

No. 1481

NETHERLANDS
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND,
CANADA, AUSTRALIA, NEW ZEALAND, UNION OF
SOUTH AFRICA, INDIA AND PAKISTAN

Agreement relative to the graves of members of the armed forces of the British Commonwealth in Netherlands territories. Signed at The Hague, on 10 July 1951

Official texts: English and Dutch.

Registered by the Netherlands on 28 October 1951.

PAYS-BAS
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD,
CANADA, AUSTRALIE, NOUVELLE-ZÉLANDE, UNION
SUD-AFRICAINE, INDE ET PAKISTAN

Accord sur les sépultures des membres des forces armées du Commonwealth britannique en territoire néerlandais. Signé à La Haye, le 10 juillet 1951

Textes officiels anglais et néerlandais.

Enregistré par les Pays-Bas le 28 octobre 1951.

No. 1481. AGREEMENT¹ BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, CANADA, AUSTRALIA, NEW ZEALAND, THE UNION OF SOUTH AFRICA, INDIA AND PAKISTAN AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS RELATIVE TO THE GRAVES OF MEMBERS OF THE ARMED FORCES OF THE BRITISH COMMONWEALTH IN NETHERLANDS TERRITORIES. SIGNED AT THE HAGUE, ON 10 JULY 1951

The Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, India and Pakistan (in the present Agreement referred to as "the Commonwealth Countries") on the one hand and

The Government of the Kingdom of the Netherlands on the other hand,

Animated by a common desire to honour the memory of the members of the Armed Forces of the Commonwealth Countries, who in the wars of 1914-1918 and 1939-1945 have fallen on the field of battle or have died and are buried in Netherlands territories,

Desiring to make provision with regard to the cemeteries, graves and memorials of these members of the Armed Forces of the Commonwealth Countries,

Have agreed as follows :

Article 1

(1) "Commonwealth cemeteries, graves and memorials" means the cemeteries and graves in Netherlands territories in which are buried the bodies of members of the Armed Forces of the Commonwealth Countries, fallen or died in the wars of 1914-1918 and 1939-1945 and the memorials erected, or which may be erected, in their honour;

(2) "the Commission" means the Imperial War Graves Commission incorporated by Royal Charter granted by His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas;

¹ Came into force on 10 July 1951, as from the date of signature, in accordance with article 10.

(3) For the purposes of the present Agreement the expression "Netherlands territories" means the territory of the Netherlands, Surinam and the Netherlands Antilles.

Article 2

The Commission is recognised by the Government of the Kingdom of the Netherlands as the sole authority charged on behalf of the Commonwealth Countries with the permanent care in Netherlands territories of Commonwealth cemeteries, graves and memorials.

Article 3

(1) The Government of the Kingdom of the Netherlands shall acquire the ownership of the land required for Commonwealth cemeteries, graves and memorials, and shall grant the use of it free of cost to the Commission for a period of 50 years which shall be perpetually renewed for as long as the land is used for the purposes set forth in the present Agreement.

(2) Whenever the Commission considers necessary the creation of new cemeteries with a view to the grouping of Commonwealth graves, it shall formulate its proposals and shall transmit them to the Netherlands Minister of War who will consider the possibility of acquiring the necessary land to be granted to the Commission for the above-mentioned purposes for a period and under the conditions as prescribed in sub-paragraph (1) of this Article.

Article 4

The bodies of members of the Armed Forces of the Commonwealth Countries shall not, without the consent of the Commission, be exhumed for the purpose of removal from the Commonwealth cemeteries or graves in which they rest. The Government of the Kingdom of the Netherlands undertakes to invite the competent local authorities to refuse all applications for permission for the exhumation of any of these bodies or for their removal, unless preferred through the Commission.

Article 5

(1) The Government of the Kingdom of the Netherlands recognises the right of the Commission to act in Netherlands territories as an association, possessing the civil rights of an individual, to ensure the upkeep of Commonwealth cemeteries, graves and memorials.

(2) The Commission is accordingly authorised to enclose the Commonwealth cemeteries, to lay them out according to a scheme approved by itself,

to erect in them sepulchral monuments or other suitable structures, to make plantations in them, to enact regulations governing visits to them and to select persons, who may be British subjects, to take charge of and maintain them.

(3) The Commission is further authorised to provide for the laying out and maintenance of Commonwealth graves in publicly or privately owned cemeteries in agreement with the competent authorities.

(4) When any Commonwealth graves are among military graves of Netherlands or Allied soldiers and the Commission considers it desirable that a common system of laying out should be adopted, it shall submit its proposals to the Netherlands Minister of War for approval.

(5) Subject to the authorisation granted in Article 5 (2) of the present Agreement, the Commission shall conform to the laws and regulations in force in Netherlands territories relating to cemeteries, graves, memorials and other structures.

(6) The Government of the Kingdom of the Netherlands shall regard the Commission in respect of work done in its service by Netherlands civilian employees, to be as from the date on which such work was first started an employer within the meaning of the Social Insurance legislation.

Article 6

(1) Any request for permission to erect outside a Commonwealth cemetery a commemorative monument designed to recall a feat of arms of any unit or formation of the Armed Forces of the Commonwealth Countries shall be presented by the Commission to the Government of the Kingdom of the Netherlands for approval.

(2) Should a request of this nature be made by any person or body other than the Commission to the Government of the Kingdom of the Netherlands the latter shall refer it to the Commission before giving any decision and shall consider in agreement with the Commission what action shall be taken thereon.

Article 7

(1) The Commission shall appoint a Commonwealth-Netherlands Joint Committee to represent the Commission in Netherlands territories in its relations with the Netherlands authorities, both military and civil, and especially to exercise in the name of the Commission all or part of the rights reserved to it under the present Agreement.

(2) This Committee shall be competent to perform in the name of the Commission and within the limits of the powers delegated to it by the latter all civil acts necessary to enable it to fulfil its object.

Article 8

(1) The Committee referred to in the preceding Article shall be composed of not more than twenty members, consisting of not more than eight honorary members, of whom four shall be nationals of the Netherlands and the others nationals of the Commonwealth Countries, and not more than twelve official members, of whom six shall be nationals of the Netherlands and the others nationals of the Commonwealth Countries.

(2) All the members shall be appointed by the Commission. Nevertheless so far as the Netherlands members are concerned the appointment shall take place on the recommendation of the Government of the Kingdom of the Netherlands, which recommendation shall be requested and transmitted through diplomatic channels.

(3) The Netherlands honorary members shall be chosen from persons who have won distinction in the Army, the Navy, the Air Force, in Letters, Science or Art.

(4) The Netherlands official members shall be chosen as representing such Departments of the Government of the Kingdom of the Netherlands or such recognised Netherlands Organisations as may be agreed upon between that Government and the Commission, and shall cease to form part of the Committee from the day when they vacate their functions in the Departments or Organisations concerned. The Government of the Kingdom of the Netherlands undertakes to notify the Commission of all changes which may take place among the Netherlands official members.

(5) The Commission shall appoint the Secretary General of the Joint Committee.

Article 9

(1) The Government of the Kingdom of the Netherlands undertakes to exempt the Commission from all present or future taxes, dues or other State or local charges or impositions of whatever nature with which the Commission might otherwise be chargeable in the carrying out of its official functions in accordance with the present Agreement. The procedure for implementing the foregoing exemption shall be arranged by the Commission direct with the competent authorities concerned.

(2) The Government of the Kingdom of the Netherlands agrees that in any particular case under this Article a certificate signed on behalf of the Commission to the effect that the exemption is claimed for the purpose of the official exercise of the Commission's functions shall be accepted by the authorities concerned as sufficient evidence to that effect. The officials of the Commission having competence to sign such certificates shall be notified from time to time to the Government of the Kingdom of the Netherlands by the Secretary-General of the Joint Committee.

Article 10

The present Agreement shall come into force on the date of its signature.

IN WITNESS WHEREOF the undersigned, duly authorised to that effect, have signed the present Agreement.

DONE at The Hague on the 10th day of July 1951, in English and in Dutch, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which certified copies shall be furnished to the other Governments, parties to the present Agreement.

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

(Signed) Philip NICHOLS

For the Government of Canada :

(Signed) Pierre DUPUY

For the Government of Australia :

(Signed) Alfred STIRLING

For the Government of New Zealand :

(Signed) J. BRENNAN

For the Government of the Union of South Africa :

(Signed) D. B. BOSMAN

For the Government of India :

(Signed) P. N. MENON

For the Government of Pakistan :

(Signed) S. Lal Shah BOKHARI

For the Government of the Kingdom of the Netherlands :

(Signed) STIKKER