

BELGIUM
and
**UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND**

Treaty relating to the status of and the facilities to be accorded in Belgium to the forces under the British High Command taking part in the occupation of Germany and Austria. Signed at Brussels, on 11 March 1946; and

Exchange of Letters constituting an agreement amending the text of article 19 (a) of the said Treaty. Brussels, 18 December 1948

French and English official texts communicated by the Permanent Representative of Belgium to the United Nations. The registration took place on 17 March 1949.

BELGIQUE
et
**ROYAUME-UNI DE GRANDE-BRETAGNE ET
D'IRLANDE DU NORD**

Traité relatif au statut et aux facilités à accorder en Belgique aux forces sous le Haut Commandement britannique participant à l'occupation de l'Allemagne et de l'Autriche. Signé à Bruxelles, le 11 mars 1946; et

Echange de lettres constituant un accord modifiant le texte de l'article 19 a) dudit traité. Bruxelles, 18 décembre 1948

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 17 mars 1949.

No. 387. TREATY¹ BETWEEN THE GOVERNMENTS OF BELGIUM AND OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND RELATING TO THE STATUS OF AND THE FACILITIES TO BE ACCORDED IN BELGIUM TO THE FORCES UNDER THE BRITISH HIGH COMMAND TAKING PART IN THE OCCUPATION OF GERMANY AND AUSTRIA. SIGNED AT BRUSSELS ON 11 MARCH 1946

His Royal Highness the Prince Regent, in the name of His Majesty the King of the Belgians and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

considering that the use of Belgian territory by Forces under British High Command will to some extent and for some time still be required not only in order to allow the evacuation from or through Belgium of the personnel, equipment and supplies which had been accumulated in view of military operations, but also in order to ensure the communications of the Forces under British High Command which are taking part in the occupation of Germany and Austria in consequence of interallied arrangements and in the common interest of all United Nations,

Have mutually resolved for that purpose to conclude a treaty and have appointed as their plenipotentiaries:

His Royal Highness, the Prince Regent of Belgium:

Monsieur Paul-Henri Spaak, G. C. M. G., Minister for Foreign Affairs and External Trade;

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India: for the United Kingdom of Great Britain and Northern Ireland:

Sir Hughe Montgomery Knatchbull-Hugessen, K. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary at Brussels;

who, having communicated to each other their respective full powers found to be in good and due form, have agreed upon the following:

¹ The exchange of instruments of ratification of the treaty took place at Brussels on 18 December 1948. In accordance with the provisions of article 24, the treaty took effect retroactively as from 8 May 1945.

Article 1

(a) The provisions of the present treaty are designed to ensure, within the limits permitted by Belgian essential requirements, appropriate privileges and facilities in Belgium to the forces under British High Command (hereinafter referred to as the British Forces) when present in or passing through Belgium in connexion with the occupation and control of Germany and for all equipment and stores belonging to the British Forces or which are destined for their use inside or outside of Belgium.

(b) Supplementary agreements of detail on particular questions will be made as required between the appropriate Belgian authorities and the British High Command.

Article 2

The British Forces shall have full right to pass through Belgian territory when on their way to or from the British area in Germany and Austria or temporary British installations in formerly enemy occupied territories, including the right to navigate in Belgian territorial waters and to fly over Belgium on passage, the right to maintain in Belgium such stores, services and personnel as may be necessary for the maintenance of the British Forces and the right to have rest centres for individuals on leave or camps for the accommodation of units of the forces temporarily released from occupation duty. The necessary technical measures for the use of such right shall be taken by the competent Belgian authorities in consultation with the British High Command.

Article 3

(a) The British Forces shall be accorded all facilities afforded by Belgian ports (including dockyards and ship repairing facilities), airfields, railways, inland waterways, roads and postal services which they may from time to time reasonably request.

(b) In particular the Belgian Government agree that, for mutual convenience, special areas in Belgian ports and in certain airfields may be designated by them for the exclusive use of the British Forces on conditions determined by the competent Belgian authorities. Such areas shall remain under Belgian administration, but the British High Command shall have the right to participate in the policing of the areas and in the control of the operation of port or airfield facilities situated therein.

Article 4

(a) Subject to the provisions of paragraph (c) and paragraph (d) of this Article, lands and buildings in Belgium which have been made available to the British Forces prior to the coming into effect of this treaty may be retained so long as may be required for the essential purposes of the British Forces.

(b) The Belgian Government shall provide for the British Forces, within the limits permitted by Belgian essential requirements, such lands, buildings and appurtenances, and storage space as may from time to time be requested for the accommodation of service personnel and the storage of equipment, stores and supplies.

(c) Whenever the Belgian Government shall make available to the British Forces, in substitution for any lands, buildings or storage space occupied by them, other accommodation which is suitable for the purposes for which it is required by the British Forces, then the premises occupied shall be evacuated within the time required for the transfer or transportation of the personnel, equipment, stores and supplies into the new accommodation: provided, however, that no such movement shall be required without prior consultation between the British service concerned and the competent Belgian authorities as to its practicability.

(d) Without prejudice to the provisions of paragraph (c) above, any lands, buildings or storage space occupied by the British Forces in excess of the military needs resulting from the British occupation of Germany shall be evacuated as soon as possible and not later than six months after the date of the signature of this treaty: provided, however, that such period of six months may be extended by mutual agreement in consideration of unforeseen circumstances which may arise.

Article 5

The British High Command shall have the right to hold prisoners of war, disarmed enemy personnel, war criminals and security suspects in prisoner of war or internment camps on Belgian territory. This authority will normally be limited to persons of German or Japanese nationality, but it may be extended as a temporary measure to the detention of persons of non-German nationality other than Belgian who formed part of the German Wehrmacht or were incorporated in or affiliated to or connected with the German Wehrmacht. The British authorities shall be responsible for the effective custody of such prisoners of war or other persons. The detention of such prisoners of war or other persons in camps in Belgium shall be of a transitory nature only and shall not be extended beyond the minimum time required to make appropriate arrangements for their repatriation to their country of origin or their transfer to such other

destination outside Belgium as may be decided by the British High Command or their transfer to the Belgian Government for labour purposes.

Article 6

(a) In order to meet the technical Signal and Postal needs of the British Forces, the following facilities shall be granted to the British Forces in Belgium, under conditions to be laid down in specific technical agreements between the Belgian authorities and the British High Command:

(i) access to Belgian telecommunications, radar and other communication services, including radio aids, as may be needed for the purpose of the British Forces of occupation in Germany and of the British services in Belgium;

(ii) the right to construct, maintain and operate such radio and radar stations and landline communication networks as may from time to time prove to be necessary for naval, army or air force purposes;

(iii) the right to continue to operate an independent army postal service in Belgium for the benefit of British personnel still serving there.

(b) The competent Belgian authorities shall:

(i) co-operate in regard to the allocation of all frequencies required for radio communication networks and radar installations with the competent authorities representing the British Forces;

(ii) accord to the British Forces in Belgium the right to use frequencies which are essential for their purposes.

Article 7

In view of the importance of the Belgian transport system on the lines of communication of the British Army of Occupation in Germany, the British High Command may, on conditions agreed with the Belgian Government, assist in its rehabilitation.

Article 8

Arrangements shall be made between the competent Belgian authorities and the British High Command for any such discussions as may from time to time appear to be required in relation to the continuance of minimum essential utilities, services and facilities for the maintenance of the British Forces in

Germany and Belgium respecting coal, petroleum and oil products, electric power and water supply.

Article 9

The British Forces shall be granted right of way for and access to all military petroleum pipe lines and installations situated in Belgian territory connected with the distribution of petroleum products to such Forces, but no new pipe lines or installations shall be established or maintained without the agreement of the competent Belgian authorities.

Article 10

The British Forces shall have the right to employ local civilian labour in compliance with Belgian law and collective conventions in force and in accordance with a procedure to be agreed by the appropriate Belgian and British authorities. The closest co-operation between the British authorities concerned and the competent Belgian authorities shall be maintained on all questions relating to working conditions and wages.

Article 11

The British Forces shall have the right to procure local produce, supplies and goods manufactured in Belgium in accordance with a procedure to be agreed by the appropriate Belgian and British authorities. In order that such procurement may not have an adverse effect upon Belgian economy, the competent Belgian authorities shall notify the particular articles in respect of which local purchase by the British Forces shall from time to time be excluded or restricted.

Article 12

The disposal of any stocks of surplus stores, equipment, material or scrap of any kind which the Government of the United Kingdom may desire to dispose of in Belgium shall be carried out exclusively through the channel or with the authorization of the Belgian agency designated by the competent Belgian authority.

Article 13

(a) British courts and authorities shall have exclusive criminal jurisdiction over all members of the British Forces and over all persons of non-Belgian nationality not belonging to such Forces who accompany those Forces and are subject to British naval, military or air force law: provided that the British Forces may elect not to assume and exercise such jurisdiction in any particular case,

and in such event shall inform the competent Belgian authorities and transfer the member of the Forces or other person to be tried under Belgian law.

(b) Persons of non-Belgian nationality accompanying the British Forces and subject to British naval, military or air force law shall be in possession of a pass or identity card issued by the competent British authority to establish their status.

(c) The immunity from jurisdiction hereby provided for implies the obligation to comply with Belgian law as well as to abstain from any commercial or political activity not consistent with the spirit of the present treaty. Upon violation of such obligations the Belgian Government may request the removal from Belgium of the persons guilty.

Article 14

(a) The British Forces shall have the right as may be necessary for the maintenance of good order and discipline of persons subject to the jurisdiction of British naval, military or air force law to police their own camps, lands and buildings reserved to their exclusive use and to employ military police outside those premises. The carrying of arms by members of the British Forces, other than officers, shall be allowed only when on duty.

(b) The British High Command shall have the right to place their own guards and police for the protection of their own camps, lands and buildings reserved to their exclusive use. Persons who are subject to the exclusive jurisdiction of the Belgian authorities may be arrested within such camps, lands and buildings and there detained by the British service police when suspected of having committed an offence against the persons, property or security of the British Forces therein, but they shall be handed over immediately and in any case within 24 hours to the competent Belgian authorities.

(c) The Belgian authorities may arrest and detain persons subject to the exclusive jurisdiction of the British service courts and authorities for offences or suspected offences against Belgian law committed outside the camps, lands and buildings reserved to their exclusive use, but shall hand over such persons as soon as it is established that they come under such exclusive jurisdiction in accordance with provisions of Article 13 hereof.

Article 15

(a) The Belgian Government shall make the necessary arrangements for ensuring in accordance with Belgian law the trial by Belgian courts of persons

subject to Belgian jurisdiction alleged to have committed offences against the persons, property or security of the British Forces.

(b) The British authorities shall make the necessary arrangements for ensuring in accordance with British law the disposal by British courts or authorities of members of the British Forces or persons accompanying them subject to naval, military or air force law alleged to have committed offences against Belgian law.

Article 16

The competent Belgian authorities and the British High Command shall take the necessary steps, within the provisions of Belgian and British law respectively, for such mutual assistance as may be required for making investigations, collecting evidence and securing the attendance of witnesses in relation to cases triable under Belgian or British jurisdiction as referred to in this treaty.

Article 17

The settlement of claims by or against the British Forces shall form the subject of a separate agreement.

Article 18

(a) The British Forces, including organizations accompanying those Forces, and the property belonging to them or to the Government of the United Kingdom shall be exempt from all form of direct taxation.

(b) Members of the British Forces and persons who accompany those forces and are subject to British naval, military or air force law shall, if not of Belgian nationality, be exempt from income tax and other direct taxes on individuals except in respect of income derived from Belgian sources.

(c) All material, stores and supplies imported by the British Forces as such for their own use or re-exported by them or purchased locally by them for their own use shall be exempt from all forms of taxation, including customs, import or export duty. The British High Command shall ensure that such material stores and supplies are not sold to the public in Belgium except in agreement with the Belgian Government.

(d) The exemption from taxation to be accorded for importation, purchase and resale of goods in stores and canteens for the use of British Forces shall form the subject of a separate agreement.

Article 19

(a) Belgian customs authorities shall have the unrestricted right to control all goods imported into or in transit through Belgium. Such control shall be arranged so as not to cause any undue delay in traffic.

(b) The British High Command shall provide the necessary police forces to assist the Belgian customs authorities in the control of military traffic at the Belgian borders, stations and marshalling yards, and in Belgian ports and airfields.

Article 20

The facilities afforded under this treaty to the British Forces may, subject to specific agreement with the Belgian Government, be made available to the same extent to their representatives being agencies of the British High Command or of British Government Departments and to civilian officials and Government employees present in Belgium on duty in connection with the British Forces.

Article 21

The disposal within Belgium of property which has fallen into the hands of the British Forces and is still within their possession shall be the subject of separate arrangements respecting property which has fallen into the hands of forces under the Supreme Commander, Allied Expeditionary Force.

Article 22

(a) The cost of any facilities made available in Belgium to the British Forces as such shall, in so far as they were incurred after the termination of the mutual aid agreement concluded between the Belgian Government and the Government of the United Kingdom on the 22nd August 1944, be the responsibility of the Government of the United Kingdom except where otherwise agreed. The conditions of payment on which the various facilities referred to in this treaty are made available to the British Forces in Belgium, together with other financial questions such as the supply of Belgian currency to the British Forces, shall form the subject of a separate agreement.

(b) The disposal of fixed assets belonging to the Government of the United Kingdom in Belgian territory shall form the subject of a separate agreement.

Article 23

A committee consisting of Belgian and British members shall be constituted by the High Contracting Parties in order to settle any questions which may arise out of the interpretation or execution of the present treaty. This committee may also suggest any appropriate supplementary arrangements to cover other matters not dealt with in this treaty.

Article 24

(a) The present treaty shall be ratified and the ratifications shall be exchanged as soon as possible.

(b) The provisions of the present treaty shall, with effect from the 8th May, 1945, replace those of the agreement regarding civil administration and jurisdiction in Belgian territory liberated by an Allied Expeditionary Force embodied in the notes exchanged between M. Spaak and Mr. Eden on the 16th May, 1944: provided that, in pursuance of paragraph 8-14 inclusive of the Annex to the said notes of the 16th May, 1944:

(i) any immunity from jurisdiction or taxation in Belgium accorded to persons subject to British naval, military or air force law or to civilian employees of His Majesty's Government shall be deemed to have continued from the 8th May, 1945 until the signature of the present treaty;

(ii) no action taken between the 8th May, 1945, and the signature of the present treaty by the British authorities or persons acting under their orders shall, if in conformity with the provisions of the said agreement, be held to be *ultra vires*.

(c) The present treaty shall remain in force until the 31st December 1946, and thereafter until the expiry of six months from the date of any notice in writing by either High Contracting Party to the other of his intention to terminate the treaty.

IN WITNESS WHEREOF the above named Plenipotentiaries have signed the present treaty and have affixed thereto their seals.

DONE in Brussels in duplicate this 11th day of March 1946 in the English and French languages, both texts being equally authoritative.

(Signed) H. M. KNATCHBULL-HUGESSEN
[L.S.]

(Signed) P.-H. SPAAK
[L.S.]

EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT
AMENDING ARTICLE 19 (a) OF THE TREATY

I

Brussels, 18 December 1948

Your Excellency,

On the occasion of the exchange of the instruments of ratification of the treaty concerning the status and facilities to be granted in Belgium to the forces under British High Command which are taking part in the occupation of Germany and Austria, signed at Brussels on 11 March 1946, I have the honour to inform you that the Belgian Government has noted an omission in article 19 (a) of the said treaty. The Belgian customs authorities wish to exercise control not only over goods imported into or in transit through Belgium, but also over goods exported from Belgium.

2. I have the honour to propose that article 19 (a) of the treaty be amended as follows:

“(a) Belgian customs authorities shall have the unrestricted right to control all goods imported into Belgium or in transit through or exported from Belgium. Such control shall be arranged so as not to cause any undue delay in traffic.”

3. If the United Kingdom Government accepts this proposal, I have the honour to suggest that the present note together with your reply be considered as constituting an agreement between the two Governments on this subject.

I have the honour to be, etc.

(Signed) P.-H. SPAAK
Prime Minister
Minister for Foreign Affairs

His Excellency Sir George William Rendel
Ambassador of His Britannic Majesty
Brussels

¹ Came into force on 18 December 1948 by the exchange of the said notes.

II

BRITISH EMBASSY
BRUSSELS

No. 352
464/9/48

18th December, 1948

Monsieur le Ministre,

I have the honour to acknowledge the receipt of your note of the 18th December, 1948, regarding the amendment of the Treaty signed at Brussels, on the 11th March, 1946, which note reads as follows:

[*See note I*]

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

(*Signed*) George RENDEL

His Excellency Monsieur P.-H. Spaak, G.C.M.G.
etc., etc., etc.
