

No. 3885

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

**Agreement (with attached two maps) relative to the
British Commonwealth War Cemetery in Japan.
Signed at Tokyo, on 21 September 1955**

Official texts: English and Japanese.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 18 June 1957.*

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

**Accord (avec deux cartes jointes) relatif au Cimetière de
guerre du Commonwealth britannique au Japon.
Signé à Tokyo, le 21 septembre 1955**

Textes officiels anglais et japonais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 18 juin 1957.*

No. 3885. 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 JAPAN RELATIVE TO THE BRITISH COMMONWEALTH WAR CEMETERY IN JAPAN. SIGNED AT TOKYO, ON 21 SEPTEMBER 1955

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, 1951,² to the effect that it would conclude with the Allied Powers concerned such agreements as might prove necessary in connexion 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 Maps³ attached

¹ Came into force on 22 June 1956, one month after the receipt, on 22 May 1956, by the Government of Australia, representing the Commonwealth Countries, of a note of acceptance from the Government of Japan, in accordance with article 10.

² United Nations, *Treaty Series*, Vol. 136, p. 45 ; Vol. 163, p. 385 ; Vol. 184, p. 358 ; Vol. 199, p. 344 ; Vol. 243, p. 326, and Vol. 260, p. 450.

³ See inserts between pages 262 and 263 of this volume.

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 recognised 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.

Article 4

Bodies of members of the Armed Forces of the Commonwealth Countries shall not be exhumed from the graves in which they rest without the consent of the Commission.

Article 5

(1) The Government of Japan recognises the Commission as an association possessing juridical personality for the purpose of ensuring the upkeep of the Commonwealth cemetery.

(2) The Commission is accordingly authorised at its own cost to enclose and lay out the Commonwealth cemetery according to a scheme approved by itself, to erect sepulchral monuments or other suitable structures therein, to make plantations therein, to enact regulations governing visits to the Commonwealth cemetery, and to select persons who may be nationals of the Commonwealth Countries to take charge of and to maintain the Commonwealth cemetery.

(3) Subject to the authorisation granted in the preceding paragraph, the Commission shall conform to Japanese laws and regulations relating to cemeteries, graves, memorials and other structures.

Article 6

(1) A Japanese-Commonwealth Joint Committee shall be established to advise the Commission on the exercise of the rights reserved to the latter under the present Agreement.

(2) The Joint Committee referred to in the preceding paragraph shall be composed of three Commonwealth diplomatic representatives who shall be appointed by the Commission, and three Japanese members who shall be appointed by the Commission on recommendation by the Government of Japan, such recommendation to be transmitted through diplomatic channels.

(3) The members of the Joint Committee shall be appointed for a period not exceeding three years and shall be eligible for reappointment.

(4) The Commission shall appoint a Secretary-General of the Joint Committee.

Article 7

None of the following national and local taxes or charges of Japan shall be levied on the Commonwealth cemetery, on the Commission, or on such structures as are or may be erected within the Commonwealth cemetery and which are solely and directly necessary for the maintenance and care of the Commonwealth cemetery :

- (a) Registration Tax.
- (b) Prefectural and Municipal Inhabitant Tax.
- (c) Real Property Acquisition Tax.
- (d) Municipal Property Tax.
- (e) All taxes or charges which may be levied in the future in place of the taxes mentioned in (a), (b), (c) and (d) above.

Article 8

(1) The Commission shall be at liberty to import, in reasonable quantity, into Japanese territory free of customs or import dues monuments (including headstones), stone, marble, or other building material, tools (including mechanical appliances such as lawn mowers), automobiles (not including passenger vehicles), machinery and plant for water supply, which may be required by the Commission for the direct purposes of constructing, maintaining, repairing, or carrying out replacements in, the Commonwealth cemetery and also (subject to such conditions as the competent Japanese authorities may consider necessary as a safeguard against the introduction of disease) trees, shrubs, plants, seeds and bulbs required for the horticultural embellishment or maintenance of the said cemetery. However, the Commission shall take such measures as are necessary to ensure that the items which have been exempted from customs or import dues are not disposed of in Japanese territory without the prior consent of the competent Japanese authorities.

(2) The Government of Japan agrees that in any particular case under the preceding paragraph a certificate signed by the Secretary-General of the Joint Committee to the effect that the importation is being made for the purposes as provided for in the preceding paragraph shall be accepted by the authorities as sufficient evidence to that effect.

Article 9

Details of the manner in which effect will be given to the present Agreement shall be agreed upon by consultation between the Japanese authorities and the Commission representing the Commonwealth Countries.

Article 10

The present Agreement shall enter into force one month after the date of receipt by the Government of Australia, representing the Commonwealth Countries, of a Note of acceptance from the Government of Japan.

IN WITNESS WHEREOF the undersigned, duly authorised to that effect, have signed the present Agreement.

DONE at Tokyo on the twenty-first day of September, 1955, in the Japanese and English languages, both texts being equally authentic, in a single copy which shall be deposited with the Government of Japan, and of which certified copies shall be furnished to the other Governments parties to the present Agreement.

For the Government of Japan :
Mamoru SHIGEMITSU

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

For the Government of Canada :
T. C. DAVIS

For the Government of Australia :
A. B. JAMIESON

For the Government of New Zealand :
R. L. G. CHALLIS

For the Government of the Union of South Africa :
Esler DENING

For the Government of India :
B. R. SEN

For the Government of Pakistan :
O. H. MALIK