

No. 5525

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
CHILE**

**Exchange of notes constituting an agreement concerning
a loan to Chile of £2,000,000. London, 21 October 1960**

Official text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
16 January 1961.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
CHILI**

**Échange de notes constituant un accord relatif à un prêt
de 2 millions de livres sterling au Gouvernement chilien.
Londres, 21 octobre 1960**

Texte officiel anglais.

*Enregistrés par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
16 janvier 1961.*

No. 5526. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY REGARDING GERMAN WAR GRAVES IN THE UNITED KINGDOM. SIGNED AT LONDON, ON 16 OCTOBER 1959

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "The Government of the United Kingdom") and

The Government of the Federal Republic of Germany (hereinafter referred to as "The Federal Government"),

Desiring to make provision with regard to German War Graves in the United Kingdom;

Desiring to ensure the care and maintenance of these War Graves;

Having regard to the provision of Article 2 of Chapter VII of the Convention on the Settlement of Matters Arising out of the War and the Occupation²,
Have agreed as follows :

Article 1

In the present agreement the following terms shall have the meanings hereinafter indicated :

- (a) German war dead : persons who were members of the German armed forces or para-military organisations who died in the course of, or as a result of, the wars of 1914-1918 and 1939-1945 and who are buried in the United Kingdom, as well as persons of German nationality interned at the time of their death.
- (b) German war graves : the graves of German war dead.
- (c) The United Kingdom : Great Britain and Northern Ireland, the Channel Islands and the Isle of Man.

Article 2

(1) The Volksbund Deutsche Kriegsgräberfürsorge e.V. (hereinafter called the Volksbund) shall assume responsibility, on behalf of the Federal

¹ Came into force on 16 October 1959, the date of signature, in accordance with article 10.

² United Nations, *Treaty Series*, Vol. 332, p. 219.

Government, for giving effect to the present agreement. The Government of the United Kingdom shall facilitate the work of this organisation in every possible way.

(2) The Volksbund shall have the right to acquire, hold and occupy land, buildings, parts of buildings and appurtenances in the United Kingdom and to send representatives and employees to the United Kingdom as may be required.

Article 3

(1) The Government of the United Kingdom undertake to protect the burial grounds and the right of permanent repose of German war dead interred in the United Kingdom. Moreover they will provide for the care and maintenance of these graves.

(2) German war graves situated in cemeteries or war grave plots for the maintenance of which the Imperial War Graves Commission is responsible and which are set out in the lists agreed between the Volksbund and the Imperial War Graves Commission shall not be removed. The Federal Government undertake to arrange for such graves to be provided with headstones of a pattern to be agreed with the Imperial War Graves Commission. The Federal Government agree to meet the cost of this work.

(3) German war graves other than those described in paragraph 2 of this Article may, if the Federal Government so desire, be grouped together in order to facilitate their permanent care and maintenance in the cemeteries or plots referred to in paragraph 2 which are maintained by the Imperial War Graves Commission, provided that the agreement of the Imperial War Graves Commission is first obtained, or in a German war cemetery which has yet to be created. The cost of any such regrouping will be borne by the Federal Government.

(4) The land required for the laying out of the German war cemetery referred to in paragraph 3 shall be selected by the Federal Government in agreement with the Government of the United Kingdom. The Government of the United Kingdom grants to the Federal Republic of Germany the free use of this land.

(5) The Government of the United Kingdom undertake to give security of tenure in respect of land already available under paragraphs 1 and 2 of this Article or which may be made available in the future under paragraphs 3 and 4 of this Article. In the event that burial grounds on such land have to be disturbed in the urgent public interest, the appropriate authorities in the United Kingdom shall make available other suitable land for the same purpose and bear the expense of the transfer of the bodies as well as the preparation and construction of the new burial grounds. The selection of this new land as well as the preparation

and construction of the new burial grounds shall be effected in agreement with the Federal Government.

Article 4

The preparation and construction of burial grounds of German war dead except in the circumstances envisaged in Article 3, paragraph 5 of this Agreement shall be effected at the expense of the Federal Government in agreement with the Government of the United Kingdom.

Article 5

The Government of the United Kingdom shall make available to the Federal Government all information in their possession about German war dead and war graves necessary to assist the Federal Government in registering German war graves and identifying the dead.

Article 6

(1) The Federal Government may import into the United Kingdom free of customs duties and other charges, the goods including equipment, tools and *objets d'art* which may be required for the preparation, construction and maintenance of burial grounds for German war dead and for any exhumation and reburial of the dead which may prove necessary.

(2) The Government of the United Kingdom shall grant similar facilities for the importation of trees, plants, seeds and bulbs to be planted in the burial grounds for German war dead. The Government of the United Kingdom shall however retain the right to limit or restrict such imports where United Kingdom regulations on the protection of plants make this necessary.

(3) The Government of the United Kingdom shall make arrangements to enable the Volksbund to obtain a refund of duties paid in respect of hydro-carbon oil used in motor vehicles owned and used for official purposes by the Volksbund in the United Kingdom.

(4) The Government of the United Kingdom shall make arrangements to enable the Volksbund to obtain articles for official use free of purchase tax; by exemption in the case of imported goods and by refund of the purchase tax paid in the case of goods bought in the United Kingdom from registered traders.

(5) The exemptions and facilities provided for in the present Article shall be granted on the application of the Volksbund.

Article 7

(1) Any exhumation and transfer of German war dead from the United Kingdom to Germany shall be subject to the prior consent of the Federal Government. The Government of the United Kingdom shall permit such transfers only upon the production of proof of such consent. During transfers, the regulations governing conveyances of corpses in force in the United Kingdom and the Federal Republic of Germany are to be observed.

(2) Any application for exhumation and transfer of a body shall be made by the duly entitled relatives to the competent German authority which shall forward the application to the Government of the United Kingdom.

(3) No expenses incidental to any such exhumation and transfer shall be the responsibility of the Government of the United Kingdom or of the Imperial War Graves Commission.

(4) Before applications for a transfer of war dead to other countries are granted they shall be forwarded by the Government of the United Kingdom to the Federal Government, in order that the exact position of the grave and the identity of the body to be exhumed may be established by the Volksbund.

Article 8

Details regarding the execution of the present Agreement shall be arranged by the German Organisation referred to in Article 2 direct with the competent authorities of the United Kingdom.

Article 9

The present Agreement shall also apply in *Land* Berlin unless the Federal Government shall make a declaration to the contrary to the Government of the United Kingdom within three months after the entry into force of the present Agreement.

Article 10

The present Agreement shall enter into force on the day of signature.

IN WITNESS WHEREOF the under-signed, being duly authorised thereto, have signed the present Agreement.

DONE in duplicate in London this 16th day of October, 1959 in the English and German languages, both texts being equally authoritative.

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

John PROFUMO

For the Government
of the Federal Republic of Germany :

Joachim Friedrich RITTER

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRE-
LAND AND THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AMENDING THE AGREE-
MENT OF 16 OCTOBER 1959² REGARDING GERMAN
WAR GRAVES IN THE UNITED KINGDOM. LONDON,
21 AND 22 APRIL 1960

I

*The Secretary of State for Foreign Affairs to the Minister at the Embassy of the
Federal German Republic at London*

FOREIGN OFFICE

S. W. 1

April 21, 1960

Sir,

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal Republic of Germany regarding German War Graves in the United Kingdom, which was signed at London on the 16th of October, 1959,² and to the discrepancy in Article 7 of the German text thereof. I now have the honour to suggest that in order to rectify the omission in the German text of the aforesaid Agreement, Article 7 thereof shall be amended to read as follows :

(1) Die Exhumierung und Überführung deutscher Kriegstoter aus dem Vereinigten Königreich nach Deutschland unterliegen der vorherigen Genehmigung der Bundesregierung. Die Regierung des Vereinigten Königreichs gestattet solche Überführung nur nach Vorlage dieser Genehmigung. Bei Überführungen sind die im Vereinigten Königreich und in der Bundesrepublik Deutschland geltenden Rechtsvorschriften über Leichenbeförderung zu beachten.

(2) Der Antrag auf Exhumierung und Überführung eines Toten ist von den berechtigten Familienangehörigen bei den zuständigen deutschen Behörden zu stellen, die den Antrag an die Regierung des Vereinigten Königreichs weiterleiten.

(3) Die Kosten einer solchen Exhumierung und Überführung gehen nicht zu Lasten der Regierung des Vereinigten Königreichs oder der Imperial War Graves Commission.

(4) Anträge auf Überführung von Kriegstoten nach anderen Ländern werden von der Regierung des Vereinigten Königreichs vor ihrer Genehmigung der Bundesregierung übermittelt, um die genaue Grablage und die Identität des zu exhumierenden Toten feststellen zu lassen.

¹ Came into force on 22 April 1960 by the exchange of the said notes.

² See p. 22 of this volume.

If the foregoing proposal is acceptable to the Government of the Federal Republic of Germany, I have the honour to suggest that this Note and your reply in that sense should be regarded as constituting an Agreement between the two Governments in this matter.

I have, &c.

For the Secretary of State :

Robert ALLAN

II

The Minister at the Embassy of the Federal German Republic at London to the Parliamentary Under-Secretary of State at the Foreign Office, London

BOTSCHAFT DER BUNDESREPUBLIK DEUTSCHLAND¹

April 22, 1960

Sir,

I beg to acknowledge receipt of your Note of April 21, 1960, which *in extenso* reads as follows :

[See note I]

I have the honour to confirm that the above proposals are acceptable to the Federal Republic of Germany and that Your Note and this reply shall constitute an Agreement in this matter.

I have, &c.

Joachim Friedrich RITTER

¹ Embassy of the Federal Republic of Germany.