

AGREEMENT BETWEEN THE UNITED KINGDOM, CANADA, AUSTRALIA, NEW ZEALAND, THE UNION OF SOUTH AFRICA, INDIA AND PAKISTAN OF THE ONE PART AND THE FEDERAL REPUBLIC OF GERMANY OF THE OTHER PART REGARDING THE WAR CEMETERIES, GRAVES AND MEMORIALS OF THE COMMONWEALTH COUNTRIES IN THE TERRITORY OF THE FEDERAL REPUBLIC OF GERMANY (with Exchange of Notes).

The United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, India and Pakistan (hereinafter referred to as "the Commonwealth countries") of the one part and the Federal Republic of Germany of the other part.

Desiring to make provision with regard to the Cemeteries, Graves and Memorials of Members of the Armed Forces of the Commonwealth Countries fallen as a result of the wars of 1914-18 and 1939-45 and interred in the Territory of the Federal Republic of Germany, and

Having regard to the provisions of the Agreement signed at Bonn on the fifth of March, 1956*, between the Commonwealth Countries, the Federal Republic of Germany and the French Republic regarding questions affecting German War Graves in cemeteries in France in the permanent care of the Imperial War Graves Commission,

Have agreed as follows:—

ARTICLE 1

(1) The present Agreement applies to Cemeteries, Graves and Memorials in the Territory of the Federal Republic of Germany in which are buried the bodies of members of the Armed Forces of the Commonwealth Countries fallen in the wars of 1914-18 and 1939-45 and the Memorials erected, or which may be erected, in their honour.

(2) In the present Agreement the expression "Commonwealth War Cemeteries, Graves and Memorials" includes the Cemeteries, Graves and Memorials of the wars of 1914-18 and 1939-45 situated in the Territory of the Federal Republic of Germany. Where necessary the Cemeteries, Graves and Memorials of the two wars are distinguished as "Commonwealth 1914-18 War Cemeteries, Graves and Memorials" and "Commonwealth 1939-45 War Cemeteries, Graves and Memorials."

ARTICLE 2

(1) The Imperial War Graves Commission incorporated by Royal Charter dated the twenty-first day of May 1917 (hereinafter referred to as "the Commission"), is recognised by the Federal Republic of Germany as the sole authority charged on behalf of the Commonwealth Countries with the permanent care of Commonwealth War Cemeteries, Graves and Memorials in the Territory of the Federal Republic of Germany.

(2) The Imperial War Graves Commission has the legal status of a juridical person in the Federal Territory.

*Canada Treaty Series 1957, No. 35.