

No. 4415

**CANADA
and
FRANCE**

Exchange of notes (with annex) constituting an agreement concerning burial arrangements in France for members of Canadian forces and civilian components. Paris, 4 September 1956

Official text: French.

Registered by Canada on 11 July 1958.

**CANADA
et
FRANCE**

Échange de notes (avec annexe) constituant un accord concernant les dispositions relatives à l'inhumation en France des corps des membres des forces canadiennes et de l'élément civil. Paris, 4 septembre 1956

Texte officiel français.

Enregistré par le Canada le 11 juillet 1958.

[TRANSLATION¹ — TRADUCTION²]

No. 4415. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT³ BETWEEN CANADA AND FRANCE CONCERNING BURIAL ARRANGEMENTS IN FRANCE FOR MEMBERS OF CANADIAN FORCES AND CIVILIAN COMPONENTS. PARIS, 4 SEPTEMBER 1956

I

The Secretary General of the Ministry of Foreign Affairs to the Chargé d'Affaires a.i. of Canada to France

FRENCH REPUBLIC
MINISTRY OF FOREIGN AFFAIRS

Paris, September 4, 1956

Sir :

I have the honour to propose to you to settle certain matters regarding the transport, burial and embalming of bodies of members of the Canadian Forces or the civilian component thereof, or of their dependents, who die in France, by the following provisions :

1. The provisions of this letter shall be applicable in the case of death, in the French Metropolitan Territory, of a member of the Canadian Forces or the civilian component thereof or of a dependent, as defined by the Agreement between the Parties to the North Atlantic Treaty regarding the status of their Forces, signed at London on June 19, 1951.⁴

2. In the case of death of a person coming under the categories mentioned in Paragraph 1, the duly authorized medical officer shall ascertain death and prepare a certificate, a sample form of which is annexed⁵ to this letter. A duplicate of such certificate, drawn up in French and containing all details concerning the civil status of the deceased, shall immediately be sent to the mayor of the town where death occurred.

3. When the French judicial authority prescribes an autopsy of the deceased, the autopsy shall be conducted jointly by a French medical officer designated by the judicial authority and a Canadian military medical officer designated by the Canadian Command, at the time and place fixed by the judicial authority.

When the French judicial authority does not prescribe an autopsy of the deceased, the autopsy may be decided upon by the competent Canadian military authorities. The French authorities shall be informed upon request of the results of such autopsy.

¹ Translation by the Government of Canada.

² Traduction du Gouvernement canadien.

³ Came into force on 4 September 1956 by the exchange of the said notes.

⁴ United Nations, *Treaty Series*, Vol. 199, p. 67; Vol. 200, p. 340; Vol. 260, p. 452, and Vol. 286, p. 380.

⁵ See p. 85 of this volume.

4. Subject to the provisions of Paragraph 3, the body of the deceased shall be taken without delay to the nearest medical centre of the Canadian Forces by the service designated by the competent Canadian military authorities.

The body shall be transported under the exclusive care of convoy personnel designated by the competent Canadian military authorities. Whenever requested by police or gendarme authorities, such conveying personnel shall produce personal identity cards bearing their photographs as well as a copy of the death certificate.

Transportation in a hermetically-sealed coffin is compulsory in the case of death resulting from one of the following diseases :

- (a) smallpox, cholera, carbuncle;
- (b) typhoparatyphoidic infections, dysentery.

5. The competent services of the Canadian Forces may carry out operations for the preservation of the bodies by embalming or by any other means complying only with the regulations applicable to the Canadian Armed Forces.

However, when burial is to take place in France, the use of arsenic and mercury in the embalming process is prohibited. Moreover, two samples of the materials used in these operations shall be taken and placed under seal by the competent services of the Canadian Forces. One of the samples shall be kept by such services; the other, which must weigh at least 125 grams, shall be sent to the Prefecture, with a note giving the name and address of the person embalmed, the name of the service and persons responsible for embalment, as well as the place and date of embalming.

6. The Government of Canada may establish and maintain in France permanent or temporary cemeteries in locations previously approved by the French Government. It may also repatriate the remains to Canada or other countries. Subject to the provisions of Paragraph 2, it shall not be subject to the laws and regulations applicable in the matter of permits for burial, exhumation and transfer of remains.

7. The Government of Canada agrees to have the operations mentioned in this letter performed in such a manner that they may not constitute a danger to public health and to have all necessary sanitary measures taken to this end.

8. The Government of Canada agrees to provide the French authorities, at their request, with full information concerning the operations of transport, embalming, burial or exhumation in or outside France, in the case of persons coming under the categories mentioned in Paragraph 1 who die in France. It furthermore agrees to supply any other information which might be requested on behalf of the families by the French authorities.

9. The French Government and the Canadian Government agree to render assistance to each other in the conduct of judicial investigations resulting from the death of a person coming under the categories mentioned in Paragraph 1.

10. Notwithstanding the provisions of Paragraph 1, the Government of Canada may take to France, for burial in the permanent or temporary cemeteries provided for in Paragraph 6, the bodies of members of the Canadian forces or the civilian component thereof, or the bodies of their dependents, who die outside the Metropolitan Territory of France. Transportation shall take place in hermetically-sealed coffins whenever the distance to be covered is more than 200 kilometres.

Entry of the bodies into France shall take place upon production of an authorization issued by the competent French authorities, and in particular by the local French consular representative where death has occurred in a foreign country.

11. No provision of this letter shall exempt from compliance with the requirements of the French Civil Code regarding civil status.

If the above provisions meet with the approval of your Government, I have the honour to propose to you that this letter and the reply that you will kindly send me constitute the Agreement between our two Governments, to take effect on the date of your answer.

Accept, Sir, the assurances of my most distinguished consideration.

Louis JOXE

Mr. Henry F. Davis
Chargé d'Affaires a.i. of Canada to France

A N N E X

DEATH CERTIFICATE

The undersigned Medical Officer :

Name
Rank
Position
Address

Certifies that :

Last name
First and middle names
Rank or duties
Serial number
Born on
at
Son of
and of

¹ Spouse Son or Daughter of

Name
Rank or duties
Address
Died on
at
Cause of death

Certified correct :

(signature of Medical Officer)

[SEAL]

¹ In the case of dependents.

II

*The Chargé d'Affaires a.i. of Canada to France to the Secretary General of the
Ministry of Foreign Affairs*

CANADIAN EMBASSY IN FRANCE

Paris, September 4, 1956

Excellency :

I have the honour to acknowledge receipt of your letter of September 4 containing proposals relative to the settlement of certain matters regarding the transport, burial and embalming of bodies of members of the Canadian Forces or the civilian component thereof, or of their dependents, who die in France.

The Government of Canada subscribes to the proposals set forth in your letter concerning these matters. In accordance with your suggestion, the Government of Canada also consents to your letter and this reply constituting an agreement between our two Governments regarding these matters, taking effect this very day.

Accept, Excellency, the assurances of my highest consideration.

Henry F. DAVIS

Mr. Louis Joxe
Ambassador of France
Secretary General of the Ministry
of Foreign Affairs
Quai d'Orsay
