Government of Belgium shall transfer half the payment required under Article I paragraph 2 within six months of signature of this Amicable Settlement, and shall transfer the other half of said payment within one year of the date on which the first payment is made under this Amicable Settlement.

2. The Government of the United States shall provide bank account information as necessary for the Government of Belgium to transfer the payment required under Article I paragraph 2.

## **Article III**

Within ninety (90) days of the entry into force of this Amicable Settlement, the Government of Belgium shall send letters to each U.S. national who is

entitled to such pension payments as described in Article I, paragraph 1, with such letters following the form of Annex 1 attached to this Amicable Settlement.

#### **Article IV**

The Government of Belgium shall cooperate with the Government of the United States in developing a fair and objective method for distributing the lump-sum payment referred to in Article I, including by providing to the Government of the United States information and technical assistance regarding the method for indexing pensions of Belgian nationals pursuant to applicable Belgian law.

#### **Article V**

The distribution of the lump-sum payment referred to in Article I shall fall within the exclusive competence of the Government of the United States, and the Government of Belgium shall have no rights related to such distribution. In accordance with applicable domestic procedures of the United States, the Government of the United States plans to deposit said lump-sum in an interest-bearing account in the United States Treasury until distribution, pursuant to the determination by the Secretary of State of the United States of America or his designee.

#### **Article VI**

Before each distribution referred to in Article V, the Government of the United States shall require the recipient of said distribution to renounce unequivocally in writing his or her rights, originating from whatever legal source, to introduce legal recourse against either Party or any part, organ, agency or entity of either Government or Party concerning the adjustment (indexing) of pension payments due to such beneficiary who worked in the former Belgian overseas territories or to a survivor of a person who worked in such territories.

A copy of this letter, which follows the form of Annex 2 attached to this Amicable Settlement, shall be sent to the Belgian authorities.

## Article VII

The Parties undertake, as a general principle, to keep confidential this Amicable Settlement and all other documents produced in the implementation of this settlement without prejudice to the obligation pursuant to the relevant laws and regulations to disclose the said documents.

This confidentiality clause is continuing in nature and shall survive the expiration or implementation of the Amicable Settlement.

## Article VIII

The Annexes attached hereto are an integral part of this Amicable Settlement. This Amicable Settlement shall enter into force on the date of signature.

Done at Washington on September 15, 2015, in duplicate, in the English language.

**FOR THE GOVERNMENT  
OF THE UNITED STATES  
OF AMERICA:**

*Mary E. McLeod*

**FOR THE GOVERNMENT  
OF THE KINGDOM  
OF BELGIUM:**

*/s/ [Signature]*

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**ANNEX 1**  
**Form of Belgian Notification Letter**

Consistent with the Arrangement on the Amicable Settlement between the Government of the Kingdom of Belgium and the Government of the United States of America on the Settlement of Claims for Indexing Pensions obtained under the Belgian law of 16 June 1960 signed at [place] on [date], the Government of Belgium shall send a letter to each U.S. national who is entitled to pension payments due to work in the former Belgian overseas territories or as survivors of those who worked in such territories pursuant to Article 105 of the Belgian program law of 22 June 2012, following this form:

[Header and Date]

Dear [name of U.S. beneficiary]:

We write to notify you that Belgium and the United States have entered into an amicable settlement under which you may be eligible for payments related to the pensions paid under the Belgian law of 16 June 1960. The Government of the United States has sole responsibility for the distribution of payments under the amicable settlement. Your eligibility and the extent of potential payment will depend upon your application to the Government of the United States for such payment.

Below we have provided the information that is necessary to include in your application to the Government of the United States.

[Include (1) full name, (2) mailing address, (3) gross amount of monthly pension, (4) date of entry of right to pension, (5) number of indexations since the date of entry of right to pension, (6) coefficient of corresponding pension increase, (7) current adjusted amount of monthly pension and (8) date of the latest adjustment]

You may forward a copy of this letter, along with a copy of identification such as a driver's license or a U.S. passport, to the following address in order to submit your application:

U.S. Department of State  
Office of the Legal Adviser  
Suite 203, South Building  
2430 E Street, N.W.  
Washington, DC 20037-2851

[Salutation, sender's name, and contact information]

**ANNEX 2**  
**Form of Release Letter**

Consistent with the Arrangement on the Amicable Settlement between the Government of Belgium and the Government of the United States on the Settlement of Claims for Indexing Pensions obtained under the Belgian law of 16 June 1960 signed at [place] on [date], the Government of the United States shall submit a document to each U.S. beneficiary who is entitled to pension payments due to work in the former Belgian overseas territories or as survivors of those who worked in such territories pursuant to Article 105 of the Belgian program law of 22 June 2012 and who introduces a demand of payment based on this Amicable Settlement.

The release document shall contain wording in substantially the following form:

I, \_\_\_\_\_, a national of the United States of America (a copy of government documentation establishing nationality must be attached to the present written undertaking), hereby agree to receive an amount equal to \_\_\_\_\_ in full satisfaction and final settlement of any claim coming within the terms of Agreement on the Amicable Settlement between the Government of Belgium and the Government of the United States on the Settlement of Claims for Indexing Pensions obtained under the Belgian law of 16 June 1960 (the "Amicable Settlement") signed at [place] on [date]. *Terms used in this written undertaking shall have the meaning prescribed in the Amicable Settlement.*

Upon receipt of the amount noted:

(1) I release and forever discharge the Government of Belgium, its agencies or instrumentalities, and officials, employees, and agents of the Government of Belgium or Belgium's agencies and instrumentalities from any liability of any kind for all claims relating to pension payments due to my work in the former Belgian overseas territories or as survivor of \_\_\_\_\_ who worked in such territories.

(2) I forever relinquish all claims, demands, rights of action, suits, and judgments, that I have ever had or will have, or which my heirs, executors, administrators, or assigns ever had or ever may have, relating to such pension payments.

(3) I release and forever discharge the Government of the United States, its agencies or instrumentalities, and officials, employees, and agents of the Government of the United States or the United States' agencies and instrumentalities from any liability of any kind for all claims relating to pension payments due to my work in the former Belgian overseas territories or as survivor of \_\_\_\_\_ who worked in such territories, United States actions and policies affecting those claims, and the United States' administration of those claims.

(4) I forever relinquish all claims, demands, rights of action, suits, and judgments, that I have ever had or will have, or which my heirs, executors, administrators, or assigns ever had or ever may have, relating to United States actions and policies affecting claims relating to such pension payments, and the United States' administration of those claims.

I understand and agree that a copy of this release will be sent to the Government of Belgium.

\_\_\_\_\_  
(signature)

Subscribed and sworn to before me the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
(seal or stamp must be affixed)