

## AGREEMENT RELATIVE TO THE BRITISH COMMONWEALTH WAR CEMETERY IN JAPAN.

Whereas the Government of Japan made a Declaration with respect to the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, \* to the effect that it would conclude with the Allied Powers concerned such agreements as might prove necessary in connection with the war graves, cemeteries and memorials of such Allied Powers in Japanese territory,

Whereas the spirit embodied in the above-mentioned Declaration applies as a matter of course to the war graves, cemeteries and memorials of India in Japanese territory, notwithstanding the fact that India is not a signatory to the above-mentioned Treaty of Peace, and

Whereas the Government of Japan on the one hand, and the Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, India and Pakistan (in the present Agreement referred to as the "Commonwealth Countries") on the other hand, being animated by a common desire to honour the memory of those who have sacrificed their lives for their countries, have decided to make provisions with regard to the cemeteries, graves and memorials of the members of the Armed Forces of the Commonwealth Countries, who in the war of 1941-45 have fallen on the field of battle or have died and are buried in Japanese territory;

The Government of Japan and the Governments of the Commonwealth Countries have agreed as follows:—

### ARTICLE 1

(1) "Commonwealth cemetery" means the cemetery and graves situated at Kariba-cho, Hodogaya-ku, Yokohama-shi, as indicated in the Maps attached to the present Agreement,† in which are buried the bodies of members of the Armed Forces of the Commonwealth Countries, who have fallen on the field of battle or have died in the war of 1941-45, and the memorials which are or may be erected in the said cemetery in their honour.

(2) "The Commission" means the Imperial War Graves Commission incorporated by Royal Charter of 21st May, 1917.

### ARTICLE 2

The Commission is recognized by the Government of Japan as the sole authority charged on behalf of the Commonwealth Countries with the permanent care in Japanese territory of the Commonwealth cemetery.

### ARTICLE 3

(1) The Government of Japan shall grant the use of the land (including all structures and plantations thereon) comprising the Commonwealth cemetery free of cost to the Commission solely for the purposes set forth in the present Agreement and for a period of 30 years, which shall be renewed from time to time for as long as the land is used for such purposes.

(2) The Government of Japan shall ensure the continued existence of such means of access to the Commonwealth cemetery as are in existence at the time of the coming into force of the present Agreement.

\* Canada Treaty Series 1952, No. 4.