

**UNITED KINGDOM OF GREAT BRITAIN AND NORTH-
ERN IRELAND, AUSTRALIA, CANADA, INDIA, NEW
ZEALAND, PAKISTAN AND THE UNION OF
SOUTH AFRICA
and
BELGIUM**

**Agreement respecting the war cemeteries, graves and
memorials of the British Commonwealth in Belgian
territory. Signed at Brussels, on 20 July 1951**

Official texts: English and French.

Registered by the United Kingdom of Great Britain and Northern Ireland on 11 December 1951.

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

**Accord sur les cimetières, les sépultures et les monuments
militaires du Commonwealth britannique en territoire
belge. Signé à Bruxelles, le 20 juillet 1951**

Textes officiels anglais et français.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 11 décembre 1951.

No. 1585. AGREEMENT¹ BETWEEN THE GOVERNMENT OF BELGIUM AND THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AUSTRALIA, CANADA, INDIA, NEW ZEALAND, PAKISTAN AND THE UNION OF SOUTH AFRICA, RESPECTING THE WAR CEMETERIES, GRAVES AND MEMORIALS OF THE BRITISH COMMONWEALTH IN BELGIAN TERRITORY. SIGNED AT BRUSSELS, ON 20 JULY 1951

The Government of Belgium of the one part : and

The Governments of the United Kingdom of Great Britain and Northern Ireland, Australia, Canada, India, New Zealand, Pakistan and the Union of South Africa (hereinafter referred to as "the Commonwealth countries") of the other part :

Desiring to continue, subject to modifications, the provisions of an Agreement, signed at Brussels, on the 13th day of June, 1919², between the Belgian Government and the British Government and entitled "Agreement between the Belgian Government and the British Government respecting British Military Graves in Belgian territory" (hereinafter referred to as "the Agreement of 1919") ; and

Desiring further to make provision with regard to the Cemeteries, Graves and Memorials of members of the Armed Forces of the Commonwealth countries, who have fallen as a result of the War of 1939-45 and have been interred in Belgian territory :

Have decided to conclude an Agreement for the purposes above-mentioned and have accordingly agreed as follows :—

Article 1

(1) The present Agreement applies to the Cemeteries, Graves and Memorials for which provision was made by the Agreement of 1919 and also to the Cemeteries and Graves in Belgian territory in which are buried the bodies of members of the Armed Forces of the Commonwealth countries fallen in the War of 1939-45 and the Memorials erected, or which may be erected, in their honour.

(2) In the present Agreement, the following expressions have the following meanings, respectively :—

¹ Came into force on 20 July 1951, as from the date of signature, in accordance with article 13.

² United Kingdom : "Treaty Series No. 9 (1919)," Cmd. 301.

"Commonwealth War Cemeteries, Graves and Memorials" include respectively both those for which provision was made by the Agreement of 1919 and those resulting from the War of 1939-45 ; where necessary, those of the two wars are distinguished as "Commonwealth 1914-18 War Cemeteries, Graves and Memorials" and "Commonwealth 1939-45 War Cemeteries, Graves and Memorials", respectively ;

"The Commission" means the Imperial War Graves Commission incorporated by Royal Charter, dated 21st May, 1917.

Article 2

(1) The Commission is recognised by the Belgian Government as the sole authority charged on behalf of the Commonwealth countries with the permanent care in Belgian territory of Commonwealth War Cemeteries, Graves and Memorials.

(2) The Belgian Government recognises the right of the Commission to act in Belgian territory as an Association possessing the civil rights of an individual in all that concerns the Commonwealth War Cemeteries, Graves and Memorials.

Article 3

(1) The Belgian Government grants to the Commission free of cost and in perpetuity the free use of the lands situated in Belgian territory, chosen and utilised either as permanent Commonwealth 1939-45 War Cemeteries or for the construction of monuments to commemorate members of the Armed Forces of the Commonwealth countries fallen in the War of 1939-45. Nevertheless, the said lands shall remain the property of the Belgian State.

The Belgian Government undertakes to invite the communal authorities to grant free of cost the necessary ground in their Cemeteries.

(2) The Belgian Government further confirms in regard to the Commonwealth 1914-18 War Cemeteries, Graves and Memorials, the grant of the free and perpetual use of the lands occupied by the same in virtue of the Anglo-Franco-Belgian Agreement of 9th August, 1917, and the provisions of the Agreement of 1919.

Article 4

(1) The Commission shall be at liberty to transfer into Commonwealth War Cemeteries such Commonwealth War Graves lying outside those Cemeteries as it may deem necessary, whether on account of the isolated position of any such Graves or for any other reason.

(2) The Belgian Government will arrange for the competent Belgian authorities to grant the necessary permits for the exhumation and transport of the bodies to be so transferred.

(3) If, in order to group together any such Graves as are referred to in paragraph (1) of this Article, the Commission shall recognise as necessary the creation of new Cemeteries, it shall submit its proposals to the Belgian Government, who will favourably consider whether steps can be taken for the acquisition of the land for the purpose in accordance with the provisions of Article 3.

Article 5

(1) As regards the Commonwealth 1939-45 War Cemeteries, the Belgian Government recognises the right of the Commission at its own cost to ensure and provide for the lay-out, construction, maintenance and control of the same.

(2) The Commission is accordingly authorised to enclose the Cemeteries referred to in paragraph (1) of this Article, to lay them out and construct them on a system approved by the Commission, to erect in them sepulchral monuments or other structures, to make plantations in them, to enact regulations governing visits to them, and to select persons to take charge of them. Such persons may be nationals of the Commonwealth countries.

(3) Questions relative to the lay-out of Commonwealth 1939-45 War Graves situated in Communal Cemeteries shall be decided by the Commission and the Communal authorities with the assistance of the competent Minister or central authority concerned.

(4) The Commission is further authorised to provide for the lay-out of Commonwealth 1939-45 War Graves situated in Cemeteries belonging to the State or Communes which, in addition to such Graves, contain also Belgian or allied military Graves. When the Commission considers it desirable that a common system of lay-out should be adopted for a mixed Cemetery, it shall submit its proposals to the competent Belgian authority, who shall decide the matter.

Article 6

(1) As regards the Commonwealth 1914-18 War Cemeteries, Graves and Memorials, the present Agreement expressly preserves and continues the rights of the Commission, as hitherto exercised pursuant to the Agreement of 1919, to ensure and provide at its own cost for the maintenance of the said Cemeteries, Graves and Memorials, to enact or continue regulations governing visits to such Cemeteries and to select the persons to take charge of them, who may be nationals of the Commonwealth countries.

(2) The Belgian Government further agrees that the Commission shall be at liberty, if it sees fit, to utilise vacant space in any such Cemeteries for the reception of Commonwealth 1939-45 War Graves and to establish such additional monuments, structures or plantations and make such improvements therein as it may consider necessary.

Article 7

(1) The exhumation of bodies from the Commonwealth War Cemeteries and Graves for transport (whether in their existing state or after cremation) to any part of the Commonwealth or to any other destination outside Belgium or the Belgian territory where they are respectively interred, being contrary to the declared policy of the Commonwealth countries, no such exhumation shall be permitted, and the Belgian Government undertakes to instruct the competent authorities to refuse all applications for permission to effect such exhumations or removals of bodies.

(2) The exhumation of such bodies for purposes of concentration or regrouping within Belgium or Belgian territory, respectively, shall only be permitted if effected by or with the express authority of the Commission.

Article 8

(1) Requests for permission to erect any monument designed to recall a feat of arms of the Armed Forces of the Commonwealth countries or of any unit of those forces shall be presented by the Commission to the Belgian Government for its concurrence.

(2) Should a request of this nature be made direct to the Belgian Government, 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 9

In place of the mixed Anglo-Belgian Committee appointed by the Commission pursuant to the provisions of Article 6 of the Agreement of 1919, the Commission shall appoint a joint Committee, to be entitled the Commonwealth-Belgian Joint Committee and composed as laid down in the next following Article, to represent the Commission in Belgian territory in its relations with the appropriate 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. 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 objects.

Article 10

(1) The Committee referred to in Article 9 hereof shall be composed of not more than twenty members comprising not more than eight honorary members, of whom four shall represent Belgium and the others the Commonwealth countries, and not more than twelve official members, of whom six shall represent Belgium and the others the Commonwealth countries.

The Belgian members shall be appointed by the Commission on the recommendation of the Belgian Government which shall be requested and transmitted through the diplomatic channel.

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

(3) The Belgian official members shall be chosen in virtue of the administrative functions exercised by them and shall be representatives from such Government Departments as may be agreed upon between the Belgian Government and the Commission. They shall cease to form part of the Committee from the day when they vacate their functions in the Departments. The Belgian Government undertakes to notify the Commission of all changes which may take place amongst the Belgian official members.

(4) The Commission shall appoint the Secretary-General of the Committee.

Article 11

(1) The Belgian Government agrees to treat the Commission on the same footing as the Belgian State for the purpose of the application of the laws relating to direct taxes and duties imposed for the benefit of the State, the provinces and the communes, and the laws relating to registration fees, court fees, mortgage fees, succession duties and stamp duties.

(2) The Commission may import into or buy in Belgium, free of all duties (import duties, excise duties and taxes assimilated to stamp duties), the equipment, supplies and commodities necessary for its own needs or for the laying out, embellishment and maintenance of the military Cemeteries and Graves and for the construction and maintenance of commemorative monuments.

(3) The Commission shall benefit from the same exemption in respect of all works and goods or services which it orders directly for the same purposes.

(4) The Commission shall take the necessary steps to ensure that no commodities imported or bought duty free are disposed of in Belgium without the previous consent of the Belgian Government.

(5) Motor vehicles imported temporarily by the Commission and intended for the use of the Commission or of its officials of foreign (non-Belgian) nationality shall benefit by temporary exemption from import duties and luxury tax.

(6) The methods of applying the exemptions provided for in the present Article shall be settled by the competent authorities in agreement with the Commission.

(7) The Belgian Government 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 said Government by the Secretary-General of the Joint Committee.

Article 12

In exercising the rights conferred by the present Agreement, the Commission shall conform to the laws and regulations in force in Belgium and Belgian territory save in so far as it is exempted from so doing by the provisions of the present Agreement.

Article 13

The present Agreement shall come into force as from the date of signature and therefrom the Agreement of 1919 shall (subject to the provisions of Article 3, paragraph (2) and Article 6, paragraph (1) of the present Agreement) terminate but without prejudice to anything previously done under it.

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

DONE at Brussels, this 20th day of July, 1951, in French and English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Government of Belgium, by whom certified copies shall be sent to the other signatory Governments.

For Belgium :	Pour la Belgique :
[L.S.]	Paul VAN ZEELAND
For the United Kingdom of Great Britain and Northern Ireland :	Pour le Royaume-Uni de Grande- Bretagne et d'Irlande du Nord :
[L.S.]	J. H. LE ROUGETEL
For Australia :	Pour l'Australie :
[L.S.]	J. H. LE ROUGETEL
For Canada :	Pour le Canada :
[L.S.]	Maurice POPE
For India :	Pour l'Inde :
[L.S.]	LUKOSE
For New Zealand :	Pour la Nouvelle-Zélande :
	Jane ROBERTSON McKENZIE
For Pakistan :	Pour le Pakistan :
	S. LAL SHAH BOKHARI
For the Union of South Africa :	Pour l'Union Sud-Africaine :
[L.S.]	P. H. BOTHA
