

No. 2247

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

**Agreement regarding British Commonwealth war graves  
in French territory. Signed at Paris, on 31 October 1951**

*Official texts: English and French.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on  
31 August 1953.*

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

**Accord au sujet des sépultures militaires du Common-  
wealth britannique en territoire français. Signé à  
Paris, le 31 octobre 1951**

*Textes officiels anglais et français.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le  
31 août 1953.*

No. 2247. AGREEMENT<sup>1</sup> 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 FRENCH REPUBLIC REGARDING BRITISH COMMONWEALTH WAR GRAVES IN FRENCH TERRITORY. SIGNED AT PARIS, ON 31 OCTOBER 1951

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The Government of the French Republic of the one part and the Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, India and Pakistan (hereinafter referred to as "the Commonwealth countries") of the other part, being resolved to maintain the principles of an Agreement signed in Paris on 26th November 1918,<sup>2</sup> and entitled "Agreement between His Britannic Majesty's Government and the Government of the French Republic relative to the Graves of British Soldiers in France," and to extend those principles to the cemeteries, graves and memorials of members of the Armed Forces of the Commonwealth countries who fell in the War of 1939-45 and whose remains rest in French territory, have agreed as follows :—

PART I.—PERMANENT CEMETERIES AND MEMORIALS

*Article 1*

The French Government recognises the Imperial War Graves Commission (hereinafter referred to as "the Commission"), which was incorporated by Royal Charter dated 21st May, 1917, as the sole organisation entrusted on behalf of the Governments of the Commonwealth countries parties hereto with all measures concerned with the construction, laying out and maintenance of the Commonwealth War Cemeteries, Graves and Memorials. Consequently, the Commission shall have the right to act in French territory as a properly constituted association and to settle with the French authorities all questions concerning War Cemeteries, Graves and Memorials of the Commonwealth.

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<sup>1</sup> Came into force on 31 October 1951, upon signature, in accordance with article 16.

<sup>2</sup> United Kingdom, *Treaty Series No. 1 (1919)*, Cmd. 7.

*Article 2*

The French Government grants to the Commission, without payment and without time-limit, the free use of the land in French territory selected and used either as permanent war cemeteries for the burial of members of the Armed Forces of the Commonwealth countries who fell in the Wars of 1914-18 or 1939-45, or for the construction of memorials in their honour. Nevertheless, as laid down in the law of 14th October, 1946, this land shall remain the property of the French State.

*Article 3*

The sites of cemeteries and memorials shall be subject to the prior approval of the French Government.

*Article 4*

The free use of the land, mentioned in Article 2 above, confers on the Commission the right to make all arrangements considered necessary for the laying out and treatment of permanent cemeteries and to construct memorials and any buildings and means of access which may be required. The Commission shall be the only authority entitled to engage in such operations and any request in this respect which may be addressed directly to the French Government must be submitted to the Commission for its decision. The Commission shall, however, take due care to see that suitable installations shall maintain good sanitary conditions. These arrangements and constructional works shall be exempt from any duties or taxes.

*Article 5*

Concessions in perpetuity shall be granted by the French Government in respect of the graves of members of the Armed Forces of the Commonwealth countries situated in municipal or communal cemeteries and also in French military cemeteries, the laying out and maintenance of these graves being the responsibility of the Commission.

*Article 6*

All questions concerning the graves, which are the subject of the preceding Article, shall be settled directly by the Commission with the competent French authorities.

## PART II.—EXHUMATION, BURIAL OR TRANSFER OPERATIONS

*Article 7*

The Commission may create and maintain temporary cemeteries in French territory and may have in its possession the necessary equipment to collect, identify and give temporary burial to remains and to transfer them to permanent cemeteries. These operations may be extended to remains coming from other countries. The Commission shall be the only authority permitted to carry out these operations. No exhumation or repatriation of bodies of members of the Armed Forces of the Commonwealth countries may be carried out unless authorised by the Commission.

*Article 8*

The Commission shall not be subject to French laws and regulations concerning permits for the burial, exhumation and transfer of remains, but the Commission undertakes to carry out these operations in such a way that they will not constitute a danger to public health and to take all sanitary measures necessary for this purpose.

*Article 9*

The French Government shall grant all necessary facilities for transport, accommodation of personnel, setting up of offices, storing of material and procuring of labour, to carry out the work contemplated in Part II of the present Agreement, with the reservation that the prior consent of the French authorities shall be obtained and that all the expense incurred shall be settled in accordance with current rates.

## PART III.—GENERAL PROVISIONS

*Article 10*

The Commission shall not be subject to any duties or taxes for which it might become liable in carrying out its official functions or to any Customs charges. In particular, the Commission may import into French territory, irrespective of the country of origin, the material and supplies necessary to enable it to carry out any of the operations covered by the present Agreement.

Such material and supplies shall be admitted under temporary or permanent Customs exemption on the following conditions :—

- (a) The equipment, as well as the means of air, land or water transport imported by the Commission shall be admitted into French territory on the strength of a temporary Customs clearance granted without bond, valid for two

years and renewable. These clearances shall be returned to the Customs Service, and discharged when the equipment and means of transport are finally re-exported.

- (b) All objects and products intended for use in the construction, decoration or maintenance of cemeteries, graves or memorials and for any other operation of the Commission covered by the present Agreement, shall, at the time of their importation, be the subject of a Customs clearance granted without bond, which shall be sent back to the office of origin after being endorsed either by the responsible official of the Commission (the name of this official must previously have been communicated to the Administration of the French Customs) or by the Municipal Authority of the place of destination, or by the authority responsible for the cemetery, with a note to the effect that the objects and products in question have been put to their proper use. Any object or product in this category which is no longer required for the purposes of the Commission shall be re-exported or subjected to Customs charges.

#### *Article 11*

The French Government is prepared, within the framework of the existing regulations, to grant all necessary movement facilities to Commonwealth personnel of the Commission to enable them to enter and leave French territory. The Commission shall have the right to recruit and to employ any local French labour which may be necessary and undertakes to ensure the payment of wages, allowances and social security charges on behalf of any persons so employed in accordance with the scales and regulations in force.

#### *Article 12*

In place of the Mixed Franco-British Committee constituted by the Commission in conformity with the provisions of Article 6 of the 1918 Agreement, the Commission shall appoint a Joint Committee entitled the "Commonwealth-French Joint Committee" to represent the Commission in French territory in dealing with the civil and military authorities concerned, and in particular to exercise in the Commission's name any or all of the rights granted to it by the present Agreement. This Committee shall be competent to perform in the name of the Commission, and within the limits of the powers delegated by the latter, all civil acts necessary to enable it to fulfil its purposes.

#### *Article 13*

The Committee mentioned in the previous Article shall consist of not more than twenty members, including eight honorary members and twelve official members, and shall be composed in equal numbers under each heading of representatives of France on the one hand, and of the Commonwealth coun-

tries on the other. The French honorary members, who shall be chosen among notable personalities in the Navy, the Army, the Air Force, literary, scientific or artistic circles, shall be nominated by the Commission, their names having been proposed by the French Government and presented through the diplomatic channel. The French official members shall be chosen by virtue of the administrative functions exercised by them and shall be the representatives of the various Governmental services selected by mutual agreement by the French Government and the Commission. They shall cease to form part of the Committee from the day they relinquish the official functions in respect of which they were nominated to the Committee. The French Government shall give the Commission previous warning of any changes in regard to official functions or appointments which may take place among the French official members. The Commission shall appoint the Secretary-General of the above Committee.

#### PART IV.—FINAL PROVISIONS

##### *Article 14*

For the purposes of the present Agreement the expression “ French territory ” signifies Metropolitan France, Algeria, the departments of France Overseas, the territories and States of the French Union and the States under French protection.

##### *Article 15*

The present Agreement shall supersede the Agreement of 26th November, 1918, and its provisions regarding the rights and functions of the Commission shall be applicable to the cemeteries, graves and memorials established under that Agreement.

In addition, it is hereby expressly recognised that the rights enjoyed by the Commission under the Agreement of 26th November, 1918, are to be preserved and continued by the present Agreement.

##### *Article 16*

The present Agreement shall come into force on signature.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed the present Agreement in English and French, both texts being equally authentic, and have affixed thereto their seals.

DONE at Paris this 31st day of October, 1951, in a single copy, which shall be deposited in the archives of the French Government and of which certified copies shall be transmitted by that Government to each of the other Signatory Governments.

EN FOI DE QUOI, les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé le présent Accord, en français et en anglais, les deux textes faisant également foi, et y ont apposé leurs sceaux.

FAIT à Paris, le 31 octobre 1951, en un seul exemplaire, qui sera déposé dans les archives du Gouvernement français et dont des copies certifiées seront transmises par ce Gouvernement à chacun des autres Gouvernements signataires.

[L.S. ]	Alexandre PARODI
[L.S. ]	Oliver HARVEY
[L.S. ]	George P. VANIER
[L.S. ]	Keith OFFICER
[L.S. ]	Jane ROBERTSON MCKENZIE
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[L.S. ]	Hardit SINGH MALIK
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