

No. 2884

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND,
CANADA, AUSTRALIA, NEW ZEALAND,
UNION OF SOUTH AFRICA,
INDIA, PAKISTAN
and
ITALY**

Agreement (with Protocol of signature and exchange of notes) relative to the Graves in Italian Territory of Members of the Armed Forces of the British Commonwealth. Signed at Rome, on 27 August 1953

Official texts: English and Italian.

Registered by the United Kingdom of Great Britain and Northern Ireland on 8 August 1955.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD,
CANADA, AUSTRALIE, NOUVELLE-ZÉLANDE,
UNION SUD-AFRICAINE,
INDE, PAKISTAN
et
ITALIE**

Accord (avec Protocole de signature et échange de notes) relatif aux sépultures des membres des forces armées du Commonwealth britannique inhumés en territoire italien. Signé à Rome, le 27 août 1953

Textes officiels anglais et italien.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 8 août 1955.

No. 2884. AGREEMENT¹ BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, CANADA, AUSTRALIA, NEW ZEALAND, THE UNION OF SOUTH AFRICA, INDIA AND PAKISTAN AND THE GOVERNMENT OF ITALY RELATIVE TO THE GRAVES IN ITALIAN TERRITORY OF MEMBERS OF THE ARMED FORCES OF THE BRITISH COMMONWEALTH. SIGNED AT ROME, ON 27 AUGUST 1953

The Governments of 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") on the one hand : and

The Government of Italy, on the other hand :

Desiring to modify the provision of the Agreement signed at Rome on the 11th May, 1922,² between the Government of the United Kingdom and the Government of Italy as amended by the Notes exchanged on the 6th August, 1936³ (hereinafter referred to as the Agreement of 1922), respecting the graves of British soldiers in Italy; and

Desiring to make further provision with regard to cemeteries, graves and memorials of members of the Armed Forces of the Commonwealth Countries who have fallen as a result of the war of 1939-45 and have been interred in Italian territory :

Have decided to conclude an Agreement for this purpose and have accordingly agreed as follows :

Article 1

1. The present Agreement applies to the cemeteries, graves and memorials in Italian territory for which provision was made by the Agreement of 1922 and also to the cemeteries and graves in that territory 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 whilst serving in the War of 1939-45 and the memorials already erected or which may be erected in their honour.

¹ Came into force on 20 May 1955, in accordance with article 12.

² League of Nations, *Treaty Series*, Vol. XI, p. 23.

³ League of Nations, *Treaty Series*, Vol. CLXXII, p. 391.

2. In the present Agreement references to “the Commonwealth War Graves” and “the Commonwealth War Cemeteries,” as the case may be, include both those for which provision was made by the Agreement of 1922 and those resulting from the War of 1939-45.

Cemeteries or graves of the War of 1939-45 are where necessary distinguished as “Commonwealth 1939-45 War Cemeteries or Graves,” as the case may require.

Article 2

The Imperial War Graves Commission, incorporated by Royal Charter dated the 21st May, 1917 (approved by His Majesty in Council on the 10th May, 1917), and in the present Agreement referred to as “the Commission,” is recognised by the Government of Italy as the sole official organisation charged with the care of the Commonwealth War Cemeteries, Graves and Memorials.

Article 3

1. The Government of Italy undertakes to grant to the Commission free of cost the free use of the areas of land on which are located the Commonwealth 1939-45 War Cemeteries, for that specific purpose and for so long as that use of the land is maintained. The Government of Italy will also provide without cost to the Commission similar concessions in respect of Commonwealth 1939-45 War Graves situated in the Italian State or Communal Cemeteries.

2. Isolated Commonwealth 1939-45 War Graves, as well as those in cemeteries which it is not intended to maintain permanently, shall be transferred to cemeteries intended to be maintained permanently.

3. The Government of Italy shall instruct the competent Italian Authorities to grant the necessary permits for the exhumation and transport of the bodies to be so transferred.

Article 4

1. As regards the Commonwealth 1939-45 War Cemeteries, the Government of Italy recognises the right of the Commission at its own cost to ensure and provide for the layout, construction, maintenance and planting as well as the control of the cemeteries.

2. The Commission is accordingly authorised to enclose the Commonwealth 1939-45 War Cemeteries, to lay them out and construct them on a system approved by itself, to erect in them sepulchral monuments or other structures, to make plantations in them, to enact with the approval of the com-

petent Italian Authorities regulations governing visits to them, and to select persons to take charge of them. Such persons may be nationals of the Commonwealth Countries.

3. The Commission is further authorised to provide for the layout of Commonwealth 1939-45 War Graves, situated in cemeteries belonging to the Italian State which besides the military graves of the other Allied Armies, also contain Commonwealth 1939-45 War Graves.

4. The Commission shall decide, in agreement with the competent Italian Authorities, questions relative to the layout of Commonwealth 1939-45 War Graves situated in communal cemeteries.

Article 5

1. As regards the cemeteries, graves and memorials for which provision was made by the Agreement of 1922, the present Agreement expressly preserves and continues the rights of the Commission, as hitherto exercised pursuant to the Agreement in question, at its own cost to ensure and provide for the maintenance of the said cemeteries, graves and memorials, to enact or continue regulations governing visits to such cemeteries and to select the persons to take charge of them, who may be nationals of the Commonwealth Countries.

2. The Commission shall have the right, if it deems it necessary, having first obtained the agreement of the Italian Authorities, to utilise vacant space in any such cemeteries for the reception of Commonwealth 1939-45 War Graves, and to establish such additional monuments, structures or plantations and make such improvements therein as it may consider necessary.

Article 6

1. The exhumation of bodies from the Commonwealth War Cemeteries and Graves for transport (whether in their existing state or after cremation) to any part of the Commonwealth Countries being contrary to the declared policy of the Governments concerned, such exhumation shall not be permitted, and the Government of Italy undertakes to instruct the competent Italian Authorities to refuse all applications for permission to effect such exhumations or removals of bodies.

2. The exhumation of such bodies for purposes of concentration or re-grouping within Italian territory shall only be permitted if effected by the Commission or by explicit authorisation of the Commission.

Article 7

1. Requests for permission to erect any monument designed to record the gallantry of those fallen in certain actions of the Forces referred to in Article 1

or of any unit of those Forces shall be presented by the Commission to the Government of Italy for its concurrence.

2. Should a request of this nature be made direct to the Government of Italy, the latter shall refer it to the Commission before giving any decision, and shall consider in agreement with the Commission what action shall be taken thereon.

Article 8

1. The Commission shall be represented in Italy by a Committee charged with the duty of maintaining official relations with the Italian Authorities and having competence to exercise in the name of the Commission all the rights recognised as belonging to the latter by the Agreement of 1922 and the present Agreement.

2. The said Committee shall have power, in the name of the Commission and within the limits of the authority delegated to it by the latter, to take all measures which it shall consider conducive to the realisation of its objects.

Article 9

1. The Committee referred to in the foregoing Article shall be composed of not more than twenty members comprising not more than eight honorary members, of whom four shall represent Italy and the others the Commonwealth Countries, and not more than twelve official members, of whom six shall represent Italy and the others the Commonwealth Countries.

The Italian members shall be appointed by the Commission on the recommendation of the Government of Italy which recommendation shall be requested and transmitted through the diplomatic channel.

2. The Italian honorary members shall be chosen from persons who have won distinction in the Navy, Army or Air Force, in letters, art, or science.

3. The Italian official members shall be chosen as representing such Government Departments as may be agreed upon between the Government of Italy and the Commission, and shall cease to form part of the Committee from the day when they vacate their functions in the Departments. One of the Italian official members shall in any event belong to the "Amministrazione delle Antichità e Belle Arti." The Government of Italy undertakes to notify the Commission of all changes which may take place amongst the Italian official members.

4. The Commission shall appoint the Secretary-General of the Committee.

Article 10

1. The Government of Italy undertakes that the material (including stone worked and unworked), tools (including mechanical appliances such as lawn mowers or other equipment) which may be imported by the Commission into Italian territory for the construction, embellishment or maintenance of the Commonwealth War Cemeteries, Graves and Memorials, and the furniture and other materials imported solely for the administrative (including office) needs of the Commission shall be exempt from all Customs duties and internal taxes (licensing taxes, general trading tax (*Imposta Generale sull'Entrata*), taxes on manufactured goods or consumer goods (*Imposta di Fabbricazione o di Consumo*), or other taxes which may apply.

It is understood that the exemptions mentioned can in no event apply to tobacco and to other goods which come under State monopoly, nor to motor vehicles of any kind and their spare parts. The motor vehicles and spare parts for such vehicles which are destined however for the official use of the Commission will be admitted under the system of temporary import and shall enjoy exemption from all Customs dues, taxes or other internal tolls.

2. Trees, plants, seeds and bulbs intended for the Commonwealth War Cemeteries or Graves shall be exempted from these duties when imported by the Commission, subject to observance of the plant-hygiene regulations which govern imports of this nature.

3. The Commission shall be exempt from present or future taxes, dues or other State or local charges attracted by acts and contracts, including those for local supplies, arising in the carrying out of its functions in accordance with the present Agreement. In particular the Commission shall be exempt from all taxes, dues or other State or local charges in respect of the making of contracts, the leasing or occupation of land or premises and the acquisition and ownership or immovable property arising in the carrying out of such functions.

4. The Government of Italy agrees that in any particular case under this Article a certificate signed on behalf of the Commission to the effect that the exemption claimed concerns an import or an act or contract arising in the carrying out of its functions under the present Agreement shall be accepted by the authorities concerned as sufficient evidence to that effect. The names of the officials of the Commission having competence to sign such certificates shall be notified from time to time to the Government of Italy by the Commission.

Article 11

In exercising the rights conferred by this Agreement the Commission shall conform strictly to Italian laws and regulations.

Article 12

1. The present Agreement shall enter into force one month after the date on which the formalities required by Italian legislation have been completed. The Italian Government shall notify each of the other signatory Governments of this date as soon as possible thereafter.

2. Upon the entering into force of the present Agreement, the Agreement of 1922 shall (subject to the provisions of Article 5 of the present Agreement) terminate, but without prejudice to anything previously done under it.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

DONE at Rome this 27th day of August, 1953, in English and Italian, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Government of Italy and of which certified copies shall be sent by that Government to each of the other signatory Governments.

For the Government of the United Kingdom of Great Britain and Northern Ireland :

[L.S.] V. A. L. MALLET

For the Government of Canada :

[L.S.] Pierre DUPUY

For the Government of Australia :

[L.S.] C. V. KELLWAY

For the Government of New Zealand :

[L.S.] W. G. STEVENS

For the Government of the Union of South Africa :

[L.S.] W. H. E. POOLE

For the Government of India :

[L.S.] B. R. SEN

For the Government of Pakistan :

[L.S.] A. HUSSAIN

For the Government of Italy :

[L.S.] PELLA

PROTOCOL OF SIGNATURE

At the time of signing the War Graves Agreement of this day's date between the Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, India and Pakistan on the one hand and the Government of Italy on the other hand, the undersigned Plenipotentiaries have agreed as follows :—

The Commonwealth War Cemeteries in Italian territory to which the Agreement will apply are those listed in the Annex hereto. The Annex does not include Italian communal cemeteries where fewer than ten Commonwealth graves are situated, and it is understood that the number of graves in the independent war cemeteries may be increased, if more bodies of members of the Armed Forces of the British Commonwealth are later found in Italian territory.

IN WITNESS WHEREOF the undersigned have signed the present Protocol.

DONE at Rome this 27th day of August, 1953, in English and Italian, in a single copy which shall remain deposited in the archives of the Government of Italy and of which certified copies shall be sent by that Government to each of the other signatory Governments.

For the Government of the United Kingdom of Great Britain and Northern Ireland :

[L.S.] V. A. L. MALLET

For the Government of Canada :

[L.S.] Pierre DUPUY

For the Government of Australia :

[L.S.] C. V. KELLWAY

For the Government of New Zealand :

[L.S.] W. G. STEVENS

For the Government of the Union of South Africa :

[L.S.] W. H. E. POOLE

For the Government of India :

[L.S.] B. R. SEN

For the Government of Pakistan :

[L.S.] A. HUSSAIN

For the Government of Italy :

[L.S.] PELLA

ANNEX

LIST OF BRITISH COMMONWEALTH WAR CEMETERIES IN ITALIAN TERRITORY

First World War (1914-18)

	<i>Locality</i>	<i>Number of Graves</i>
1.	Arquata Scrivia	94
2.	Asiago (Barental)	125
3.	Bordighera	72
*4.	Brindisi	85
5.	Calvene (Cavalletto)	100
*6.	Cremona	83
7.	Dueville	128
*8.	Faenza	54
9.	Giavera	415
*10.	Gradisca	30
11.	Lusiana (Granezza)	142
12.	Montecchio Precalcino	439
*13.	Naples (Protestant Cemetery)	13
*14.	Otranto	10
*15.	Padua	25
16.	Roana (Boscon)	146
17.	Roana (Magnaboschi)	183
*18.	Savona	85
19.	Staglieno	237
20.	Taranto	454
21.	Tezze	346
*22.	Turin	16

LIST OF BRITISH COMMONWEALTH WAR CEMETERIES IN ITALIAN TERRITORY

Second World War (1939-45)

	<i>Locality</i>	<i>Number of Graves</i>
1.	Agira (Canadian Cemetery)	490
2.	Ancona	1,029
3.	Anzio (Le Falasche)	2,261
4.	Anzio (Santa Teresa)	1,056
5.	Arezzo	1,269
6.	Argenta	1,625
7.	Assisi	949
8.	Bari	2,164
9.	Bologna (Due Madonne)	184
10.	Bolsena	600
*11.	Cagliari	60

	<i>Locality</i>	<i>Number of Graves</i>
12.	Caserta	770
13.	Cassino	4,265
14.	Castiglione dei Pepoli (South African Cemetery)	502
15.	Catania	2,142
16.	Cesena	775
17.	Coriano	1,940
18.	Faenza	1,152
19.	Florence	1,635
20.	Foiano della Chiana	256
21.	Forlì del Senio	738
22.	Forlì (Indian Army Cemetery)	495
23.	Gradara	1,192
24.	Meldola	145
25.	Milan	421
26.	Minturno	2,049
27.	Montecchio	582
28.	Naples	1,231
29.	Ortona a Mare (Canadian Cemetery)	1,615
30.	Orvieto	190
31.	Padua	518
32.	Ravenna (Piangipane)	923
33.	Rimini (Gurkha Cemetery)	618
34.	Rome	429
35.	Salerno	1,849
36.	Torino di Sangro	2,625
37.	Santerno	287
38.	Syracuse	1,048
*39.	Staglieno	125
40.	Udine	411
41.	Villanova di Bagnacavallo (Canadian Cemetery)	212

* The cemeteries marked with an asterisk are Italian communal cemeteries in which there are ten or more Commonwealth graves.

EXCHANGE OF NOTES¹

I

Her Majesty's Ambassador at Rome to the Italian Minister for Foreign Affairs

BRITISH EMBASSY

Rome, August 27, 1953

Your Excellency,

I have the honour to inform your Excellency, on the instructions of Her Majesty's Acting Principal Secretary of State for Foreign Affairs, that the Government of the United Kingdom of Great Britain and Northern Ireland undertake to accord to the Italian Government, as regards the care and maintenance of graves of soldiers formerly members of the Italian Armed Forces, both metropolitan and colonial, fallen or buried in the United Kingdom or in any United Kingdom colony or protectorate or in any trust territory administered by the Government of the United Kingdom, a treatment analogous to and not less favourable than that accorded by the Italian Government for the care and maintenance of the Commonwealth graves in Italy under the provisions of the Agreement signed on this day between the Governments of the United Kingdom, Canada, Australia, New Zealand, South Africa, India and Pakistan on the one hand, and the Italian Government on the other hand, having regard to the number of graves concerned. Accordingly, the Government of the United Kingdom will arrange with the Italian Government, through the diplomatic channel, for appropriate facilities to be granted in any of the United Kingdom territories in question where there are Italian war graves and will also take the necessary steps to ensure that the competent Italian authorities are given all possible assistance in tracing such graves.

If the proposals outlined above meet with approval of the Italian Government I have the honour to suggest that the present Note, and your Excellency's reply in that sense, shall be regarded as constituting an agreement between the two Governments in this matter.

I avail, &c.

V. A. L. MALLETT

¹ The following information is given by the United Kingdom of Great Britain and Northern Ireland (*Treaty Series* No. 45 (1955) Cmd. 9531, p. 22, footnote 1): "Six separate Exchanges of Notes of even date between the Governments of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India and Pakistan and the Italian Government accord similar treatment to Italian war graves in the following territories respectively:

1. Canada.
2. Australia or any Trust Territory administered by the Government of the Commonwealth of Australia.
3. New Zealand, New Zealand's Island Territories and the Trust Territory of Western Samoa.
4. The Union of South Africa or the territory of South West Africa.
5. The territory of India.
6. Pakistan or the territories of Pakistan."