

No. 24342

**NETHERLANDS
and
GERMAN DEMOCRATIC REPUBLIC**

**Agreement concerning the care of war graves of nationals of
the Kingdom of the Netherlands in the German Demo-
cratic Republic. Signed at Berlin on 4 July 1985**

Authentic texts: Dutch and German.

Registered by the Netherlands on 22 September 1986.

**PAYS-BAS
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Accord relatif à l'entretien des tombes des anciens combat-
tants ressortissants du Royaume de Pays-Bas en
République démocratique allemande. Signée à Berlin
le 4 juillet 1985**

Textes authentiques : néerlandais et allemand.

Enregistré par les Pays-Bas le 22 septembre 1986.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM
OF THE NETHERLANDS AND THE GOVERNMENT OF THE
GERMAN DEMOCRATIC REPUBLIC CONCERNING THE CARE
OF WAR GRAVES OF NATIONALS OF THE KINGDOM OF THE
NETHERLANDS IN THE GERMAN DEMOCRATIC REPUBLIC

The Government of the Kingdom of the Netherlands and the Government of the German Democratic Republic,

Desiring to establish the principles for the care of war graves of nationals of the Kingdom of the Netherlands in the German Democratic Republic,

Have agreed as follows:

Article 1. 1. This Agreement shall establish the principles for the maintenance and care of the graves, and for the exhumation and transfer or reinterment of mortal remains, of citizens of the Kingdom of the Netherlands who died as a result of events in the Second World War or of the consequences thereof and are interred in the territory of the German Democratic Republic, hereinafter referred to as “Netherlands war graves”.

2. The Government of the Kingdom of the Netherlands shall transmit to the Government of the German Democratic Republic a list of the known facts concerning Netherlands war graves for verification by the competent authorities of the German Democratic Republic. On the basis of such verification, the Government of the German Democratic Republic shall transmit a list of the Netherlands war graves situated in the territory of the German Democratic Republic. The list may be enlarged and amended by common accord.

3. The Government of the German Democratic Republic shall confirm that the Netherlands war graves in the territory of the German Democratic Republic which are specified in the list agreed upon between the Contracting Parties shall be registered, maintained and cared for in accordance with the laws of the German Democratic Republic and of the Geneva Convention relative to the protection of Civilian Persons in Time of War of 12 August 1949.²

Article 2. 1. Measures for the maintenance and care of Netherlands war graves which are desired by the Government of the Kingdom of the Netherlands, over and above those prescribed in article 1, paragraph 3, shall be included by common accord among the arrangements referred to in article 4. The Government of the German Democratic Republic shall ensure that the agreed activities will be carried out by authorities and institutions of the German Democratic Republic.

2. The activities referred to in paragraph 1 concerning the maintenance and care of graves shall include gardening and maintenance work as well as the replacement, emplacement and changing of gravestones, slabs and the like, and the extent of

¹ Came into force on 11 November 1985, the date on which the Contracting Parties notified each other of the completion of their respective constitutional formalities, in accordance with article 5 (1).

² United Nations, *Treaty Series*, vol. 75, p. 287.

such activities shall be determined separately by agreement between the institutions specified in article 4. If it is agreed that material will be provided by the Oorlogsgravenstichting, it shall be imported into the German Democratic Republic free of customs duties and charges.

3. When concluding the agreements on maintenance and care activities, the respective local conditions of the designated cemeteries, the general layout of the graves, etc., as well as Netherlands traditions regarding the design of war graves, shall be taken into consideration, provided that they are not inconsistent with the regulations of the German Democratic Republic.

4. The Government of the Kingdom of the Netherlands shall assume the costs of carrying out all the activities agreed upon under paragraph 1 for the maintenance and care of Netherlands war graves.

Article 3. 1. Exhumation and the transfer or reinterment of the mortal remains of Netherlands nationals shall be carried out in accordance with the regulations of the German Democratic Republic and shall, in each case, require the prior consent of the competent authorities of the German Democratic Republic.

2. Reinterments carried out by order of the German Democratic Republic shall be permissible only if urgently required in the public interest. The Government of the Kingdom of the Netherlands shall be notified in good time of any such intentions through the diplomatic channel. So far as possible, the wishes of the Netherlands side concerning the transfer or reinterment shall be respected.

3. The Government of the German Democratic Republic shall inform the Government of the Kingdom of the Netherlands forthwith through the diplomatic channel of requests for exhumation from Netherlands war graves.

4. Representatives of the Government of the Kingdom of the Netherlands may attend exhumations for the purpose of transfer.

5. Exhumation and reinterments shall be carried out exclusively by the duly commissioned competent authorities and institutions of the German Democratic Republic.

6. After consent has been received in accordance with paragraph 1, the necessary procedures for the transfer of mortal remains shall be individually determined by common accord.

7. The Government of the Kingdom of the Netherlands shall assume the costs of exhumations, transfers and reinterments carried out at the request of the Netherlands side.

Article 4. The Government of the German Democratic Republic shall designate the Institut für Kommunalwirtschaft Dresden and the Government of the Kingdom of the Netherlands shall designate the Oorlogsgravenstichting as the only institutions competent for carrying out the activities arising out of this Agreement, including the arrangements to be made under article 2, paragraph 1, and article 3, paragraphs 5 to 7.

Article 5. 1. This Agreement shall enter into force on the day on which diplomatic notes are exchanged wherein the Contracting Parties have notified each other that their respective constitutional obligations have been fulfilled.

2. The care of Netherlands war graves in the territory of the German Democratic Republic shall be governed exclusively by this Agreement.

3. This Agreement is concluded for an indefinite period. Either of the Contracting Parties may denounce the Agreement by notifying the other Contracting Party in writing of such denunciation. The Agreement shall cease to have effect six months after receipt of notification of denunciation.

DONE at Berlin on 4 July 1985 in two original copies, in Dutch and German, both texts being equally authentic.

For the Government
of the Kingdom of the Netherlands:

H. VAN DEN BROEK

For the Government
of the German Democratic Republic:

OSKAR FISCHER
