

No. 80

UNITED STATES OF AMERICA
and
BELGIUM

Exchange of Notes constituting an agreement relating to the services of nationals of one country in the armed forces of the other country. Washington, 31 March, 31 July, 10 and 16 October 1942

English official text communicated by the Permanent Representative of the United States of America at the seat of the United Nations. The filing and recording took place on 3 March 1948.

ETATS-UNIS D'AMERIQUE
et
BELGIQUE

Echange de notes constituant un accord relatif au service de ressortissants de l'un des pays dans les forces armées de l'autre pays. Washington, 31 mars, 31 juillet, 10 et 16 octobre 1942

Texte officiel anglais communiqué par le représentant permanent des Etats-Unis d'Amérique au siège de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 3 mars 1948.

No. 80. EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND BELGIUM RELATING TO THE SERVICES OF NATIONALS OF ONE COUNTRY IN THE ARMED FORCES OF THE OTHER COUNTRY. WASHINGTON, 31 MARCH, 31 JULY, 10 AND 16 OCTOBER 1942.

I

The Acting Secretary of State to the Belgian Ambassador

DEPARTMENT OF STATE
WASHINGTON

March 31, 1942

Excellency:

With reference to your Excellency's note no. 1685 and previous correspondence with respect to the enlistment of residents of the United States in the armed forces of Belgium, I have the honor to inform you that special consideration has been given to the views of your Government in the discussions which have taken place between officers of this Department, the War and Navy Departments, and the Selective Service System on the general problem of the application of the United States Selective Training and Service Act of 1940, as amended,² to nationals of co-belligerent countries residing in the United States.

As you are aware the Act provides that with certain exceptions every male citizen of the United States and every male person residing in the United States between the ages of eighteen and sixty-five shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war

¹ Came into force on 4 August 1942, date of the receipt by the United States Government of the note from the Belgian Government of 31 July 1942.

² 54 Stat. 885; 50 U.S.C. app. §§ 301-318, Supp. II §§ 302-305, 308-310, 312, 315.

with the Axis Powers, it would be desirable to permit certain classes of individuals who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of a co-belligerent country, should they desire to do so. It will be recalled that during the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of co-belligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. Individuals who so elect will be physically examined by the armed forces of the United States, and if found physically qualified, the results of such examinations will be forwarded to the proper authorities of the co-belligerent nation for determination of acceptability. Upon receipt of notification that an individual is acceptable and also receipt of the necessary travel and meal vouchers from the co-belligerent government involved, the appropriate State Director of the Selective Service System will direct the local Selective Service Board having jurisdiction in the case to send the individual to a designated reception point for induction into active service in the armed forces of the co-belligerent country. If upon arrival it is found that the individual is not acceptable to the armed forces of the co-belligerent country, he shall be liable for immediate induction into the armed forces of the United States.

Before the above-mentioned procedure will be made effective with respect to a co-belligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:

(a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of any foreign government;

(b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined

above. Furthermore, his government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out by the appropriate representatives of the armed forces of the respective governments;

(c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to Belgium upon the receipt from you of a note stating that your Government desires to participate in it and agrees to the stipulations set forth in lettered paragraphs (a), (b), and (c) above.

Accept, Excellency, the renewed assurances of my highest consideration.

SUMNER WELLES
Acting Secretary of State

His Excellency Count Robert van der Straten-Ponthoz
Belgian Ambassador

II

The Belgian Ambassador to the Secretary of State

AMBASSADE DE BELGIQUE

Washington, July 31, 1942

Sir:

I have the honor to refer to your Excellency's note of March 31, 1942 concerning the application of the U.S.A. Selective Training Service Act of 1940, as amended, to Belgian Nationals residing in the U.S.A.

Your Excellency is well aware that, according to Belgian law, Belgian nationals only and no aliens are liable for military service. Consequently, no American citizen residing on Belgian territory has ever been submitted to military service in Belgian forces; on the other hand, Belgians are liable for military service in the Belgian army wherever they reside.

The Belgian Government had, therefore, reason to expect that Belgians residing in the U.S.A. be given the same treatment regarding military service as is given to Americans living on Belgian territory. In the absence of a *de facto* reciprocity, the Belgian Government feels that an agreement should have been reached between the U.S.A. and Belgium before Belgian citizens living in the U.S.A. be conscripted for military service in the U.S.A. forces. It may be pointed out in this connection that according to an opinion expressed by the Hague Peace Conference of 1907, the conscription of aliens should be regulated by special treaties between the interested governments.

The Belgian Government regrets that the American Government has adopted, as regards military service, a policy which seriously hampers the efforts of the Belgian Government to carry on the fight against the Axis Powers.

Since Belgium is occupied by the enemy, the Belgian Government lacks man power to reinforce its small armed forces in England as well as to meet the needs of its Colony. With the exception of the few Belgians who succeed in escaping from the occupied country, Belgian nationals residing in free countries and particularly in the U.S.A. constitute the sole available supply of man power for the Belgian Government.

As has already been emphasized, it is of paramount political importance for the Belgian Government to raise and organize an armed force in the present conflict, while the presence of Belgian units fighting under the Belgian flag will be an obvious advantage to the common cause for the future liberation of Belgian territory and the reestablishment of law and order therein.

In the note of March 31st, your Excellency states that the government of the U.S.A. is prepared to initiate a procedure which will permit non-declarant Belgian nationals, who have registered under the U.S.A. Selective Training and Service Act of 1940, as amended, to elect, at any time prior to their induction into the armed forces of the U.S.A., to serve in the armed forces of Belgium, in lieu of service in the forces of the U.S.A.

Although the proposals of the American Government are far from meeting the wishes of the Belgian Government, such as they were set forth in previous notes of this Embassy, in view of the close cooperation between the U.S.A. and Belgium in the prosecution of the war, the Belgian Government is prepared to participate in the régime outlined in your Excellency's note of March 31st.

The Belgian Government agrees that:

- A. No threat or compulsion of any nature will be exercised by the Belgian Government to induce any person in the U.S.A. to enlist in the forces of Belgium or of any other foreign government.

It should be understood that this engagement is not intended:

1. to prevent the Belgian Government from informing non-declarant Belgian nationals in the U.S.A. of their military obligations according to the Belgian law, so long as nothing is said or done by the Belgian Government in the U.S.A. by way of threat or compulsion.
 2. to waive the right of enforcing the provisions of the Belgian law and those of the Naturalization Convention of 1868 between the U.S.A. and Belgium, upon Belgians residing in the U.S.A. who were called to the colours by the Belgian Government and failed to answer this call before the arrangements proposed in your Excellency's note of March 31st becomes effective.
- B. Reciprocal treatment will be granted to American citizens by the Belgian Government, should the conscription of American citizens residing on Belgian soil be established by the Belgian Government; that is, prior to induction in the armed forces of Belgium, these American citizens will be granted the opportunity of electing to serve in the armed forces of the U.S.A. in substantially the same manner as set forth in your Excellency's note of March 31st.

Furthermore, the Belgian Government shall agree to inform all American citizens who may be serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the U.S.A.

It should be understood, however, that the U.S. Government will accord the same right of transfer to Belgian citizens now serving in the U.S.A. forces as is accorded U.S. citizens serving in the Belgian forces.

The arrangements for effecting such transfers are to be worked out by the appropriate representatives of the armed forces of the respective governments.

C. No enlistments will be accepted in the U.S.A. by the Belgian Government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

In order to make sure that Belgian nationals in the U.S.A. be informed of the conditions of service in the armed forces of Belgium, this Embassy will give the Selective Service System of the U.S.A. pamphlets setting forth the conditions of service, on the understanding that the Selective Service System will make the pamphlets available to non-declarant Belgian nationals who are called up for induction into the armed forces of the U.S.A.

The Belgian Government would also appreciate it if the names and addresses of Belgian subjects who are free to elect to serve in the armed forces of Belgium would be made available to this Embassy.

The Belgian Government referring to this Embassy's note of April 23rd regarding the reentry permits of Belgian nationals who are permanent residents of the U.S.A. and are serving or will elect to serve abroad in the armed forces of Belgium, assumes that these Belgians will be permitted to return to the U.S.A. at any time within six months after the termination of their service with the Belgian forces.

I avail myself, Sir, of this occasion, to renew to Your Excellency, the assurances of my highest consideration.

R. v. STRATEN

The Honorable the Secretary of State
Department of State
Washington, D.C.

III

The Secretary of State to the Belgian Ambassador

DEPARTMENT OF STATE
WASHINGTON

October 10, 1942

Excellency:

I have the honor to refer further to your note D.488 no. 4221 of July 31, 1942 in the matter of the proposed arrangement concerning the services of nationals of one country in the armed forces of the other country.

The appropriate authorities of this Government have given careful consideration to your note, and consider it to contain satisfactory assurances. Accordingly, the reciprocal induction arrangement between the United States and Belgium is considered as having become effective on August 4, 1942, the date on which your note was received in the Department. The appropriate authorities of this Government are being informed accordingly.

In regard to the third paragraph on page 4 of your note, in which you express the understanding of your Government that the Government of the United States will accord the same right of transfer to Belgian citizens now serving in the armed forces of the United States as is accorded to American citizens serving in the Belgian forces, I am pleased to inform you the necessary arrangements have been made by the War Department to release, upon application, all non-declarant Belgian nationals in the United States forces who desire to be discharged in order that they may transfer to the Belgian forces.

However, in regard to the hope expressed in the penultimate paragraph of your note, that Belgian nationals who elect to serve in the armed forces of Belgium will be permitted to return to the United States within six months after the termination of their service with the Belgian forces, I have to inform you that this matter is still under consideration by the appropriate authorities of the Government. I shall communicate further with you as soon as definite arrangements in regard to this question have been made.

The Director of Selective Service has indicated that it will not be possible for the Selective Service System to furnish the desired names and addresses of Belgian nationals registered under Selective Service, since the compilation of such lists would place an added burden on the local boards which cannot be undertaken at this time. He also states that he assumes that, in so far as Belgium

is concerned, the details of the action taken by the Selective Service System, will be exactly as outlined in the local board release of May 2, 1942.¹

Major W. D. Partlow of the War Department, and Major Sherrow G. Parker of the Selective Service System, will be available to discuss with the appropriate Belgian officials the details relating to this arrangement.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:
G. Howland SHAW

Enclosure:
Local Board Release No. 129
May 2, 1942

His Excellency Count Robert van der Stratén-Ponthoz
Belgian Ambassador

IV

The Belgian Ambassador to the Secretary of State

AMBASSADE DE BELGIQUE

Washington, October 16, 1942

Sir:

I have the honor to acknowledge the receipt of Your Excellency's letter, dated October 10, 1942, No. 811.2222(1940) 1702, in the matter of the proposed arrangement concerning the service of nationals of one country in the armed forces of the other country.

I have noted that the appropriate authorities of your Government consider my note of July 31, 1942, to contain satisfactory assurances, and that, accordingly, the reciprocal induction arrangement between the United States and Belgium is considered as having become effective on August 4, 1942, the date on which my note was received in the Department.

¹ Not printed.

I have the honor to express my Government's agreement that this arrangement has become effective from said date.

Colonel Diepenrykx, Belgian Military Attaché in Washington, will get in touch with the appropriate American officials in order to discuss the details relating to the arrangement.

I avail myself, Sir, of this occasion, to renew to Your Excellency, the assurances of my highest consideration.

R. v. STRATEN

The Honorable the Secretary of State
Department of State
Washington, D.C.
