

No. 2080

NETHERLANDS
and
UNITED STATES OF AMERICA

Exchange of notes (with annexes) constituting an agreement concerning the American war cemetery at Margraten. The Hague, 26 September 1951

Exchange of notes correcting a figure in annex 1 to the above-mentioned Agreement. The Hague, 27 August and 7 September 1952

D. Indefinite
Official texts: English.

Registered by the Netherlands on 4 February 1953.

PAYS-BAS
et
ÉTATS-UNIS D'AMÉRIQUE

Échange de notes (avec annexes) constituant un accord concernant le cimetière militaire américain de Margraten. La Haye, 26 septembre 1951

Échange de notes rectifiant un chiffre figurant à l'annexe 1 de l'Accord susmentionné. La Haye, 27 août et 7 septembre 1952

Textes officiels anglais.

Enregistrés par les Pays-Bas le 4 février 1953.

No. 2080. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE NETHERLANDS AND THE UNITED STATES OF AMERICA CONCERNING THE AMERICAN WAR CEMETERY AT MARGRATEN. THE HAGUE, 26 SEPTEMBER 1951

I

The Embassy of the United States of America at The Hague to the Ministry of Foreign Affairs of the Netherlands

AMERICAN EMBASSY

No. 185

The Embassy of the United States of America presents its compliments to the Royal Netherlands Ministry of Foreign Affairs and has the honor to refer to the Embassy's Note No. 1077, dated September 9, 1949, in which the Ministry was informed that the United States Government was pleased to accept the offer of an interest in the land upon which Margraten Cemetery has been established.

The Embassy understands that this offer was made with the object of carrying out the agreement contained in the Notes of April 11, 1947,² exchanged between His Excellency the Minister of Foreign Affairs of the Kingdom of the Netherlands and the United States Chargé d'Affaires a.i. at The Hague, and that this offer is subject to the following conditions :

a) The Government of the Kingdom of the Netherlands grants to the Government of the United States of America, and the Government of the United States of America accepts, the free use, without any taxation, of the land required for a permanent United States World War II Military Cemetery, for a period of fifty years which shall be perpetually renewed for as long as the land is used for this purpose. The parcels of land required for this purpose are mentioned in annex (1) (a total area of 26.48.83 hectares), all of which are contiguous and situated in the province of Limburg in the Netherlands, in the municipalities of *Margraten*, *Cadier en Keer* and *Gronsveld* and which are in detail denoted by the area within the red boundary-line on a Property Requirements Plan which has been initialled "ne varietur" by the two Governments and which is annexed to the present Note (annex 2).

A cadastral survey has been made of the area within the red boundary-line and boundary-stones have been placed by the designated Netherlands authorities.

¹ Came into force on 26 September 1951 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 148, p. 343.

b) It is understood and agreed that the title to the land referred to in paragraph a) will remain in the name of the Kingdom of the Netherlands, with full and free use by the Government of the United States of America for the period mentioned in paragraph a); further, that the full and free use of the land enables the Government of the United States of America, observing the rules already agreed on in this matter in the Notes of April 11, 1947, to proceed with all arrangements deemed necessary for maintaining a permanent cemetery on this land, including the installation thereon of memorials, grave markers and all structures, buildings, utilities, roads and horti-cultural plantings as may be desired for the embellishment and administration of the cemetery and to move, raze or remove such fixtures at will at any future time.

The Government of the Kingdom of the Netherlands guarantee that the land lent to the Government of the United States of America is not encumbered with any public or private easements or other encumbrances which may hinder the contemplated use.

As far as the installation of utilities (gas, electricity, water, etc.) is concerned, previous consultation with the „Eerst aanwezend Ingenieur der Genie” (Commander of the Engineers) at *Venlo* is required.

c) The Government of the Kingdom of the Netherlands will further the conservation of the existing rural aspect of the area around the cemetery and the preservation of the dignity and aesthetic character of the cemeterial site from unsightly or inappropriate structures or activities.

d) The Government of the United States of America will furnish the Government of the Kingdom of the Netherlands with the names, Christian names, ranks, functions and residences in the Netherlands of American citizens, charged with work at the cemetery mentioned in paragraph a) in order to grant such personnel the exemption from taxes mentioned in par. i) of the major concessions, referred to in the exchange of Notes of April 11, 1947.

e) The Government of the United States of America will not lease or let the land lent to it to a third party and replace at the disposal of the Government of the Kingdom of the Netherlands, the parcels of land no longer used for the cemetery.

If Her Majesty's Government is indeed prepared to grant the concessions under the above-mentioned conditions, the Embassy will appreciate receiving the Ministry's confirmation thereof.

The Hague, September 26, 1951

II

The Ministry of Foreign Affairs of the Netherlands to the Embassy of the United States of America at The Hague

MINISTRY OF FOREIGN AFFAIRS

The Ministry of Foreign Affairs presents its compliments to the American Embassy and acknowledges receipt of the latter's Note of to-day's date, No. 185 reading as follows :—

[See note I]

The Ministry herewith confirms that the Netherlands Government are prepared to grant the concessions as laid down in the Embassy's abovementioned Note.

The Hague, September 26, 1951.

ANNEX 1

ANNEX (1) TO EMBASSY NOTE NO. 185 OF SEPT. 26, 1951

Cadastral indication and areas of the parcels of land on which the American Military Cemetery Margraten is situated

Municipality of Margraten : Section B, parcel No. 2121 area	19.70.78 ha.
Municipality of Gronsveld : Section E, parcel No. 757 area	5.15.10 ha.
Municipality of Cadier en Keer : Section A, parcel No. 2422 area	1.62.95 ha.
Total area	<u>26.84.38 ha.</u>

EXCHANGE OF NOTES BETWEEN THE NETHERLANDS
AND THE UNITED STATES OF AMERICA CORRECTING
A FIGURE IN ANNEX 1 TO THE AGREEMENT OF
26 SEPTEMBER 1951¹ CONCERNING THE AMERICAN
WAR CEMETERY AT MARGRATEN. THE HAGUE,
27 AUGUST AND 7 SEPTEMBER 1952

I

The Ministry of Foreign Affairs of the Netherlands to the Embassy of the United States of America at The Hague

MINISTRY OF FOREIGN AFFAIRS

General Affairs Department
No. 83393

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honour to draw the attention of the Embassy to the fact that in the annex (1) to the latter's note No. 185, dated September 26, 1951, concerning Margraten Cemetery, two figures have been interchanged twice in the indication of the total area.

The total area of the three parcels is 26.48.83 ha.

The Ministry would be much obliged if the Embassy would be so kind as to confirm that the incorrect total of 26.84.38 ha. mentioned in the Embassy's note has been rectified.

The Hague, August, 27, 1952

To the Embassy of the United States of America

II

The Embassy of the United States of America at The Hague to the Ministry of Foreign Affairs of the Netherlands

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 137

The Embassy of the United States of America presents its compliments to the Royal Netherlands Ministry for Foreign Affairs and acknowledges receipt of the Ministry's note of August 27, 1952, No. 83393, which informs the Embassy that its Note No. 185 of September 26, 1951 contained an error as to the total area of the Margraten Cemetery.

The Embassy regrets this error and has corrected its copy, which now reads, " Total area 26.48.83 ha. " and requests the Ministry to make a similar correction on the original.

The Hague, September 7, 1952.

¹ See p. 470 of this volume.