

No. 7323

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND, CANADA, AUSTRALIA,
NEW ZEALAND, INDIA and PAKISTAN
and
INDONESIA**

**Agreement respecting the war cemeteries, graves and
memorials of the Commonwealth in Indonesian terri-
tory. Signed at Djakarta, on 10 September 1962**

Official texts: English and Indonesian.

Registered by Australia on 30 June 1964.

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

**Accord relatif aux cimetières, sépultures et monuments
commémoratifs militaires du Commonwealth sur le
territoire indonésien. Signé à Djakarta, le 10 septembre
1962**

Textes officiels anglais et indonésien.

Enregistré par l'Australie le 30 juin 1964.

No. 7323. AGREEMENT¹ BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, CANADA, AUSTRALIA, NEW ZEALAND, INDIA AND PAKISTAN AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA RESPECTING THE WAR CEMETERIES, GRAVES AND MEMORIALS OF THE COMMONWEALTH IN INDONESIAN TERRITORY. SIGNED AT DJAKARTA, ON 10 SEPTEMBER 1962

The Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, India and Pakistan (hereinafter referred to as "the Commonwealth Countries") and

The Government of the Republic of Indonesia ;

Animated by a common desire that the places of burial in Indonesian territory of members of the Armed Forces of the Commonwealth Countries who have fallen in the War of 1939-1945 (hereinafter referred to as "the Commonwealth War Cemeteries" or "Commonwealth War Graves" as the case may be) should be protected from risk of disturbance and assured of respect and care;

Have agreed as follows :

Article 1

The Commonwealth War Graves Commission, Incorporated by Royal Charter on the 21st day of May 1917, (hereinafter referred to as "the Commission") is recognised by the Government of the Republic of Indonesia as the sole official authority entrusted on behalf of the Governments of the Commonwealth Countries with the duties of laying out, constructing and maintaining the Commonwealth War Cemeteries and Graves and with powers of exhumation and reinterment.

Article 2

(1) The Government of the Republic of Indonesia shall grant to the Commission free of charge and in perpetuity the unrestricted use of the lands required for the

¹ Came into force on 19 April 1964, 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 Indonesia, in accordance with article 7.

Commonwealth War Cemeteries for that specific purpose and for so long as that use of land is continued.

(2) The number of Commonwealth War Cemeteries to be maintained permanently by the Commission shall be reduced to two to be selected by the Commission on behalf of the Commonwealth Countries in agreement with the Government of the Republic of Indonesia. The Commonwealth War Graves at other places in Indonesia shall be transferred to the two cemeteries.

Article 3

Exhumation of bodies from the Commonwealth War Cemeteries and Graves shall not be permitted unless undertaken or authorised by the Commission in agreement with the Government of the Republic of Indonesia.

Article 4

(1) The Government of the Republic of Indonesia recognises the right of the Commission to act in Indonesian territory as a properly constituted organization to ensure the upkeep of the Commonwealth War Cemeteries and Graves.

(2) After providing the necessary notice to and lodgment of plans regarding construction work for agreement with the Government of the Republic of Indonesia, the Commission is authorised to undertake the said plans by enclosing the Commonwealth War Cemeteries, by laying them out, by erecting in them sepulchral monuments or other suitable structures, by making plantations in them, by constructing and maintaining water installations in them, by designating from time to time custodians or persons (who shall be civilians and who may be nationals of the Commonwealth Countries) to take charge of them, and by enacting regulations governing visits to and the internal control of the same.

(3) Whenever it is considered that the land laying outside, but in the immediate vicinity of the Commonwealth War Cemeteries, requires protection from uses which may impair their appearance and tranquillity, the Government of the Republic of Indonesia will use its best endeavours to prevent the land being put to such uses.

Article 5

The Commission shall be represented in Indonesia in its relations with the Government of the Republic of Indonesia by an official in the service of and designated

by the Commission for this purpose. Any question pertaining to the performance of the Commission's functions in Indonesia may be discussed directly between the official so designated by the Commission and the competent Indonesian authority.

Article 6

(1) The Commission shall be at liberty to import into Indonesia for sole use in discharging its functions, any articles or implements sent by an official in the services of and designated by the Commission in the form of construction materials, equipment, vehicles, machinery, shrubs and plants and other articles or implements necessary for construction, maintenance, embellishment and renovation of the Commonwealth War Cemeteries, free of customs and import dues and other charges as laid down by regulations operating in Indonesia.

(2) For each importation of the articles or implements mentioned above, previous approval of the Government of the Republic of Indonesia shall be obtained.

(3) The Commission shall be exempted from the payment of all taxes, dues or other State or local charges or impositions of whatsoever kind on the lands granted for the two cemeteries and structure therein, and on the Commission's properties, including motor vehicles, the importation of which has been approved by the Government of the Republic of Indonesia free of customs and import dues and other charges under-paragraph (1) and (2) of this Article.

Article 7

This 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 the Republic of Indonesia.

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

DONE in duplicate at Djakarta on the 10th day of September 1962 in the English and Indonesian languages, both texts being equally authoritative. One copy shall be retained by the Government of the Republic of Indonesia, the other shall be deposited with the Government of Australia by whom certified copies shall

be transmitted to other Commonwealth Governments signatory to the present Agreement.

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

Leslie FRY

For the Government of Canada :

John P. SIGVALDASON

For the Government of Australia :

Patrick SHAW

For the Government of New Zealand :

Duncan M. RAE

For the Government of India :

Apa B. PANT

For the Government of Pakistan :

S. AHMAD

For the Government
of the Republic of Indonesia :

SUBANDRIO