

No. 11041

**UNITED STATES OF AMERICA
and
NETHERLANDS**

**Agreement concerning American military cemeteries (with
annex). Signed at The Hague on 4 May 1970**

Authentic text: English.

Registered by the United States of America on 4 May 1971.

**ÉTATS-UNIS D'AMÉRIQUE
et
PAYS-BAS**

**Accord concernant les cimetières militaires américains (avec
annexe). Signé à La Haye le 4 mai 1970**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 4 mai 1971.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
UNITED STATES OF AMERICA AND THE GOVERN-
MENT OF THE KINGDOM OF THE NETHERLANDS
CONCERNING AMERICAN MILITARY CEMETERIES

The Government of the United States of America and the Government of the Kingdom of the Netherlands, desiring to simplify and give permanent character to the arrangements which have been mutually agreed upon concerning the establishment and maintenance of the graves of, as well as the commemoration of, personnel of the United States of America who died during World War II and who are buried in the Netherlands, have agreed as follows:

Article I

1. The present agreement applies to the American military cemetery located at Margraten, and to such monuments and memorials, as may be located in the European part of the Kingdom of the Netherlands, established and erected by the Government of the United States of America in honor of personnel of the United States of America who died in World War II.

2. The term "personnel of the United States of America" includes the members of the United States Armed Forces, or American citizens who died while contributing to the pursuit of World War II.

Article II

1. The Government of the Kingdom of the Netherlands grants the Government of the United States of America, the full and free use, in perpetuity, without taxation or other compensation, of the land required for a permanent United States military cemetery. The parcels of land required for this are described in the Annex to the present agreement, 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. A

¹ Came into force on 18 November 1970, the date on which the Government of the Netherlands notified the Government of the United States of America that the formalities constitutionally required in the Netherlands had been fulfilled, in accordance with article VII.

cadastral survey of the above designated area has been made and boundary stones have been placed by the competent Netherlands authorities.

2. The cemetery area, referred to in paragraph 1 above, shall include sufficient ground for burial space, appropriate beautification, required access roads and the erection of memorial structures, and also such buildings as are essential for the reception of visitors, the housing of caretakers and for maintenance purposes.

3. It is understood and agreed that the title to the land referred to in paragraph 1 above will remain in the name of the Government of the Kingdom of the Netherlands, with full and free use by the Government of the United States of America. Further, subject to prior discussion and agreement by appropriate agencies of the respective governments, the Government of the United States of America is authorized to carry out all arrangements deemed necessary for maintaining a permanent cemetery on this land including the provision of access roads, installation of memorial structures, grave markers and all structures, buildings (including residences), utilities, interior roads and paths and horticultural plantings, as may be desired for the embellishment and administration of the cemetery, and to move, raze or remove such fixtures at any future time. The Government of the United States of America will bear all expense incident to the establishment of the cemetery and its future maintenance.

4. The Government of the Kingdom of the Netherlands guarantees that the parcels of land included in this agreement, as named and described in Article I above and in the Annex hereto, shall be free of any public or private easements or other encumbrances which may hinder the contemplated use.

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

6. The Government of the United States of America agrees that it will not allow any third party the use of the property, or any portion thereof, involved in this agreement and that should be property, or any portion thereof, cease to be used for cemeterial purposes it will revert to the use or be at the disposal of the Government of the Kingdom of the Netherlands.

Article III

1. The Government of the United States of America alone is empowered to have the bodies of personnel of the United States of America buried in, exhumed from or transported to or from this cemetery. These burials, disinterments and movements of bodies shall be exempt from all Netherlands taxes.

2. As regards the movement on Netherlands territory of bodies of personnel of the United States of America to be buried at the cemetery of Margraten, the Government of the United States of America shall not be subject to regulations of the Government of the Kingdom of the Netherlands concerning the movement of bodies. However, the movement of bodies of the above-mentioned personnel to or from foreign countries shall be subject to the prior authorization of the Government of the Kingdom of the Netherlands.

3. The Government of the United States of America will take all necessary measures to prevent the operations authorized in this Article from endangering public health.

Article IV

1. Nationals of the United States of America designated as agents by the Government of the United States of America to carry out the measures provided for in Article II and III above shall be permitted free entry into and departure from the Netherlands, provided they are in possession of an official United States Government document describing their identity, nationality and official position. This privilege is extended to their dependents.

2. All supplies, materials and equipment utilized by the Government of the United States of America in carrying out the provisions of Article II and III above, whether procured in the Netherlands or imported, the land on which the cemetery and memorial are located, including all improvements thereto that have been or shall be made, and all buildings constructed thereon, with the furniture and fixtures therein, shall be exempt from all forms of taxation, direct or indirect. The Government of the United States of America shall have the same exemption in all undertakings and services which it may order, or contract for, in carrying out the purposes of this agreement.

3. All salaries and other remuneration paid to personnel who are citizens of the United States of America and charged by the Government of the United States of America with work at and for the cemetery, shall be exempt from all forms of taxation, direct or indirect. The Government of the United States of America undertakes to furnish the Government of the Kingdom of the Netherlands with the full names, ranks and functions in the Netherlands of all such American citizens charged with this work and assigned permanently to the cemetery so that the above exemption may be controlled by the Government of the Kingdom of the Netherlands.

Article V

The Government of the United States of America shall employ the necessary Netherlands labor in conformity with the social laws and regulations of the Netherlands such as those pertaining to social insurance, wages and other labor conditions.

Article VI

1. The Government of the United States of America may designate one or more agencies to carry out the terms of this Agreement and will inform the Government of the Kingdom of the Netherlands of the agency or agencies so designated.

2. Any agency designated in accordance with paragraph 1 above shall enjoy, in the Netherlands, immunity from civil suit for acts carried out in execution of the present Agreement except in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the agency.

Article VII

The present Agreement shall enter into force on the date on which the Government of the Kingdom of the Netherlands shall have notified the Government of the United States of America that the formalities constitutionally required in the Kingdom of the Netherlands have been fulfilled.

The present Agreement shall be valid for an indefinite period and shall supersede the Agreement concluded by an exchange of Notes on

April 11, 1947¹ and the Agreement concluded by an exchange of Notes on March 9, 1956,² as also all subsequent exchanges of Notes on the said Agreements.³

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed this Agreement.

DONE at The Hague, in duplicate, this fourth day of May 1970.

For the Government of the United States of America:

J. WILLIAM MIDDENDORF II

For the Government of the Kingdom of the Netherlands:

J. M. A. H. LUNS.

ANNEX

Cadastral Indication and areas of the parcels of land on which the American Military Cemetery at 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>26.48.83 ha.</u>

¹ United Nations, *Treaty Series*, vol. 148, p. 343.

² *Ibid.*, vol. 279, p. 310.

³ *Ibid.*, vol. 149, p. 426.