

## CIVIL AFFAIRS: WAR MATERIAL AND PROPERTY

*Exchange of letters at Brussels April 2, 1946, with text of supplement-  
ing agreement of May 16, 1944*

*Entered into force April 2, 1946; operative from May 16, 1944*

*Replaced by agreement of April 29, 1948<sup>1</sup>*

Department of State files

*The Commanding General, U.S. Forces, European Theater, to the Minister  
of National Defense*

HEADQUARTERS  
U.S. FORCES, EUROPEAN THEATER  
Office of the Commanding General

2 April 1946

YOUR EXCELLENCY:

This will confirm, pursuant to authorization of the Joint Chiefs of Staff of the United States of America, that the supplemental arrangements relating to enemy war material and other property, which are embodied in the enclosed memorandum, are approved on behalf of the United States.

It is understood that this agreement applies only to the property which fell into the hands of the Allied Forces prior to the dissolution of Supreme Headquarters, Allied Expeditionary Force, and that after such dissolution the powers reserved to the Supreme Commander will be exercised by the Commanding General, United States Forces, European Theater, as to property covered by this agreement and still in the possession of the forces under his command. This agreement shall be deemed to have been in full force and effect since 16 May 1944.

JOSEPH T. McNARNEY  
*General, U.S. Army  
Commanding*

Lieutenant Colonel RAOUL L. A. DE FRAITEUR  
*Minister of National Defense  
Brussels, Belgium.*

Incl. Memorandum of Supplemental Arrangements  
Relating to Enemy War Material and other  
Property within Para. 16 of the Agreement  
signed May 16, 1944, by Representatives  
of Belgium and the United States.

<sup>1</sup> *Post*, p. 661.

MEMORANDUM OF SUPPLEMENTAL ARRANGMENTS RELATING TO ENEMY WAR MATERIAL AND OTHER PROPERTY WITHIN PARAGRAPH 16 OF THE AGREEMENT SIGNED MAY 16, 1944, BY REPRESENTATIVES OF BELGIUM AND THE UNITED STATES

Paragraph 16 of the document signed on 16 May 1944<sup>2</sup> by representatives of the United States of America and Belgium, containing arrangements for civil administration in Belgian territory liberated by an Allied Expeditionary Force, provides that questions arising as a result of the liberation of Belgian territory by an Allied Expeditionary Force which are not dealt with in the agreement shall be regarded as remaining open and shall be dealt with by further agreement as may be required. The question of the disposal of war material and other property falling into the hands of the Allied Forces in Belgium are not dealt with in the document signed on 16 May 1944. Further discussions between mentioned representatives had led to agreement upon the following broad conclusions concerning the disposal of war material and other property falling into the hands of the Allied Forces in Belgium which conclusions supplement but do not alter the previous arrangements.

These supplemental arrangements are also intended to be essentially temporary and practical and are designed to facilitate as far as possible the task of the Supreme Commander, Allied Expeditionary Force, with due regard to the essential needs of the civilian population of Belgium, and to further our common purpose, namely, final victory of the Allies over Germany.

ARTICLE I

(1) Any arms, equipment or other property whatsoever (hereafter referred to as material) belonging to, used by, or intended for use by any enemy military or paramilitary formations or any members thereof in connection with their operations shall be dealt with in accordance with the terms of this Article.

(2) The Supreme Commander, Allied Expeditionary Force, shall retain, without prejudice to the question of ownership, any such material falling into the hands of forces operating under his command in Belgium, subject to the provisions of the succeeding paragraphs of this Article.

(3) Where the Supreme Commander requires any such material, which prima facie appears to the Belgian authorities to be, or to have been prior to its acquisition by the enemy, in Belgian or Allied ownership (not including property in Allied public ownership brought into Belgium for use by Allied military formations in connection with their operations) and not to have been produced or constructed by order of the enemy, such material shall be

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<sup>2</sup> *Ante*, p. 593.

(a) if public property, used by the Supreme Commander, Allied Expeditionary Force, in accordance with the provisions of the Reverse Lend/Lease Agreement, dated 18 April 1945,<sup>3</sup>

(b) if private property, requisitioned by the Supreme Commander, Allied Expeditionary Force, in accordance with paragraph 13 of the mentioned United States/Belgian agreement dated 16 May 1944.

Requisitions shall also be effected in the case of such material required by the Supreme Commander if it appears to him and to the Belgian authorities that it is private neutral property.

(4) Where the Supreme Commander does not require or no longer requires any material falling under paragraph (3) of this Article he shall release it forthwith to the Belgian authorities.

(5) The Supreme Commander, operating through the procedures established by the Combined Chiefs of Staff, shall also release to the Belgian authorities any material falling under paragraph (1) of this Article which was produced or constructed in Belgium by order of the enemy and is not required or no longer required by the Allied Forces.

(6) Any material released by the Supreme Commander under the provisions of paragraphs (4) and (5) of this Article and any other material which may be released to the Belgian authorities by the Supreme Commander, operating through the procedures established by the Combined Chiefs of Staff, shall be dealt with in accordance with Article II of the present Agreement,

(7) In releasing to the Belgian authorities material which he does not require or no longer requires, the Supreme Commander shall make available as quickly as possible to them any goods required by the civil population in accordance with detailed arrangements made by him with the Belgian authorities.

(8) The provisions of paragraphs (2)–(7), inclusive, of this Article are without prejudice to Article III of the present agreement.

## ARTICLE II

(1) As soon as practicable the Supreme Commander, Allied Expeditionary Force, shall release all property not covered by Article I which comes into the hands of the forces operating in Belgium under his command. The competent Belgian authorities shall, in respect of such property, resume their normal administrative functions and powers.

(2) The Belgian authorities will use their best efforts to protect and, in the event of the owner or his accredited agent not being present, to admin-

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<sup>3</sup> For lend-lease agreement dated Apr. 17 and 19, 1945, see EAS 481, *ante*, p. 594.

ister any property referred to in paragraph (1) of this Article, which does not belong to any state or national of a state with which Belgium has been at war at any time since the 1st September 1939.

(3) The Belgian authorities will assume responsibility for the custody, in accordance with Belgian law, of any property referred to in paragraph (1) of this Article, which belongs to any state or national of a state with which Belgium has been at war at any time since the 1st September 1939. It is understood that the Belgian authorities will be responsible for accounting as may be necessary to the other United Nations for all such property.

### ARTICLE III

(1) Nothing in this agreement shall affect the arrangements which have been or may be agreed between the competent Allied and Belgian authorities concerning the use and disposal of vessels captured or found by Allied Forces in the course of operations for the liberation of Europe.

(2) Vessels flying an enemy flag and captured in Belgium, the use and disposal of which is not covered by the arrangements referred to in paragraph (1) of this Article shall, as soon as any immediate requirements of the Supreme Commander shall have been satisfied, be turned over to the representatives of the Combined Shipping Adjustment Board, who shall determine the manner in which such vessels shall be manned and operated.

(3) Vessels which are captured in Belgium in the course of constructions and which have not yet been placed in operation, shall be treated in accordance with the provisions of Articles I and II of this Agreement, but they may, at the discretion of the Supreme Commander, be completed for military operations in his theater. Any such vessels which are completed and are not or are no longer required for such operations, shall be turned over to the Belgian Government for manning and operation in accordance with the arrangements for vessels mentioned in paragraph (1) of this Article. In the case, however, of any such vessel originally contracted for by the government or national of any other United Nation which is a party to the said arrangements, the government of such nation shall have the right to have such vessel turned over to it for manning and operation in accordance with the said arrangements.

(4) All ships referred to in this Article shall remain subject to all claims and shall be accounted for in the ultimate shipping settlement.

*The Minister of National Defense to the Commanding General, U.S. Forces,  
European Theater*

MINISTERE DE LA DEFENSE NATIONALE  
Le Ministre

10/4497/

BRUXELLES, le 2 April 1946

MY DEAR GENERAL:

This will confirm, pursuant to authority duly vested in me, that the supplemental arrangements relating to enemy war material and other property which are embodied in the enclosed memorandum, are approved on behalf of the Belgian Government.

It is understood that this agreement applies only to the property which fell into the hands of the Allied Forces prior to the dissolution of Supreme Headquarters, Allied Expeditionary Force, and that after such dissolution the powers reserved to the Supreme Commander will be exercised by the Commanding General, United States Forces, European Theater as to property covered by this agreement and still in the possession of the forces under his command. This agreement shall be deemed to have been in full force and effect since 16 May 1944.

DE FRAITEUR

*Minister of National Defense*

General JOSEPH P. McNARNEY  
*Commanding General*  
*United States Forces, European Theater*

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