

No. 8730

AUSTRIA
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND and NEW ZEALAND

Exchange of notes constituting an agreement concerning the Commonwealth War Cemetery at Klagenfurt (with annexed scale-map). Vienna, 9 March 1967

Official texts: German and English.

Registered by Austria on 22 August 1967.

AUTRICHE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD et NOUVELLE-ZÉLANDE

Échange de notes constituant un accord relatif au cimetière militaire du Commonwealth à Klagenfurt (avec, en annexe, une carte à l'échelle). Vienne, 9 mars 1967

Textes officiels allemand et anglais.

Enregistré par l'Autriche le 22 août 1967.

No. 8730. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE FEDERAL GOVERNMENT OF THE REPUBLIC OF AUSTRIA, THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF NEW ZEALAND CONCERNING THE COMMONWEALTH WAR CEMETERY AT KLAGENFURT. VIENNA, 9 MARCH 1967

I

BRITISH EMBASSY
VIENNA

9 March, 1967

Your Excellency,

I have the honour to inform Your Excellency that the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of New Zealand are desirous of concluding an Agreement with the Austrian Federal Government on the status of the Commonwealth War Cemetery at Klagenfurt, Carinthia.

2. Accordingly, I now have the honour to propose an Agreement between the Government of the United Kingdom, acting on their own behalf and on behalf of the Government of New Zealand, and the Austrian Federal Government, in the following terms:

(i) The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand inform the Austrian Federal Government that the Commonwealth War Graves Commission is the sole organisation authorised by the said Governments to care for the Commonwealth War Cemetery at Klagenfurt, Carinthia.

(ii) The Austrian Federal Government recognizes the Commonwealth War Graves Commission as being authorised to discharge the task delegated to it under sub-paragraph (i) of the present Agreement, in accordance with paragraph 2 of Article 19 of the State Treaty for the Re-establishment of an Independent and Democratic Austria concluded on the 15th of May, 1955, between the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and France, of the one part, and Austria, of the other part.

(iii) The Austrian Federal Government grants to the Commonwealth War Graves Commission free of cost the permanent use of the state-owned land de-

¹ Came into force on 9 March 1967 by the exchange of the said notes.

scribed as No. 207/3, land register No. 1472, cadastral community Waidmannsdorf, judicial district Klagenfurt, Carinthia, on which the Commonwealth War Graves Cemetery is situated, for the purpose of a cemetery and for as long as the said Cemetery exists. A scale map¹ showing the boundaries of the land is annexed to this Note.

(iv) The Austrian authorities shall inform the Commonwealth War Graves Commission without delay through the diplomatic channel in the event of any application being made by the relatives of the dead in respect of any exhumation from the graves in that cemetery.

3. If the foregoing provisions are acceptable to the Austrian Federal Government, I have the honour to suggest that the present Note and Your Excellency's reply to that effect shall be regarded as constituting an Agreement between the Government of the United Kingdom and the Government of New Zealand, of the one part, and the Austrian Federal Government, of the other part, which shall take effect forthwith.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

John PILCHER m. p.
Ambassador extraordinary and plenipotentiary

His Excellency Dr. Lujo Tončić-Sorinj
Minister for Foreign Affairs
Vienna

II

[GERMAN TEXT — TEXTE ALLEMAND]

BUNDESMINISTERIUM FÜR AUSWÄRTIGE ANGELEGENHEITEN

Wien, am 9. März 1967

Exzellenz !

Ich beehre mich, den Erhalt Ihrer Note vom 9. März 1967 zu bestätigen, die in deutscher Übersetzung folgenden Wortlaut hat :

„Ich habe die Ehre, Eure Exzellenz davon in Kenntnis zu setzen, daß die Regierung des Vereinigten Königreiches von Großbritannien und Nordirland und die Regierung Neuseelands den Wunsch haben, ein Abkommen mit der Österreichischen Bundesregierung über den Status des Commonwealth Kriegsfriedhofes in Klagenfurt, Kärnten, abzuschließen.

2. Deshalb habe ich nunmehr die Ehre, ein Abkommen zwischen der Regierung des Vereinigten Königreiches, die im eigenen Namen und im Namen der Regierung Neuseelands auftritt, und der Österreichischen Bundes-

¹ See insert between pp. 142 and 143 of this volume.

Neuseelands andererseits, betreffend den Status des Commonwealth Kriegsfriedhofes in Klagenfurt, Kärnten, bilden sollen.

Genehmigen Sie, Exzellenz, den Ausdruck meiner ausgezeichneten Hochachtung.

Dr. TONČIĆ-SORINJ m. p.
Bundesminister für Auswärtige Angelegenheiten

Seiner Exzellenz, dem Botschafter des Vereinigten Königreiches
von Großbritannien und Nordirland
Sir John Arthur Pilcher, C.M.G.,
Wien

[TRANSLATION — TRADUCTION]

FEDERAL MINISTRY OF FOREIGN AFFAIRS

Vienna, 9 March 1967

Your Excellency,

I have the honour to acknowledge receipt of your note of 9 March 1967, which reads as follows in German translation:

[See note I]

I have the honour to inform your Excellency that the Federal Government of the Republic of Austria agrees to the proposal of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand that your note and this reply shall constitute an Agreement between the Federal Government of the Republic of Austria, of the one part, and the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand, of the other part, concerning the status of the Commonwealth War Cemetery at Klagenfurt, Carinthia.

Accept, Sir, the assurances of my highest consideration.

Dr. TONČIĆ-SORINJ
Federal Minister for Foreign Affairs

His Excellency Sir John Arthur Pilcher, C.M.G.
Ambassador of the United Kingdom
of Great Britain and Northern Ireland
Vienna