



## Missing Soldiers of Fromelles Discussion Group

### Rights of war dead enshrined in treaty

*Soldiers of The Great War [1914-1918] who are listed on Commonwealth War Grave Commission memorials as missing, also died for King and country. Therefore, the search for their remains should be eternal to honour their sacrifice and glory. That was the expectation of those who served and fell in Flanders fields.*

**Incorporated by Royal Charter and established at an Imperial War Conference in 1917, the Imperial War Graves Commission as it was then known, was guided by fundamental principles developed by Fabian Ware who commanded a British Red Cross Unit and became concerned about the recovery and treatment of the dead as well as their commemoration. From the outset the Commission was beset with the difficulty of undertaking such an enormous task and when challenges arose with respect to whether or not remains would be repatriated as had occurred in the Treaty of Frankfurt on 10 May 1871 (which permitted the French and German governments to allow the military dead of either country to be returned to their national soil for burial), it was only natural many aspects of the work would be delegated.**

“Challenges arose immediately”, pointed out Mr Bob Sutherland, a Member of the Friends of the 15th Brigade speaking on the subject. He said, “The decision on non-repatriation of remains and the attempted banning of private memorials as well as requirements on the type, size and cost of cemeteries and memorials and the level of financial support to facilitate actual burials, derived from a report by Sir Frederic Kenyon, Director of the British Museum which was presented to the Imperial War Graves Commission in 1918.” Concurring with the sentiments expressed by Sutherland, amateur historian Grant Triffett who is keen to clarify the role of the CWGC and its unwillingness to act on the missing British and Australian soldiers thought to be buried in unmarked graves adjacent to Pheasant Wood, added: “As the document titled ‘A History Of The Commonwealth War Graves Commission’ found on the website of the organization says, this report articulated principles still held by the Commission and, of course, these principles were then given statutory effect when on 26 November 1918 in Paris, a Bilateral Agreement was signed between the United Kingdom and France respecting British War Graves.

Mr Sutherland suggested, “That with so many of the dead lost without trace and the Commission pre-occupied with challenges like creating permanent cemeteries and providing 500,000 headstones at war’s end, it was no wonder the army was ‘authorized’ to carry on with exhumation and recovery of the deceased. By its own

admission, between 1919 and 1938, the Imperial War Graves Commission was faced with the daunting task of finding and engraving suitable stone on a scale never before imagined, which in itself was a very time-consuming and labour intensive affair. Beyond that, the organization developed its own nurseries to grow millions of plants, undertook an extensive building programme and no doubt, the task of interment and commemoration, was a huge drain on what at best can be described as the meagre resources of the agency."

"The CWGC website starkly informs us of this", Mr Triffett said in support. "By the spring of 1921, the Commission had surveyed and acquired sufficient land to establish a thousand cemeteries and this meant hundreds of kilometres of hedges had already been planted and dozens of staff would have been required for horticultural maintenance."

"Consequently in this context the Commission could not have fulfilled the broad role envisaged under the provisions of the 1918 Agreement and its subsequent revision dated 31 October 1951, without arranging to authorize other interested parties to carry out much of the work", he said. "Historically then, the Commission consulted with army grave registration units, liaised with the French Government on behalf of Australia and other members of the Commonwealth, and this arrangement has continued up to the present day."



**POST CARD: 'On Active Service'**—Stamped by the CENSOR, this was sent to a soldier's sweetheart expressing the following sentiment: "Wishing health and happiness." Courtesy of Alan Bennett.

Following this train of thought Mr Triffett explained, "This is why Senator Bishop on the 22 July 2003 asked the Minister representing the Minister for Veteran Affairs in the Senate the following question upon notice: What specific attempts and inquiries have been undertaken to verify the assertion that a mass grave of Australians prepared by German troops exists at this location?" Sutherland continued: "In directing Federal Parliament to current practice, Senator Hill, the then Minister for Veteran Affairs replied that nothing had been done in relation to the missing at Fromelles, as it was not the policy of the Commission or the Australian Government through the Department of Defence, to undertake searches of a speculative nature without substantial evidence or proof being provided of a grave."

Sutherland, who has undertaken 1st World War archival research over a prolonged period and supported Lambis Englezos in his quest for the missing at Pheasant Wood, asserts Federal Parliament should look at the process of evaluating such sites

because there are obviously problems with the methods being employed. "Problems with the CWGC in the way it interprets its role and the unwillingness of the Federal Government to do its bit are well known", he said, as with Senator Hill's reply, "which completely avoided reference to the statutes embodied in the various treaties which have already been mentioned."

"No doubt the AWGC has done a mighty job in some respects, but neither the Australian Government nor the Commission should be discouraging independent research just to achieve cost-effectiveness, as this is in direct contradiction of the aims agreed to by the Government of the Republic of France and Government of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, India and Pakistan . . . agreements which were meant to protect the work of the Commission", Mr Triffett responded.

"Records are fraught with error and omission and one group named Campaigners for War Grave Commemorations even suggests there are an estimated 45,000 names missing from the Commission's registers and memorials throughout the world", he said. "These are men who were killed at Gallipoli and in French and Belgium Flanders or who had died from wounds or disease attributable to war service after being discharged".

Furthermore he said there are errors in name, rank, unit, date of death, age and next of kin and Sutherland and Triffett both agree CWGC staff work tirelessly to maintain cemeteries and memorials to a high standard, however there is a desperate need to look back at the Commission's founding and reappraise the shortcomings of an organization which they believe is currently failing those officers and men from Great Britain and Empire who so courageously and selfishly laid down their lives. "In our own case the Returned Sailors and Soldiers' Imperial League of Australia (the forerunner of the RSL), calculated the deaths of former personnel between the end of the war in November 1918 and March 1932 at 60,000 — as many as were killed on active service. Consequently, 120,000 is more likely to be the true cost of the 1st World War to Australia insofar as casualties are concerned", added Sutherland who always felt the official figure was under-stated given the results of research over many years.

POST CARD: St. Paul's Cathedral-Over the centuries since it was first constructed and during the Great War this monument became a symbol of the City and Nation it served. Believed to be the work of Francis Frith & Company.



LONDON. ST. PAULS CATHEDRAL. Copyright F. F. & C.

Mr Triffett concluded, "Contrary to Agreement No. 19, Paris, 31 October 1951 which was designed to expressly recognize and preserve the rights enjoyed by the Commission under the original instrument, the Commission now it seems primarily interprets its mission as commemorative and educational. Perhaps the advent of the Second World War with another 600,000 dead, forced the Commission to this shift in focus, however, the fact remains the Commission has a duty . . . a moral obligation to act with the discovery of mass graves like Fromelles, and to suggest otherwise is hypocrisy."

"To suggest the Royal Charter, the provisions of which were amended and extended by a Supplemental Charter on 8 June 1964, is only required to 'mark' and 'maintain' the graves of Commonwealth soldiers who died during the two world wars, to build and maintain graves to the dead and to keep records and registers, might be expedient but it is pure bunkum in the context of the missing."

He continued "That might be current policy as the then Minister for Veteran Affairs advised Parliament through his representative in 2003 —a product of the reorganization of the Commission which took place during the 1960's. However, Australia's treaty obligations largely remain unchanged and in the case of the missing of Fromelles and those that might be found in mass graves in the future, it is completely unsatisfactory. As knowledge of CWGC failings in key areas become more broadly known and more 1st World War unmarked burial sites become unearthed as a result of increased urbanization and the development of modern freeways, the organization will come under increased pressure from the public to correct the mistakes of the past and to return to its original and much celebrated aims."

"For example, in 1984 over 50 casualties of the Somme were discovered under a demolished silo and in 2001, 20 more bodies were found in a mass grave in northern France. Laid to rest after the Arras offensive during 1917 in what was described by journalist Helen McCabe as 'a battlefield grave', the soldiers were re-interred by the CWGC. Another lone soldier and three of his comrades were also found nearby, which only goes to show that even today, it is not rare to find bodies of French, British and German soldiers—something which local authorities and various archeologists will attest to", he said.



**POST CARD: Australian reserve trenches**—Courtesy of Bob Sutherland. [Printed by Atlas Press, this card is from 'OUR BOYS AT THE FRONT' series and was sold to fund the war effort, with all proceeds going to the ACF].