

No. 1371

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

Convention regarding the status of Belgian forces in Germany (with annex). Signed at Brussels, on 23 December 1949

Official texts: English and French.

Registered by the United Kingdom of Great Britain and Northern Ireland on 23 August 1951.

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

Convention relative au statut des forces belges en Allemagne (avec annexe). Signée à Bruxelles, le 23 décembre 1949

Textes officiels anglais et français.

Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 23 août 1951.

No. 1371. CONVENTION¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF BELGIUM REGARDING THE STATUS OF BELGIAN FORCES IN GERMANY. SIGNED AT BRUSSELS, ON 23 DECEMBER 1949

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Belgium,
desiring to establish the principles governing the participation of Belgian Forces in the occupation of the British Zone of Germany,
have agreed as follows :

Article I

1. Elements of the Belgian Army (hereinafter referred to as " the Belgian Forces ") will be stationed in a defined area (hereinafter referred to as " the Belgian Forces Area ") within the British Zone of occupation in Germany (hereinafter referred to as " the British Zone ").

2. The Belgian Forces Area will be as defined in Part I of the Annex to this Convention. It may be modified—

- (a) normally, by agreement between the two Governments;
- (b) exceptionally, after consultation with the Belgian Government—
 - (i) in fulfilment of international decisions or obligations which require such modification;
 - (ii) in cases of urgent necessity, by exercise of the supreme authority of the United Kingdom High Commissioner, in the British Zone.

Article II

1. The Commander-in-Chief, Belgian Forces, will be subject—

- (a) to the supreme authority of the United Kingdom High Commissioner in the British Zone, as in the case of the Commander-in-Chief, British Army of the Rhine;
- (b) to the authority of the Commander-in-Chief, British Army of the Rhine, in matters pertaining to the maintenance or the restoration of order in accordance with Article V of this Convention.

¹ Came into force on 9 February 1951, by notification to the Government of the United Kingdom of Great Britain and Northern Ireland by the Belgian Government, in accordance with article XVII.

2. The chain of command in the case of operations and preparations therefor, carried out in fulfilment of international agreements, will be as laid down by the appropriate authority under these agreements.

3. In all other matters the Commander-in-Chief, Belgian Forces, will be autonomous in relation to the Commander-in-Chief, British Army of the Rhine.

Article III

1. The training of the Belgian Forces will be the responsibility of their Commander.

2. The Belgian Government undertakes to promote close collaboration with the Commander-in-Chief, British Army of the Rhine, in the preparation of the Belgian Forces for operations.

3. The Belgian Forces will be given facilities for training in Germany on the same basis as the British Army of the Rhine, including facilities for training as a formation.

4. The allotment of training facilities in the British Zone will be centrally controlled at Headquarters, British Army of the Rhine, to ensure the best possible arrangements for the British and the Belgian Forces.

Article IV

1. The Commander-in-Chief, Belgian Forces, has the right to consult the United Kingdom High Commissioner on any matter directly concerning the forces under his command and their attached personnel.

2. Liaison officials between the Belgian Forces and the British authorities may be appointed at Land, Regierungsbezirk and Kreis level, who will be consulted on, and be kept informed of, matters directly concerning the Belgian Forces and their attached personnel, and will have the right to consult the Land Commissioner, Assistant Commissioners and British Residents respectively on such matters.

3. Nothing in this Convention shall derogate in any way from the supreme authority of the United Kingdom High Commissioner in the British Zone, or from the exclusive authority of the British control authorities in the exercise of the powers of the United Kingdom High Commissioner.

4. Dealings with the German civil authorities on behalf of the Belgian Forces and their attached personnel will be conducted through the British control authorities.

Article V

1. When, in accordance with Article II of this Convention, the Belgian Forces are required by the British authorities to take action in the maintenance or the restoration of order, in the case of disorders in the Belgian Forces Area, they will act under the orders of the Commander-in-Chief, Belgian Forces, in accordance with the requirements of the *Land* Commissioner; but the United Kingdom High Commissioner has discretion to decide whether the gravity of the circumstances is such as to justify him in requiring the Commander-in-Chief, British Army of the Rhine, to exercise his command over all the forces in the British Zone.

2. The Belgian Forces will not be used in the maintenance or the restoration of order outside the Belgian Forces Area.

Article VI

1. Subject to the provisions of Article VII, paragraph 2, of this Convention, the formations and units of the Belgian Forces will have delegated to them the same powers of procurement from the German economy as equivalent British formations and units, in accordance with such regulations as may from time to time be issued by or on behalf of the United Kingdom High Commissioner. The Belgian Forces will receive from the German economy all such supplies, facilities and services as are received from the German economy by British troops on similar terms and on a similar scale.

2. Without prejudice to the provisions of Article VIII, paragraph 2, of this Convention, all other requirements of the Belgian Forces will be provided by the Belgian Government.

Article VII

1. The Belgian Forces and military authorities in Germany are entitled to carry on direct and uncensored communications with Belgium by post, telephone, telegraph and radio (including use of their own cypher). For this purpose the British authorities will accord the necessary facilities for static signals, frequencies and despatch routes.

2. Arrangements for the provision of Belgian requirements in respect of postal, telephone, telegraph and radio services, public transport, and other similar services designated by the United Kingdom High Commissioner, shall be co-ordinated by the Commander-in-Chief, British Army of the Rhine, in consultation with the Commander-in-Chief, Belgian Forces.

Article VIII

1. The Commander-in-Chief, Belgian Forces, will be responsible, in respect of the financial year 1950-51 and subsequently so long as this Convention remains in force, for—

- (a) the preparation of the annual Deutschemark budget (which term shall, for the purposes of this Article, include any supplementary budgets) for all internal occupation costs relating to the Belgian Forces, in accordance with the policies, criteria and regulations issued by the United Kingdom High Commissioner and applicable to the British Army of the Rhine in respect of the financial year involved;
- (b) the submission of such budget to the United Kingdom High Commissioner;
- (c) establishing and maintaining a system of financial control of expenditure pursuant to such budget, in a manner similar to that applied by the British Army of the Rhine, in fulfilment of requirements of the United Kingdom High Commissioner;
- (d) the regulation of expenditure pursuant to such budget in accordance with the policies, criteria and regulations referred to in (a) above.

2. If at any time the external costs of occupation are recovered from Germany, the Government of the United Kingdom undertakes to assist the Belgian Government to secure recovery of its share *pari passu* with the other Occupation Forces.

Article IX

1. Members of the Belgian Forces and their attached personnel will comply with all applicable provisions of Tripartite and Zonal legislation and the Belgian authorities will use their best endeavours to ensure such compliance.

2. Members of the Belgian Forces in the British Zone will be subject exclusively to appropriate Belgian jurisdiction, unless, in any particular case, the United Kingdom High Commissioner and the Commander-in-Chief, Belgian Forces, agree otherwise.

3. Without prejudice to the supreme authority of the United Kingdom High Commissioner, Belgian tribunals and Control Commission Courts shall be equally competent to try offences committed by attached personnel of the Belgian Forces.

However, these persons shall normally be tried by Belgian tribunals. They will be tried by Control Commission Courts only in certain exceptional cases to be decided by the United Kingdom High Commissioner in consultation with the Commander-in-Chief, Belgian Forces.

4. If, during the period of the present Convention, Tripartite or Zonal legislation relating to jurisdiction over the Allied Forces is amended, or if powers under such legislation are exercised to modify such jurisdiction, the two Governments will consult together with a view to placing members of the Belgian Forces and their attached personnel in a position similar to that of members of the British Forces and their attached personnel as regards jurisdiction.

5. The Belgian and the British authorities will assist each other in the collection of evidence and the carrying out of all necessary investigations, including the seizure and, in proper cases, the handing over of exhibits and of objects connected with an alleged offence, and the attendance of witnesses. The handing over of such exhibits and objects may, however, be made conditional on their return within a fixed period.

Article X

Arrangements will be made, by agreement between the Commander-in-Chief, Belgian Forces, the appropriate British authorities and the appropriate German authorities, for the detention of members of the Belgian Forces and their attached personnel who are arrested in the British Zone by the Belgian Military Authorities or are charged before, or sentenced by Belgian tribunals exercising the jurisdiction referred to in Article IX of this Convention.

Article XI

1. Within the Belgian Forces Area—

- (a) the British or German police may arrest a member of the Belgian Forces or their attached personnel only if he is discovered in circumstances in which he is reasonably suspected of—
 - (i) being about to commit, or committing, a serious criminal offence, or
 - (ii) escaping after having committed such an offence;
- (b) a member of the attached personnel of the Belgian Forces may be arrested, after consultation with the Belgian authorities, by the British police if he is reasonably suspected of having committed a criminal offence under Tripartite or Zonal legislation which cannot be tried by a Belgian tribunal;
- (c) in other circumstances any such person may be arrested only by, or at the request of, the Belgian authorities.

2. When any member of the Belgian Forces or their attached personnel is arrested by the British or German police, whether within the Belgian Forces Area in accordance with paragraph 1 hereof or in the British Zone outside that Area, the appropriate Belgian authorities shall be informed of the arrest and the place of detention as soon as possible and in any event within 24 hours, and, subject to the provisions of Article IX of this Convention, the person so arrested shall be handed over to them as quickly as possible.

Article XII

In the Belgian Forces Area, the police authorities of the Belgian Forces shall have the same powers of arrest over persons not members of the Belgian Forces or their attached personnel as are exercised by the Military Police of the British Army of the Rhine in the British Zone over persons not members of the British Forces or their attached personnel.

Article XIII

Members of the Belgian Forces and their attached personnel shall carry an identity document (which shall bear the photograph of the holder and his signature) in the form prescribed by the appropriate Belgian authorities.

Article XIV

The Government of the United Kingdom will ensure, so far as it is within its power to do so, that members of the Belgian Forces and their attached personnel shall enjoy, in respect of formalities and requirements relating to entry into and departure from the British Zone, treatment no less favourable than that accorded to members of the British Army of the Rhine and their attached personnel, in accordance with Tripartite legislation for the time being in force.

Article XV

1. The Belgian Forces and their attached personnel shall be treated, in respect of customs legislation and the authority of the competent Allied or German customs authorities, on the same basis as other Allied Forces and their attached personnel.

2. Existing arrangements relating to customs and frontier control made between the British and the Belgian authorities in the British Zone shall continue in force until modified by mutual agreement.

Article XVI

1. For the purposes of this Convention :—

- (a) The terms "Occupation Forces" and "Allied Forces" shall have the meaning respectively assigned to them by Article I of Law No. 2 (Definitions) of the Allied High Commission.
- (b) The term "members of the Belgian Forces" shall mean—
- (i) persons having military status under Belgian law who are on active service in the British Zone, under the orders of the Commander-in-Chief, Belgian Forces, or who have received an order or an authorisation to proceed to the British Zone to assume such active service;
 - (ii) non-German persons who hold assimilated military rank in accordance with Belgian regulations and whose presence in the British Zone is certified by the Commander-in-Chief, Belgian Forces, to be necessary for the purposes for which the Belgian Forces are stationed there;
 - (iii) Belgian army nurses serving in Belgian military hospitals.
- (c) During the period for which they are authorised to remain in the Belgian Forces Area, the following non-German persons who, by virtue of a decision of the Belgian Government or of the Commander-in-Chief, Belgian Forces, are attached for official purposes to those forces, or are authorised to accompany them as a consequence of a permanent or temporary connexion with those forces or with their members shall be considered as "attached personnel of the Belgian Forces"—
- (i) the male or female personnel of the B.E.L.A.A.C. organisation and of the Central Military Canteen;
 - (ii) officials of Belgian Government departments who are in Germany on an official mission to the Belgian Forces or to their subordinate organisations and services, and Belgian nationals who have been sent officially into the Belgian Forces Area by or with the approval of the Belgian authorities for the purpose of appearing before Belgian tribunals in the Belgian Forces Area;
 - (iii) members of Belgian theatrical or musical companies for whose movement into the Belgian Forces Area the Belgian Army takes responsibility;
 - (iv) spouses, parents, grandparents and descendants of the "members of the Belgian Forces" and of "attached personnel of the Belgian Forces" defined in sub-paragraph (c) (i) above.

2. A certificate signed by or on behalf of the Belgian Minister of National Defence or the Commander-in-Chief, Belgian Forces, to the effect that a named person is a member of the Belgian Forces or their attached personnel shall be accepted by the British control authorities as conclusive of the facts so stated.

Article XVII

1. The present Convention shall enter into force eight days after the Government of the United Kingdom has received from the Belgian Government, through the diplomatic channel, written notification that the Belgian Government desires that the Convention shall enter into force.

2. The present Convention shall remain in force until the expiry of three months from the date of notice in writing by either contracting Government to the other of its intention to terminate the Convention.

3. Notwithstanding any other provision in this Convention, either Government may at any time open negotiations with the other with a view to modifying any provision of this Convention. The two Governments will open such negotiations if any provision of this Convention is affected by international agreements or decisions pursuant thereto.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed the present Convention and have affixed thereto their seals.

DONE at Brussels, in duplicate, in English and French, both texts being equally authentic.

23rd December, 1949.

For the Government of the United Kingdom of
Great Britain and Northern Ireland :

Pour le Gouvernement du Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord :
George RENDEL

ANNEX

1. For the purposes of Article I of the present Convention the Belgian Forces Area will consist of :—

- (a) The Regierungsbezirk of Aachen;
- (b) The Regierungsbezirk of Köln, with the exception of the special enclave which is directly under the Allied High Commission;
- (c) In the Regierungsbezirk of Düsseldorf, the Kreis of Rhein-Wupper and in the Kreis Iserlohn the town of Hemer;
- (d) In the Regierungsbezirk of Arnsberg, the Kreise of Altena, Arnsberg, Meschede, Olpe, Siegen, Soest, Unna and Wittgenstein.

2. The Belgian Forces shall continue to use their existing air facilities at Wahn. The British authorities agree to provide suitable alternative facilities, if possible in the Belgian Forces Area, if those at Wahn have to be withdrawn.

3. The Belgian Forces will be given priority in the use of Vogelsang Camp. The administration of this camp will be a Belgian responsibility.