

CIVIL AFFAIRS

Exchange of notes at Athens January 31, 1945, with exchange of notes between Greece and the United Kingdom at Athens November 24, 1944

Entered into force January 31, 1945

Terminated upon fulfillment of its terms

Department of State files

The American Ambassador to the Minister of Foreign Affairs

ATHENS, GREECE

January 31, 1945

No. 30

EXCELLENCY:

Acting on instructions from my Government, I have the honor to inform Your Excellency that it is the desire of the United States Government to participate, for the initial period after liberation, in the military program for the relief and rehabilitation of Greece.

The United States Army has been authorized to participate in conjunction with the United Kingdom in the military program of essential relief and rehabilitation activities essential to relief in liberated Greek areas, within the limits of such supply and shipping as may be made available for the purpose. Such relief and rehabilitation will be limited to:

- a) Relief services, such as public health, welfare and sanitation;
- b) the provision of relief supplies;
- c) such emergency rehabilitation of public utilities, agriculture and transportation as may be essential to relief; and
- d) in connection with such relief, the furnishing of assistance to displaced persons and refugees.

The military program will be carried out by a combined military headquarters which will include a limited number of United States officers. The United States financial participation in this undertaking is limited to its agreed share of the cost of civilian supplies furnished to Greece and to the services of the United States Army officers. It is understood that final settlement between the United States and Greek Governments for expenditures by the United States Government in connection with this undertaking shall be the subject of a separate agreement.

The Government of the United States desires to associate itself with the "Memorandum of Agreement Regarding Questions Concerning Civil Administration, Jurisdiction and Relief Arising out of Military Operations in Greek Territory" of November 24, 1944, between the British Government and the Greek Government,¹ but only for the purposes and to the extent specified in the preceding paragraph.

The Government of the United States would welcome an expression by the Greek Government of its acceptance of the principle of United States military participation in accordance with the foregoing, and agreement on the part of the Greek Government to accord to United States military personnel and United States nationals employed by or accompanying the military force, their property and that of the United States Government employed in furtherance of the purposes specified herein, all assistance, rights and tax and other immunities accorded to military forces and nationals of any country other than Greece in the aforesaid Memorandum of Agreement of November 24, 1944, including the right of the United States to establish military courts which will have exclusive jurisdiction over such United States persons and property.

Please accept, Excellency, the renewed assurance of my highest consideration.

LINCOLN MACVEAGH

His Excellency

Mr. JOHN A. SOFIANOPOULOS,
Minister for Foreign Affairs,
Athens.

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

No. 1099

ATHENS, *January 31, 1945*

MR. AMBASSADOR:

I have had the honor to receive your letter of today's date, expressing the desire of the United States Government to come under the *Memorandum of Agreement Regarding Questions Concerning Civil Administration, Jurisdiction, and Relief Arising out of Military Operations in Greek Territory* between the Greek Government and the British Government of November 24, 1944, insofar as American military personnel are participating in the initial military program for the recovery and assistance of liberated Greece.

In this regard, I wish to inform Your Excellency that the Greek Government agrees to accord to American military personnel as well as to American

¹ For text, see p. 387.

nationals accompanying or employed by the military force, to their property, and to United States Government property serving the purposes mentioned in your letter, any assistance and immunities granted under the aforementioned Memorandum of November 24, including the right of the United States to establish courts-martial with jurisdiction over American military personnel, without prejudice, of course, to the reservations formulated in the letter sent on November 24, 1944, by my predecessor to His Excellency the Ambassador of the United Kingdom on the Memorandum in question, a copy of which is enclosed.

I avail myself of the occasion to renew to you the assurance of my very high consideration.

T. A. SOFIANOPOULOS

His Excellency

LINCOLN MACVEAGH,
*United States Ambassador,
Athens.*

The British Ambassador to the President of the Greek Council of Ministers

BRITISH EMBASSY

ATHENS

24th November, 1944

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your letter of 17th November and am glad to note therefrom that the discussions which have taken place between representatives of the United Kingdom and of Greece, concerning the arrangements to be made regarding questions concerning civil administration, jurisdiction and relief, arising out of military operations in Greek territory, have now led to agreement upon broad conclusions set out in the memorandum of agreement annexed hereto.

2. His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have considered and approved this memorandum.

3. In view of the terms of Your Excellency's letter, I shall be grateful if Your Excellency will inform me whether the Greek Government agree that the present note and Your Excellency's reply, re-iterating the observations set out in Your Excellency's letter of 17th November 1944 and duly noted, shall be regarded as constituting an agreement between our two Governments in this matter.

I take the opportunity of renewing to Your Excellency the assurance of my highest consideration.

R. W. A. LEEPER

His Excellency

MONSIEUR GEORGES PAPANDREOU,
President of the Council of Ministers.

MEMORANDUM OF AGREEMENT REGARDING QUESTIONS CONCERNING CIVIL ADMINISTRATION, JURISDICTION AND RELIEF ARISING OUT OF MILITARY OPERATIONS IN GREEK TERRITORY

It is contemplated that a British military force with which will be associated Greek units and which may include personnel of all three services, hereinafter called the force, may enter Greece with the task of expelling the enemy and restoring stable conditions under which relief may be provided for the needs of the Greek people. The agreed arrangements set out below are intended to be essentially temporary and practical and are designed to assist the Commander of the force in the execution of his task.

1. In areas affected by military operations or in which in his opinion a serious state of disorder exists, the Commander will have the right to exercise supreme responsibility and authority. The areas in which the Commander so exercises authority shall be declared to be "military areas". Where necessary he may delegate his powers in these areas to appropriate commander.

2. Commander will notify the Greek Government as soon as, in his opinion, the situation permits in order that they may assume responsibility for civil administration of such "military areas".

3. The Greek Government will have entire responsibility for civil administration of Greek territory other than areas declared by the commander to be "military areas". In order that the commander may be able to discharge his task special arrangements will be made as required between the Greek Government and the commander to ensure that the force enjoys all facilities including the use of ports and lines of communication and airfields which it may require in territory under the administration of the Greek Government.

4. The Greek Government will appoint a Greek military mission to be attached to the staff of the commander. The commander will make the fullest possible use of the advice and assistance which will be tendered to him through the Greek liaison officers in the Greek military mission, particularly in respect of administration of military areas. It will be within the discretion of the commander to make the fullest possible use of Greek local authorities in respect of administration of "military areas".

5. The commander will bring supplies and provide relief to the distressed population of Greece at the earliest possible time and as far as resources permit. Relief supplies will be distributed in Greece under the general direction of the commander in such a manner as he may find necessary to ensure equitable distribution on basis of need and without discrimination as to race, religion, nationality or political belief.

6. The Greek Government will give the commander all possible assistance in order to enable him to execute his task. In particular the Greek Government will:

(a) Take necessary administrative and legislative steps to ensure that relief supplies brought in by the force and any supplies available locally in Greece are fairly and equitably distributed on basis of need and without discrimination as to race, religion, nationality or political belief.

(b) Provide to the greatest extent in their power for restoration of essential public services.

(c) Take all possible steps to ensure safety of personnel and property of the force and of all persons who are employed by or accompany it including protection of depots, warehouses, buildings, docks and of areas required for import and storage of supplies.

7. In order to facilitate his task of providing relief to the Greek people in manner set out in paragraph 5, the commander will have the right to enter into such agreements or such arrangements with any local authorities, agencies, officials or other persons as he may consider necessary for this purpose.

8. (a) Except in areas declared by the commander to be military areas, members of the Greek armed forces serving in Greek units with the force in Greek territory shall come under the exclusive jurisdiction of Greek courts. Other Greeks who are members of the force and serving in conditions which render them subject to the naval, military or air force law of the force will not be regarded as members of the Greek armed forces for this purpose.

(b) Persons military or civilian who are subject to the exclusive jurisdiction of the Greek authorities may be arrested by the military police or armed guards of the force and detained by them until they can be handed over to the competent Greek authorities.

9. In exercising jurisdiction over civilians, the Greek Government will make necessary arrangements, ensuring speedy trial in the vicinity by Greek courts of such civilians as are alleged to have committed offences against persons, property or security of the force.

10. Without prejudice to the provisions of paragraph 18 service courts and authorities of the force will have exclusive jurisdiction over all members of the force and over all persons not belonging to the force who are nationals of any country other than Greece and who are employed by or who accompany the force and are subject to the naval military or air force law of the force. The question of jurisdiction over merchant seamen who are nationals of any country other than Greece and who are not subject to the service law of the force will require special consideration and should form the subject of a separate agreement.

11. Persons thus subject to the exclusive jurisdiction of service courts and authorities of the force may however be arrested by the Greek police for offences against Greek law but shall be handed over without delay, and with the necessary documents for disposal to the appropriate service authority. A certificate signed by the commander, or by an officer serving under him

of field rank or its equivalent, that the person to whom it refers belongs to one of the classes mentioned in paragraphs 10, 14 and 17 shall be conclusive. The procedure of handing over such persons is a matter for local arrangement.

12. The commander and Greek authorities will take necessary steps to provide machinery for such mutual assistance as may be required in making investigations, collecting evidence and securing the attendance of witnesses in relation to cases triable under Greek jurisdiction or the jurisdiction of the force.

13. There shall be established claims commissions to examine and dispose of claims for compensation for damage or injury preferred by Greek civilians against members of the force exclusive of claims for damage or injury resulting from enemy action or operations against the enemy, and exclusive of claims arising out of acts committed by members of Greek units serving with the force.

14. Members of the force and organisations and persons of non-Greek nationality employed by or accompanying the force and all property belonging to them or to His Majesty's Government and used in furtherance of the commander's task, shall be exempted from all Greek taxation (including customs) and no such property shall be subject to seizure under Greek law. Taxes shall not be levied against relief supplies distributed in Greece by the commander except with his consent.

15. In military areas the commander shall have power to requisition civilian labour, billets and supplies, use of lands, buildings, transportation and other services for the needs of his command. Such requisitions will be effected where possible through the Greek authorities and in accordance with Greek law. In other areas the Greek Government will furnish the commander with all civilian personnel, billets, supplies, lands, buildings, transportation and other services as requested by the commander for the purpose of carrying out his task. The commander will also have the right, at his discretion, to control access to any headquarters, depots, warehouses, buildings, docks, or other areas occupied by his authority for the accomplishment of his mission by the force, members thereof or organisations or persons employed by or accompanying the force.

16. The immunity from Greek jurisdiction and taxation resulting from paragraphs 10 and 14 will be extended to such selected civilian officials and employees of His Majesty's Government present in Greece on duty in furtherance of the purpose of the force as may from time to time be notified by the commander to the competent Greek authority.

17. In distributing supplies and otherwise providing relief, the commander will use the services of the United Nations Relief and Rehabilitation Administration (UNRRA). All personnel of UNRRA and of voluntary societies serving with UNRRA who are nationals of any country other than Greece shall be subject to the exclusive jurisdiction of service courts of the

force and exempt from taxation in accordance with the provisions of paragraphs 10 and 14. The status and functions of members of Swedish-Swiss relief mission who may be present in Greece at the time of the entry of the force are reserved for later settlement.

18. Should circumstances in future be such as to require provision to be made for exercise of jurisdiction in civil matters over members of the force present in Greece or persons employed or accompanying such force who are nationals of any country other than Greece, His Majesty's Government and the Greek Government will consult together as to the measures to be adopted.

19. The commander may retain, dispose of or make any use which he considers necessary of enemy war material which may come into his hands. The term "enemy war material" means any arms, equipment or other property whatsoever belonging to, used by or intended for use by any enemy military or paramilitary formations or any members thereof in connexion with their operations.

20. Other questions arising as result of the presence in Greek territory of the force (in particular questions relating to finance and currency) which are not dealt with in this agreement shall be regarded as remaining open and shall form the subject of further negotiations as circumstances may require.

24th November, 1944

The President of the Greek Council of Ministers to the British Ambassador

24TH NOVEMBER, 1944

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your note of this day's date concerning the arrangements to be made regarding questions concerning civil administration, jurisdiction and relief, arising out of military operations in Greek territory.

2. I request Your Excellency to note again the following observations which were contained in my letter of 17th November 1944:

(i) As regards paragraph 6(a) providing that supplies shall be distributed "without discrimination as to race, religion, nationality or political belief", I would note that such discrimination is forbidden in Greece by the Constitution. Consequently this passage of the text is superfluous.

(ii) It is agreed that the competence of Greek courts throughout the whole of the national territory is in no way affected by the clauses of the Agreement dealing with the question of jurisdiction (paragraphs 8, 9, 10, 11 and 12). Thus, Greek officers and soldiers, even in Military areas shall be subject to the jurisdiction of the Greek courts, excepting those provided for at the end of paragraph 8, and who belong to the Allied armies. This

point derives from a fundamental principle of Greek law and should in any case be safeguarded.

(iii) As regards jurisdiction over merchant seamen (paragraph 10), the Greek Government do not consider it necessary, on their part, to sign a special agreement since this question is covered by the provisions of International Law.

(iv) Finally, as regards exemption from taxation and customs provided for by paragraph 16, it is understood that Greek nationals shall not benefit from this immunity.

3. I have the honour to inform you that the Greek Government agree that Your Excellency's note and the present reply shall be regarded as constituting an agreement between our two Governments in this matter.

I take the opportunity of renewing to Your Excellency the assurance of my highest consideration.

GEORGES PAPANDREOU

His Excellency

Mr. R. W. A. LEEPER, C.M.G., C.B.E.,
His Britannic Majesty's Ambassador,
Athens.