

MINUTES OF PROCEEDINGS  
at the 590th MEETING of the  
COMMONWEALTH WAR GRAVES COMMISSION

held at  
2 MARLOW ROAD MAIDENHEAD

on

WENEDSDAY 16 SEPTEMBER 1992

Present:

GENERAL SIR ROBERT FORD GCB CBE  
(Vice-Chairman of the Commission) - in the Chair

HIS EXCELLENCY MR RICHARD J SMITH  
High Commissioner for Australia

THE RT HON J D CONCANNON

SIR DEREK DAY KCMG

ADMIRAL SIR NICHOLAS HUNT GCB LVO

AIR CHIEF MARSHAL SIR JOSEPH GILBERT KCB CBE

THE VISCOUNT RIDLEY KG TD

PROFESSOR R J O'NEILL AO

MR R L L FACER  
Representing the Secretary of State for Defence in the United Kingdom

MR R G S JOHNSTON  
Representing the Secretary of State for the Environment in the United Kingdom

BRIGADIER-GENERAL D M DEAN CD  
Representing the High Commissioner for Canada

BRIGADIER B S MALIK AVSM  
Representing the High Commissioner for India

COMMODORE J G LEONARD RNZN  
Representing the High Commissioner for New Zealand

MR B KNOEFEL  
Representing the Ambassador of the Republic of South Africa

SECRETARY

MR J SAYNOR CMG JP, Director-General



## 590.2 MATTERS ARISING FROM THE MINUTES OF THE 589TH MEETING OF THE COMMISSION

A. Review by the United Kingdom Ministry of Defence

590.2.1 The SECRETARY reported that a preliminary visit had been made to Head Office by the Ministry of Defence team and that the review would commence at the end of September. Visits to United Kingdom, France and possibly Northern Europe Areas would be included in their itinerary. It was not expected that the final report would be completed before the end of 1992.

B. Exchange of Letters with Nigeria

590.2.2 The SECRETARY reported that Major-General Bajowa, the Director-General of the Nigerian Ministry of Defence, had agreed that the proposed arrangements for maintenance in Nigeria should be settled by an Exchange of Letters. A formal letter forming the first part of the Exchange had been sent to Nigeria and a reply was awaited.

C. Jewish Graves in Jerusalem War Cemetery

590.2.3 The SECRETARY reported that a reply along the lines suggested by members had been sent to Mr Stern, who had subsequently telephoned Head Office stating that he intended to pursue the issue. Since then, nothing further had been heard.

## 590.3 APPOINTMENT OF VICE-CHAIRMAN

590.3.1 The CHAIRMAN informed the meeting that there was unanimous support for the proposal that Air Chief Marshal Sir Joseph Gilbert should succeed him as Vice-Chairman of the Commission for a period of three years from April 1993. The President had indicated informally that he would be happy with this appointment.

**590.3.2 The Commission agreed to the appointment of Air Chief Marshal Sir Joseph Gilbert KCB CBE as Vice-Chairman for a 3 year period from 1 April 1993.**

## 590.4 ANNUAL REPORT AND ACCOUNTS OF THE COMMISSION 1991-92

590.4.1 Introducing the draft Annual Report for 1991-92, Mr DALLEY thanked Commissioners for their comments, many of which had been incorporated into the draft.

590.4.2 Introducing the Accounts for 1991-92, Mr PENFOLD said that net expenditure for 1991-92 had been £957,000 less than estimated and the underspend on total gross expenditure was £544,000 against the estimate. Various factors had contributed to this, as indicated in the paper, and in particular income from Agency Services was substantially higher than projected. An exchange rate loss of £50,000 compared with the exchange rate gain of £485,000 in the previous financial year, emphasised the vulnerability of the Commission expenditure to exchange rate fluctuations. With income from investments £220,000 higher than estimated and a surplus of £479,000 brought forward from 1990-91, the surplus brought forward into the current financial year for general purposes amounted to £1,630,000.

590.4.3 Mr Blunden, invited to comment, said that few problems had been encountered during the audit and that the Commission accounting was in good order.

590.4.4 Replying to Mr FACER, Mr PENFOLD explained that the increase in investment income was due to a decision to switch to The Royal Bank of Scotland which offered a higher rate of interest than previous bankers on money held on deposit. In addition the introduction of new software at Head Office had allowed greater control over the transferring of funds from deposit to current accounts.

590.4.5 **The Commission:**

- a. approved the 1991-92 Annual Report
- b. authorised signature of the Statement of Accounts for the year ended 31 March 1992.

590.4.6 The Statement of Accounts was then signed by the CHAIRMAN, the SECRETARY and Mr BLUNDEN. The CHAIRMAN thanked Mr Blunden and Mr Webb for auditing the accounts of the Commission, the Imperial War Graves Endowment Fund and the Commonwealth War Graves Commission Superannuation Scheme. Mr Blunden and Mr Webb accepted the Chairman's invitation to remain as observers for the rest of the meeting.

590.5 FORECAST OF OUTTURN 1992-93

590.5.1 Mr REEVES introduced the paper by saying that the total expenditure for 1992-93 would be in the region of £707,000 greater than that originally estimated for the reasons stated, but that this would be easily outweighed by additional funding of £1.27m derived almost entirely from the surplus brought forward from 1991-92. He said that the surplus at the end of the year was expected to be in excess of £560,000, which would be used to offset the following year's funding requirements. The outturn forecast assumed an exchange loss of £240,000, based on the value of sterling when the paper had been prepared, and the assessment would be adjusted as circumstances developed during the year.

590.5.2 **The Commission took note of the forecast of outturn for 1992-93.**

590.6 COMMONWEALTH WAR GRAVES COMMISSION SUPERANNUATION SCHEME - ANNUAL REPORT 1991-92

590.6.1 Mr David PARKER said that the Annual Report of the Trustees of the Commonwealth War Graves Commission Superannuation Scheme had been adopted by the Trustees at their Meeting on 8 September.

590.6.2 Sir Nigel MOBBS added that the Trustees had been somewhat disappointed by the performance of the current investment managers and that presentations had been invited from a number of other investment managers, some of whom together with the present managers, would be invited for interview in the New Year.

590.6.3 In reply to Mr JOHNSTON, Mr PARKER explained that the investment management had remained unchanged for the past forty years. Sir Nigel MOBBS added that the question of whether investment managers should be appointed for a fixed term or indefinitely was also a matter for review, the results of which would come before the Commission.

590.6.4 In reply to Brigadier MALIK, the SECRETARY said that in most countries Commission pensioners were covered by state schemes. The Commission's Superannuation Scheme was largely for United Kingdom based staff.

590.6.5 The Commission took note of the Annual Report of the Commonwealth War Graves Commission Superannuation Scheme, incorporating the accounts for the year ended 31 March 1992, which had been adopted by the Trustees at their meeting on 8 September 1992.

590.7 COMMONWEALTH WAR GRAVES COMMISSION SUPERANNUATION SCHEME - APPOINTMENT OF TRUSTEE

590.7.1 The CHAIRMAN introduced the paper by saying that the appointment of a beneficiary of the Scheme as a Trustee had worked well, and that Mr Philip Matthew was willing to serve for a further three year period. Sir Nigel MOBBS added that continuity within the Trustees was important with the possibility of a change in investment managers.

590.7.2 The Commission approved the appointment of Mr Philip Reynolds Matthew CBE as a Trustee of the Commonwealth War Graves Commission Superannuation Scheme for a further period of three years and directed that the appointment be effected by a Deed of Appointment under seal and signed by a Proper Officer.

590.8 THE COMMISSION'S FILM

590.8.1 Introducing the paper Mr GEE said that the Commission's existing film had been made sixteen years ago and was noticeably dated. Audiences still made complimentary remarks, but increasingly went on to ask when a new film would be made. Whilst the current film told of the origins of the Commission and gave an idea of its widespread geographical commitment, it failed to address what the Commission and its staff actually did and how they set about maintaining cemeteries and memorials at 23,000 sites in 145 countries. It also failed to mention the service given to the public in answering some 12,000 letters and 13,000 telephone enquiries each year.

590.8.2 He continued by saying that three specific audiences had been identified; the general, schools and working contacts. It was proposed that a new 30 minute film be made for general showing, with two 15 minute films for the other two groups, whose interests were more particular. A number of film making companies had been approached and the Services, Sound and Vision Corporation had offered the best financial package and showed both technical competence and sympathetic understanding of the Commission's needs.

590.8.3 Professor O'NEILL said that although the present film had been used successfully for many years, it was essential to update the Commission's image. He added that Services Sound and Vision Corporation and the potential producer, Mr Peter Champness, had been carefully scrutinized and he had been impressed by the high quality of their work. He believed that Mr Champness was personally committed to the project, and that the estimated cost of £100,000 represented good value.

590.8.4 Viscount RIDLEY and Sir Derek DAY endorsed the need for a new film and remarked on the low estimated cost. Sir Derek DAY stressed the need to ensure a high quality product. Sir Nigel MOBBS welcomed the idea of a shorter version of the film for educational purposes.

590.8.5 Mr SMITH agreed the need for new films and asked whether estimates would be sought from other companies, as the Commission should be seen to be getting value for money. Mr GEE replied that market research had been undertaken and that other estimates had been obtained.

590.8.6 In reply to Commodore LEONARD, Mr GEE said that approximately twenty copies of the present film and video were held by Commission offices and other organisations overseas and that copies were available for borrowing.

590.8.7 Mr FACER asked how expenditure for the project would be accounted for and wondered whether sponsorship had been considered. Mr GEE replied that sponsorship had been considered but that Commissioners would wish to decide whether they felt commercial sponsorship for a film dealing with their task of honouring the war dead was appropriate. The SECRETARY said that such a decision would depend on how the Commission wished its image to be seen around the world. Some low-key sponsorship might be acceptable but was unlikely to be very remunerative.

590.8.8 Sir Nigel MOBBS said that he was wholly opposed to sponsorship and, in agreeing with the point, Professor O'NEILL added that, whilst a discreet credit at the end of the film could be acceptable, nothing which projected the image of a commercial organisation should be considered.

590.8.9 Sir Nicholas HUNT supported the points already made and added that the film should be of the highest quality and, therefore, have a flexible budget. The content of the film should achieve the right international balance.

590.8.10 Brigadier MALIK asked whether the members would be consulted on the content of the film and which languages would be used. Mr GEE said that detailed discussions would take place with the producer who would be briefed to draw up a script reflecting the multinational composition of the Commission, for consideration. The SECRETARY said that in the present film all governments were given equal mention and this would also be so in the new production. As work progressed it would be overseen by Sir Joseph Gilbert, Professor O'Neill, the Director-General and Mr Gee. Members would be kept fully informed.

590.8.11 In reply to Sir Derek DAY's question as to the possibility of the new film or video being available for sale to schools and other institutions, Mr GEE said the idea was under consideration.

590.8.12 Mr CONCANNON asked for details of the time scale for the project, and the SECRETARY replied that the proposal would go before the Finance Committee Meeting on 28 October 1992. He would then report back to the Commission at its next meeting in December. It should be possible to complete the films within the next financial year, if funds were made available.

590.8.13 **The Commission:**

- a. **accepted in principle the desirability of commissioning three new films, as proposed, in the financial year 1993-94**
- b. **instructed the Secretary to seek financial provision for the project in the draft Corporate Plan and estimates for consideration by the Finance Committee in October 1992.**

590.9 **THREAT TO BENGHAZI WAR CEMETERY**

590.9.1 Introducing the paper, the SECRETARY said that, although previous threats to Commonwealth war cemeteries in Libya had come to nothing, it had to be assumed that the proposed development at Benghazi constituted a serious threat to the cemetery. He reported that a draft memorandum had been sent to member governments, all of which had approved the proposed line, with only one or two minor suggestions for textual amendment.

590.9.2 **In discussion, agreement was reached on the text and the Commission gave its approval.**

590.10 PRIVATELY OWNED CEMETERIES IN EDINBURGH

590.10.1 Mr REDDIE introduced the paper and explained that the laws in Scotland governing exhumation of human remains differed considerably from those in England. In the absence of various statutory provisions the normal method of authorising disturbance of graves was by warrant to disinter issued by the Sheriff's Court. This procedure was generally concerned with small numbers of graves and the numbers involved in exhuming for the purposes of large scale development should automatically engender some reluctance to permit disturbance. Before issuing warrants the Sheriff's Court should in these circumstances require evidence of "necessity or high expediency" and thus should be receptive to the principles of the Geneva Conventions, advanced by the Commission, to the effect that war graves should not be disturbed except for reasons of "overriding public necessity". He reported that in view of the outcry locally, the interest taken in Parliament, the formation of a pressure group, the issue of Compulsory Purchase Orders and the threat of legislation by Edinburgh City Council, the listing of two of the cemeteries and the declared opposition of the Commission, all keenly followed by the Press and Television, it appeared that the Company which owned the cemeteries had changed tactics. It had now declared an intention to maintain the cemeteries. This might be to defeat the Compulsory Purchase Orders and legislation, to enhance the value of the sites if the City Council or anyone else wished to purchase voluntarily, or simply to make money. He continued that the Company had requested from the Commission payment of approximately £40,000 per annum in "lair fees" in respect of the war graves and quickly followed with a threat of legal action for non-payment. Negotiations had reduced the demand to approximately £15,000, but it was also stressed that the Commission would need to be satisfied that sufficient work of a satisfactory standard had been carried out, with a reasonable prospect that it could be sustained, before any payment could be made. He added that a further inspection of the cemeteries would be made shortly, but stressed that their future remained uncertain.

590.10.2 Mr COOMBE, who had recently visited Edinburgh, reported that maintenance work had begun in some sites.

590.10.3 The display of recent photographs of sites in Edinburgh was brought to the meeting's attention by Mr DALLEY. He said that some plots were still well maintained by the Commission's staff and were not in a neglected state but that the resources available were limited and the upkeep of scattered graves was difficult.

590.10.4 Mr SMITH warned of the difficulties in principle arising from payments in respect of tenure and asked whether the annual lair fees claimed would be for tenure of the graves or purely for maintenance costs. Mr REDDIE replied that the Company sought to base them on tenure but that the Commission was trying to relate any payments to maintenance. Nevertheless there were potential dangers in this, since not all the graves had been purchased by the Commission or by member Governments on its behalf.

590.10.5 **The Commission took note.**

590.11 COMMONWEALTH-FOREIGN JOINT COMMITTEES - APPOINTMENT OF MEMBERS

590.11.1 **The Commission approved the appointments set out under paragraphs A and C and took note of appointments set out under paragraphs B and D.**

## 590.12 BURIALS AND COMMEMORATIONS

590.12.1 Mr REDDIE said that, following the reintroduction of inspections of graves formerly classified as not within the Commission's control and the implementation of a number of legal and administrative arrangements designed to ensure prior notice of clearance works in churchyards and burial grounds, the need for alternative commemoration arising from lost graves should diminish.

590.12.2 **The Commission approved the alternative commemoration of the three war burials as outlined in the paper.**

## 590.13 SCHEDULE OF DOCUMENTS EXECUTED ON BEHALF OF THE COMMISSION

590.13.1 **The Commission took note of the execution on its behalf of the documents serial numbers 670-671 and 318-319 referred to in the Schedule laid before the meeting and signed for identification by the Commission's Legal Adviser and Solicitor.**

## 590.14 TOURS BY COMMISSIONERS AND HEAD OFFICE SENIOR OFFICIALS

590.14.1 Sir Joseph GILBERT spoke of his recent tour, accompanied by Director of Northern Europe Area, to Belgium, the Netherlands and Germany. Although standards in some sites were very high they were not uniformly so, for a variety of reasons such as climate, topography and pest control. He wished to make the point that it appeared that staffing was very tight and that he could see no room for further reductions without standards beginning to fall.

590.14.2 The CHAIRMAN spoke of his visit to Germany. He endorsed the comments made by Sir Joseph Gilbert, agreeing that the staff resources in the Areas were fully stretched.

590.14.3 Sir Joseph GILBERT and Sir Nicholas HUNT spoke of the events they had attended in Belgium to mark the 75th anniversary of the Battle of Passchendaele. The ceremonies, especially at Tyne Cot, had been very moving and well attended, despite torrential rain. Many complimentary remarks on the Commission's work had been received.

590.14.4 **The Commission took note.**

## 590.15 DIARY

590.15.1 The CHAIRMAN made reference to the visit in July by His Royal Highness The Duke of Kent to Staglieno Cemetery, Genoa.

590.15.2 The CHAIRMAN spoke of his attendance at the events to mark the 50th anniversary of the Dieppe Raid when ceremonies were held at Brookwood Military Cemetery and the Runnymede Air Forces Memorial.

590.15.3 Sir Derek DAY said that the annual Canada Day service at Shorncliffe Military Cemetery had been well attended by members of the local community, including many schoolchildren, and Canadian veterans, and was worthy of the Commission's continued support.

590.15.4 The CHAIRMAN informed the meeting that the President would be attending the El Alamein ceremony in October and that Her Majesty The Queen would visit Berlin 1939-45 War Cemetery on 23 October.

590.15.5 The Commission took note.

590.16 OTHER BUSINESS

City of Westminster Cemeteries

590.16.1 Mr REDDIE reported that Westminster City Council had re-acquired the cemeteries which it had sold to private owners some years ago. Following the sale, the Commission had been faced with paying a contractor very much higher maintenance charges but, as a result of representation, the City Council had agreed to reimburse 2/3rds of the Commission's costs. In the current year, this amounted to a payment of £7,000 towards the total cost of £10,500. The possibility of a new and cheaper maintenance contract with the City Council was being investigated.

December Commission Meeting

590.16.2 The CHAIRMAN reminded members that the President would be chairing the Commission meeting in December.

The Rt Hon J D Concannon and Sir Derek Day

590.16.3 The CHAIRMAN reported that this would be the last Commission meeting to be attended by Mr Concannon and Sir Derek Day. He thanked them warmly for the time and interest they had devoted to the Commission's affairs, saying that they would both be greatly missed.

590.16.4 Mr CONCANNON replied that he had very much enjoyed his time as a Commissioner and thanked all those who had helped with his various enquiries. He said that he would continue to take an active interest in the work of the Commission.

590.16.5 Sir Derek DAY said that he had been tremendously impressed with the Commission's work and with the enthusiasm of its staff. He thanked all who had been of assistance during his time as a Commissioner, adding that he would follow the affairs of the Commission with enormous interest and pride.