

No. 9099

**AUSTRIA
and
SOUTH AFRICA**

**Exchange of notes constituting an agreement concerning the
Commonwealth War Cemetery at Klagenfurt (with
annexed map). Vienna, 8 November 1967**

Official texts : English and German.

Registered by Austria on 8 May 1968.

**AUTRICHE
et
AFRIQUE DU SUD**

**Échange de notes constituant un accord concernant le statut
du cimetière de guerre du Commonwealth à Klagenfurt
(avec carte en annexe). Vienne, 8 novembre 1967**

Textes officiels anglais et allemand.

Enregistré par l'Autriche le 8 mai 1968.

No. 9099. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA CONCERNING THE COMMONWEALTH WAR CEMETERY AT KLAGENFURT. VIENNA, 8 NOVEMBER 1967

I

SOUTH AFRICAN EMBASSY
VIENNA

8th November 1967

Your Excellency,

I have the honour to inform Your Excellency that the Government of the Republic of South Africa is 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 Republic of South Africa and the Austrian Federal Government, in the following terms :

(i) The Government of the Republic of South Africa informs the Austrian Federal Government that the Commonwealth War Graves Commission is the sole organisation authorised by the said Government to care for the Commonwealth War Cemetery at Klagenfurt, Carinthia.

(ii) The Austrian Federal Government recognises 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, 1955,² 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 described as No. 207/3, land register No. 1472, cadastral community Waidmannsdorf, judicial district Klagenfurt, Carinthia, on which the Commonwealth War Graves Cemetery

¹ Came into force on 8 November 1967 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 217, p. 223.

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 Republic of South Africa, 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.

Johannes Petrus VAN DER SPUY m. p.
Ambassador extraordinary and plenipotentiary

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

II

[GERMAN TEXT — TEXTE ALLEMAND]

DER BUNDESMINISTER FÜR AUSWÄRTIGE ANGELEGENHEITEN

Wien, am 8. November 1967

Exzellenz!

Ich beehre mich, den Erhalt Ihrer Note vom 8. November 1967 zu bestätigen, die in deutscher Übersetzung folgenden Wortlaut hat :

Ich habe die Ehre, Eure Exzellenz davon in Kenntnis zu setzen, daß die Regierung der Republik Südafrika den Wunsch hat, 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 der Republik Südafrika und der österreichischen Bundesregierung, nach Maßgabe der nachstehenden Bestimmungen vorzuschlagen :

¹ This map has already been reproduced under No. 8730. See insert in volume 603, between pages 142 and 143.

[TRANSLATION — TRADUCTION]

FEDERAL MINISTER FOR FOREIGN AFFAIRS

Vienna, 8 November 1967

Your Excellency,

I have the honour to acknowledge receipt of your note of 8 November 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 Republic of South Africa 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 Republic of South Africa, of the other part, concerning the status of the Commonwealth War Cemetery at Klagenfurt, Carinthia.

Accept, Sir, etc.

Dr. Lujo TONČIĆ-SORINJ
Federal Minister for Foreign Affairs

His Excellency Mr. Johannes Petrus van der Spuy
Ambassador Extraordinary and Plenipotentiary
of the Republic of South Africa
Vienna