

No. 512

BELGIUM
and
UNITED STATES OF AMERICA

Exchange of letters constituting an agreement concerning the establishment of American cemeteries in Belgium. Brussels, 6 June and 23 July 1947

French and English official texts communicated by the Permanent Representative of Belgium to the United Nations. The registration took place on 11 August 1949.

BELGIQUE
et
ETATS-UNIS D'AMERIQUE

Echange de lettres constituant un accord concernant la création de cimetières américains en Belgique. Bruxelles, 6 juin et 23 juillet 1947

Textes officiels français et anglais communiqués par le représentant permanent de la Belgique auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 11 août 1949.

No. 512. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENTS OF BELGIUM AND THE UNITED STATES OF AMERICA CONCERNING THE ESTABLISHMENT OF AMERICAN CEMETERIES IN BELGIUM. BRUSSELS, 6 JUNE AND 23 JULY 1947

N° 512. ECHANGE DE LETTRES CONSTITUANT UN ACCORD¹ ENTRE LES GOUVERNEMENTS DE LA BELGIQUE ET DES ETATS-UNIS D'AMERIQUE CONCERNANT LA CREATION DE CIMETIERES AMERICAINS EN BELGIQUE. BRUXELLES, 6 JUIN ET 23 JUILLET 1947

I

EMBASSY OF THE UNITED STATES OF AMERICA

N° 927.

Brussels, June 6, 1947

Excellency,

I have the honor to inquire whether Your Excellency's Government would be willing to accord to the United States Government the concessions set forth below. These concessions are desired in order to facilitate the interment in Belgium, or the removal to their own country, of the bodies of American nationals killed in the World War of 1939-1945, or whose death in the European theater of operations can be directly attributed to that war, or who died in this theater of operations while employed or otherwise engaged in activities contributing to the prosecution of that war, and to permit the establishment, construction, improvement and proper maintenance of permanent cemeteries for the final burial of, and memorials in commemoration of, American nationals who lost their lives in the above-mentioned war.

I

The Belgian Government grants to the United States of America the right to establish and maintain temporary cemeteries within Belgium subject to such control as is necessary, for the burial of persons who so lost their lives, and to make exhumations therefrom or from other locations for return to the United States or for concentration in permanent cemeteries within Belgium including

¹ Came into force on 23 July 1947, by the exchange of the said letters.

¹ Entré en vigueur le 23 juillet 1947, par l'échange desdites lettres.

movement of bodies from other countries into Belgium. In view of the limited area of Belgium and the large number of military cemeteries therein already established, the Government of the United States will limit as much as possible the number of bodies of American nationals to be moved into Belgium from other countries. No mass movement of bodies from other countries to cemeteries within Belgium for permanent interment will be undertaken by the Government of the United States.

II

The Government of the United States shall be exempted from generally applicable laws and regulations of the Belgian Government relating to hygiene and the securing of permits in connection with the burial, disinterment for reburial and movement of bodies. However, the Government of the United States engages to conduct such work in a manner which will in no way constitute a danger to public health and to make such sanitary arrangements as are necessary for the purpose. Exhumations, burials and movements of bodies shall be exempted from all Belgian taxes, excepting stamp taxes.

III

The Government of the United States may import into Belgium from any country, and re-export therefrom after use thereof, free of customs duties and other taxes, excepting stamp taxes, the equipment, supplies and materials, including means of transportation by air, land or water, as are necessary for the accomplishment of any of the purposes of this agreement. None of such equipment, supplies and/or materials will be sold in Belgium or be left in Belgium after completion of the mission in which it is used, excepting with the express permission of the Belgian Government.

American personnel designated by the Government of the United States shall be permitted free entry into, and departure from, Belgium.

IV

The Government of the United States shall be permitted the use of railroads, highways, navigable waters, ports, port installations and buildings for office, warehouse and billet purposes, together with the necessary services and Belgian labor to the extent required for the accomplishment of the purposes of this agreement, subject only to payment of the established rates of compensation therefor.

V

The Belgian Government will acquire such sites for permanent cemeteries (Fields of Honor) and/or memorials, as are deemed necessary by the Government of the United States, with usage thereof in perpetuity reserved

to the Government of the United States free of charge or compensation. Such sites shall be at locations mutually agreed upon and include sufficient ground in addition to burial space, for proper beautification, required approach roads and the construction of such buildings as are essential to the reception of visitors, housing of caretakers and maintenance purposes. Land so acquired, and the buildings and improvements thereon, shall be exempt from taxes excepting the registration tax. The right to the usage of such lands includes the right to plan, design, lay out and improve permanent cemeteries, memorials, monuments and other buildings thereon and to beautify the grounds and provide for the perpetual custody and maintenance of such cemeteries and memorials, upon receiving prior approval of competent Belgian authorities. No construction, including the establishment of simple inclosures, may be undertaken within 10 meters of foreign territory, or within 5 meters of any road, the center of which constitutes an international boundary line.

VI

Salaries and other remuneration paid by the United States to personnel who are citizens of the United States while engaged in the operations contemplated by this agreement, shall be exempted from any and all forms of taxation, direct or indirect, excepting however that such citizens, if domiciled in, or having their permanent residence in Belgium, shall be liable for payment of the professional tax and the national emergency tax on their earnings and also the complementary personal tax. It is understood that if a treaty for the avoidance of double taxation, now under negotiation between the Belgian and United States Governments, is adopted and supplemented by law, American personnel in charge of permanent cemeteries will be exempted from tax on their earnings. Pending adoption of such treaty, temporary postponements of taxation on such earnings may be arranged if expressly requested by competent United States authorities, with indication of names and addresses of the persons concerned.

VII

The provisions of this agreement shall apply with equal force and effect to the shipment of remains from other foreign countries into Belgium and the disposition thereof, where the next of kin reside in Belgium or one of its possessions or territories and request final interment of remains in a permanent United States Military Cemetery in Belgium.

VIII

The Belgian Government will undertake to initiate legislation in the Belgian Parliament for the exemption from stamp taxes and other taxes not expressly waived in this agreement, referred to in paragraphs II, III and V above.

IX

The rights, privileges and prerogatives reserved to the United States herein shall be exercised prior to 1 January 1955, except as relates to use of lands acquired for permanent cemeteries and/or memorials, including improvements thereto and buildings constructed thereon, which shall run in perpetuity.

I take this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) Theodore C. ACHILLES
Chargé d'Affaires a.i.

His Excellency Monsieur Paul-Henri Spaak
Minister for Foreign Affairs
Bruxelles

II

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
ET DU COMMERCE EXTÉRIEUR

Direction Générale C.
2^e Bureau

N° 35.828/Pr/Cim.Mil.Am.

Bruxelles, le 23 juillet 1947

Monsieur l'Ambassadeur,

Me référant à la lettre de l'Ambassade, en date du 6 juin 1947, N° 927, j'ai l'honneur de porter à la connaissance de Votre Excellence que le Gouvernement belge marque bien volontiers son accord au Gouvernement des Etats-Unis, au sujet des privilèges énumérés ci-après, tendant à permettre d'inhumer en territoire belge ou de rapatrier les restes de citoyens américains tués pendant la guerre mondiale de 1939 à 1945 ou dont le décès sur le théâtre européen des opérations peut être imputé directement à cette guerre, ou qui sont morts sur le dit théâtre d'opérations tandis qu'ils étaient employés ou participaient autrement à des activités destinées à la poursuite de la guerre, et d'établir, de construire, d'aménager et d'entretenir convenablement des cimetières permanents pour l'inhumation définitive des citoyens américains qui ont perdu la vie dans ladite guerre ainsi que des monuments destinés à leur commémoration.

I

Le Gouvernement belge accorde aux Etats-Unis d'Amérique le droit d'établir et d'entretenir des cimetières temporaires en Belgique, sous réserve du contrôle nécessaire, pour y enterrer les citoyens américains, qui sont morts comme

pour l'inhumation définitive des citoyens américains qui ont perdu la vie dans ladite guerre ainsi que des monuments destinés à leur commémoration.

[*Voir lettre II*]

Je saisis cette occasion, Monsieur le Ministre, de renouveler à Votre Excellence l'assurance de ma très haute considération.

(*Signé*) Theodore C. ACHILLES
Chargé d'affaires

Son Excellence Monsieur Paul-Henri Spaak
Ministre des affaires étrangères
Bruxelles

II

MINISTRY OF FOREIGN AFFAIRS AND EXTERNAL TRADE

Directorate-General C.
Bureau No. 2.

No. 35.828/Pr/Cim.Mil.Am.

Brussels, 23 July 1947

Dear Sir,

Referring to your letter from the Embassy dated 6 June 1947, No. 927, I have the honour to inform Your Excellency that the Belgian Government has pleasure in notifying the Government of the United States of its agreement regarding the concessions set forth below, the purpose of which is to facilitate the interment in Belgium, or the removal to their own country, of the bodies of American nationals killed in the World War of 1939-1945, or whose death in the European theatre of operations can be directly attributed to that war, or who died in this theatre of operations while employed or otherwise engaged in activities contributing to the prosecution of that war, and to permit the establishment, construction, improvement and proper maintenance of permanent cemeteries for the final burial of, and memorials in commemoration of, American nationals who lost their lives in the above-mentioned war.

[*See letter I*]

I take this occasion to renew to Your Excellency the assurances of my highest consideration.

For the Minister of Foreign Affairs:
The Secretary-General a.i.
(*Signed*) DE ROMÉE