

No. 1940

**UNITED STATES OF AMERICA
and
FRANCE**

Agreement concerning the interment in France and in territories of the French Union or the removal to the United States of the bodies of American soldiers killed in the war of 1939-1945. Signed at Paris, on 1 October 1947

Official texts: English and French.

Registered by the United States of America on 6 November 1952.

**ÉTATS-UNIS D'AMÉRIQUE
et
FRANCE**

Accord concernant l'inhumation en France et dans les territoires de l'Union française ou le transfert aux États-Unis des corps des ressortissants américains victimes de la guerre de 1939-1945. Signé à Paris, le 1^{er} octobre 1947

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 6 novembre 1952.

No. 1940. AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND FRANCE CONCERNING THE INTERMENT IN FRANCE AND IN TERRITORIES OF THE FRENCH UNION OR THE REMOVAL TO THE UNITED STATES OF THE BODIES OF AMERICAN SOLDIERS KILLED IN THE WAR OF 1939-1945. SIGNED AT PARIS, ON 1 OCTOBER 1947

The Government of the United States of America and the Government of the French Republic, having resolved to facilitate the burial in French territory or the removal to their own country of the bodies of American soldiers killed in the war of 1939-1945, the undersigned, duly authorized for this purpose, have agreed on the following provisions :

SECTION I

Creation of permanent cemeteries and commemorative monuments called "Fields of Honor"

Article 1.—The French Government grants to the Government of the United States of America, gratis, and for unlimited duration, the free disposition of the terrains situated in France and in territories of the French Union, chosen and utilized either as permanent cemeteries for the burial of American victims of the war of 1939-1945, or for the construction of monuments commemorative of the exploits of the Armed Forces of the United States in the course of this same war. However, by the terms of the decree of October 14, 1946,² these terrains shall remain the property of the French State.

Article 2.—The location of the cemeteries and monuments shall be subject to the prior approval of the French Government.

Article 3.—The free dispositions specified in Article 1 allows to the Government of the United States the right to proceed with all arrangements deemed necessary for the permanent cemeteries, as well as with the construction of the monuments, and of all necessary buildings and approach roads. However, the Government of the United States shall see that the appropriated installations maintain good sanitary conditions.

These arrangements and constructions shall be free of all taxation.

¹ Came into force on 1 October 1947, upon signature, in accordance with article 11.

² *Journal Officiel de la République Française*, No. 241, Oct. 14 and 15, 1946, p. 8687.

Article 4.—The Government of the United States takes responsibility for the supervision and maintenance of the cemeteries and monuments as well as for the payment of salaries and other expenses resulting therefrom.

Article 5.—The provisions of the present Agreement relative to the supervision, maintenance, and administration of the permanent cemeteries and monuments are applicable to those of the war of 1914-1918 as well as to those of the war of 1939-1945.

SECTION II

Procedure relative to the interment and exhumation of the remains, their reinterment in France or removal to the United States

Article 6.—The Government of the United States may establish and maintain, in France and in the territories of the French Union, provisional cemeteries and may possess the equipment necessary for the assembling, the identification, and the provisional burial of the remains. It may likewise proceed with the exhumation of the remains and with their removal to permanent cemeteries for the purpose of burial or to ports for the purpose of repatriation to the United States. These provisions may also be applicable in the case of remains brought from other countries. They will be exempt from all taxation as well as from all customs formalities or dues.

Article 7.—The Government of the United States shall not be subject to the existing laws and regulations regarding permits for burial, exhumation and removal of the remains, but it agrees to execute these operations in such a manner that they will not constitute a danger to the public health and to make all necessary sanitary arrangements toward this end.

Article 8.—The French Government shall grant all facilities for transportation, lodging of personnel, installations of offices and warehouses, as well as for labor to be employed in the execution of the proposed works, provided that the previous agreement of the competent French authorities be obtained and that all expenses incurred be settled in conformity with the rates in force.

SECTION III

General Provisions

Article 9.—The Government of the United States may import into France or territories of the French Union, from any country, the material and supplies which are necessary for the execution of all operations mentioned in the present agreement.

These materials and supplies will be admitted temporarily free of duty under the following conditions :

a) " Materials and vehicles for transport by air, road or water imported will be placed, upon their entry into France, under Customs certificates without

deposits, of two years' duration and renewable. These certificates will be returned to the Customs Service and turned in at the time of re-exportation of the material and vehicles.

b) " All consumable materials destined for the construction, the decoration or the maintenance of tombs, cemeteries or monuments will be subjected, at the time of their importation, to a Customs receipt without deposit, which will be returned to the issuing officer after having received endorsement either from the responsible director of the American Depot for storing and sorting such material (the name of this person shall previously have been communicated to the French customs administration) or from the municipal authority of the locality of destination or by the responsible director of the cemetery concerned indicating that the material or other consumable products in question have been put to the use for which intended.

The products included in this second category, which would no longer be used in France, shall be re-exported or become subject to tax.

Article 10.—The French Government is prepared, within the framework of existing regulations, to grant complete freedom of movement to American personnel designated by the Government of the United States for entrance into or departure from the territories of France and the French Union.

Motor vehicles belonging to American personnel shall have the privilege, upon their entry into France, of being admitted temporarily free of duty, under customs receipts without deposit issued by the French customs administration upon presentation of a certificate of employment signed by a duly authorized official of the American Graves Registration Command, whose name shall previously have been communicated to the French customs administration.

The Government of the United States may recruit and employ locally French laborers, provided they are paid in conformance with the tariffs and regulations in force.

Foreign laborers coming from the American Zone of Occupation in Germany shall be employed only in the territory of metropolitan France. They must have military status; they must wear a uniform and shall be subject to American military discipline as well as to American legislation, according to conditions specified by the agreements regulating the sojourn of the American Armed Forces in France. The Government of the United States will assume entire responsibility for these foreign workers and will take in this respect such measures as the French Government will deem indispensable, before their entry into French territory as well as during the course of the period in which they are stationed on said territory.

The Government of the United States agrees to assure the payment of salaries, indemnities and costs of social security for the labor it will employ.

SECTION IV

Final Provisions

Article 11.—The present agreement, which replaces that of August 29, 1927,¹ shall become effective upon signature. It shall remain in force until the two Contracting Parties terminate it by common consent, but it can be terminated at any time, upon the desire of one of the parties, provided that notice be given to the other party a year in advance. Such termination shall not apply to the use of the terrains utilized for permanent cemeteries and memorials, including buildings constructed on said terrains.

DONE at Paris, in duplicate, in the English and French languages, this first of October 1947.

For the Government
of the French Republic :
H. TEITGEN

For the Government
of the United States of America :
Jefferson CAFFERY

¹ League of Nations, *Treaty Series*, Vol. LXVIII, p. 253.