

No. 22064

**NEW ZEALAND
and
JAPAN**

Exchange of notes constituting an agreement concerning the return to Japan of part of the land granted to the Commonwealth War Graves Commission under Agreement done on 21 September 1955 (with maps). Tokyo, 30 September 1977

Authentic texts: English and Japanese.

Registered by New Zealand on 26 July 1983.

**NOUVELLE-ZÉLANDE
et
JAPON**

Échange de notes constituant un accord concernant le retour au Japon d'une partie des terrains dont l'usage a été consenti à la Commission des Cimetières de guerre du Commonwealth en vertu de l'Accord du 21 septembre 1955 (avec cartes). Tokyo, 30 septembre 1977

Textes authentiques : anglais et japonais.

Enregistré par la Nouvelle-Zélande le 26 juillet 1983.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF JAPAN CONCERNING THE RETURN TO JAPAN OF PART OF THE LAND GRANTED TO THE COMMONWEALTH WAR GRAVES COMMISSION UNDER AGREEMENT DONE ON 21 SEPTEMBER 1955²

I

His Excellency Mr. R. M. Miller, Ambassador Extraordinary and Plenipotentiary of New Zealand in Japan to His Excellency Mr. Sunao Sonoda, Minister of State, Minister for Foreign Affairs ad interim of Japan

NEW ZEALAND EMBASSY

Tokyo, September 30, 1977

Excellency,

I have the honour to refer to the Agreement relative to the British Commonwealth War Cemetery in Japan signed on September 21, 1955² and the Exchange of Notes attached to the said Agreement of the same date (hereinafter referred to as the "Agreement"), and, in connexion with the ongoing plan of the Japan Highway Public Corporation to construct a motorway in the Yokohama area which would pass through part of the land the use of which has been granted by the Government of Japan to the Commonwealth War Graves Commission (hereinafter referred to as the "Commission") for the purpose set forth in the Agreement, to state the following on behalf of the Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Republic of South Africa and India being the Governments at present participating in the work of the Commission (hereinafter referred to as the "Governments of the Participating Countries") in consultation with the Commission.

1. The Commission will cease to use for the purposes set forth in the Agreement certain portions of the land the use of which has been granted to the Commission under the Agreement and will return them to the Government of Japan as from September 30, 1977, in view of the fact that the Government of Japan will require those portions for the construction of the motorway in the area of the British Commonwealth War Cemetery, as contemplated by the Japan Highway Public Corporation.
2. The portions of the land to be returned hereunder are indicated by oblique lines in the maps attached herewith.³

¹ Came into force on 30 September 1977, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, vol. 269, p. 241.

³ See inserts in a pocket at the end of this volume.

I have the honour to state that it is the understanding of the Governments of the Participating Countries that in consequence of the return of the portions of the land as specified above, the Agreement will cease to apply to the said portions of the land as from the date of their return.

I have the honour further to request Your Excellency's confirmation on behalf of the Government of Japan that this is also the understanding of the Government of Japan.

I avail myself of this opportunity to extend to Your Excellency the assurance of my highest consideration.

R. M. MILLER

Mr. Yoshiya Kato, Acting Director-General of the European and Oceanic Affairs Bureau (for the Minister for Foreign Affairs ad interim), to His Excellency Mr. R. M. Miller, Ambassador Extraordinary and Plenipotentiary of New Zealand in Japan

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note dated September 30, 1977, which reads as follows:

[See note I]

I have the honour further to confirm on behalf of the Government of Japan that the understanding set forth in Your Excellency's Note is also the understanding of the Government of Japan.

I avail myself of this opportunity to extend to Your Excellency the assurance of my highest consideration.

YOSHIYA KATO
