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WAR GRAVES



Treaty Series No. 28 (1970)

Agreement

between the Royal Hellenic Government of the one part
and the Governments of Australia, Canada, India,
New Zealand, Pakistan, South Africa and the
United Kingdom of Great Britain and Northern Ireland
of the other part

concerning the Graves of Members
of the Armed Forces of the Commonwealth
in Greek Territory

Athens, 22 October 1968

[The Agreement entered into force on 30 June 1969]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
May 1970*

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**AGREEMENT
BETWEEN THE ROYAL HELLENIC GOVERNMENT
OF THE ONE PART AND THE GOVERNMENTS OF
AUSTRALIA, CANADA, INDIA, NEW ZEALAND, PAKISTAN,
SOUTH AFRICA AND THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND OF THE
OTHER PART CONCERNING THE GRAVES OF MEMBERS
OF THE ARMED FORCES OF THE COMMONWEALTH
IN GREEK TERRITORY**

The Royal Hellenic Government of the one part and the Governments of Australia, Canada, India, New Zealand, Pakistan, South Africa and the United Kingdom of Great Britain and Northern Ireland (being countries whose Governments participate in the work of the Commonwealth War Graves Commission and which are hereinafter referred to as "the Participating Countries") of the other part;

Desiring to replace the provisions of the Agreement between Greece and the United Kingdom respecting British War Graves in Greece signed at Athens on 27th August/9th September, 1921⁽¹⁾ (hereinafter referred to as "the Agreement of 1921") by the present Agreement, and desiring to make provision with regard to the cemeteries, graves and memorials of members of the Armed Forces of the Participating Countries who fell as a result of the War of 1939-45 and were interred in Greek territory;

Have agreed as follows:

ARTICLE 1

(1) The present Agreement shall apply to the cemeteries, graves and memorials for which provision was made by the Agreement of 1921 and also to the cemeteries and graves in Greek territory in which are buried the remains of members of the Armed Forces of the Participating Countries who fell in the War of 1939-45 and the memorials which have been erected, or may be erected, in their honour.

(2) The term "Commonwealth War Cemeteries, Graves and Memorials" in the present Agreement shall include the graves, cemeteries and memorials for which provision was made by the Agreement of 1921, as well as those resulting from the War of 1939-45. Where necessary, a distinction shall be made between "Commonwealth War Cemeteries, Graves and Memorials of the 1914-18 War" and "Commonwealth War Cemeteries, Graves and Memorials of the 1939-45 War", as the case may be.

(1) Treaty Series No. 24 (1921), Cmd. 1554.

ARTICLE 2

(1) The Commonwealth War Graves Commission, incorporated by Royal Charter dated 21st May, 1917 (hereinafter referred to as "the Commission") shall be recognised by the Royal Hellenic Government as the sole authority charged on behalf of the Participating Countries with the permanent care of the Commonwealth War Cemeteries, Graves and Memorials in Greek territory.

(2) For the purpose of the exercise of its official functions on behalf of the Participating Countries, the Commission shall be recognised, pursuant to the present Agreement, as having the status of a legal person in Greece.

(3) The Commission shall be entitled to maintain an office in Greece with a staff including up to ten non-Greek employees. If it becomes necessary for the Commission to increase the expatriate staff of their office beyond ten, their request shall be satisfied following prior consultation and agreement with the Royal Hellenic Government.

ARTICLE 3

(1) In so far as concerns the areas of land in Greek territory on which are situated the Commonwealth War Cemeteries of the 1914-18 War the present Agreement expressly preserves and continues the rights of the Commission to the free use of such lands as hitherto enjoyed by it pursuant to the Agreement of 1921 and for as long as such use of the land is maintained.

(2) The Royal Hellenic Government undertake to cede free of charge to the Commission the free use of the areas of land in Greek territory on which are situated the Commonwealth War Cemeteries of the 1939-45 War for the purpose set forth in the present Agreement and for so long as such use of the land is maintained.

(3) The Commonwealth War Cemeteries are those listed in the Annex to the present Agreement.

ARTICLE 4

(1) The Commission shall be at liberty to transfer to the Commonwealth War Cemeteries such Commonwealth War Graves lying outside those cemeteries as it may deem necessary, whether on account of the isolated position of such graves or for any other reason.

(2) The Royal Hellenic Government shall arrange for the grant by the appropriate Greek authorities of permits for the exhumation and removal of the remains to be so transferred.

ARTICLE 5

(1) The Royal Hellenic Government shall recognise the right of the Commission to arrange and provide at its own expense for the layout, maintenance and control of the Commonwealth War Cemeteries of the 1939-45 War.

(2) The Commission is accordingly authorised to enclose and lay out such cemeteries in accordance with a plan approved by it, to erect in such cemeteries sepulchral monuments or other structures, to make plantations in them, to install and maintain water-supply systems and to issue regulations governing visits to the cemeteries and the control of the cemeteries.

(3) Decisions on matters relating to the layout of Commonwealth War Graves of the 1939-45 War in public or private cemeteries in Greek territory shall be reached by the Commission in agreement with the appropriate Greek authorities.

ARTICLE 6

(1) With regard to the Commonwealth War Cemeteries, Graves and Memorials of the 1914-18 War, the Commission shall have the rights hitherto enjoyed by it pursuant to the Agreement of 1921, subject to any modifications introduced by the present Agreement. In particular, but without prejudice to the foregoing general principle, the Commission shall be entitled to arrange at its own expense for the layout, maintenance and planting, as well as the control of such cemeteries.

(2) The Commission shall be at liberty, if it sees fit, to utilise vacant space in such cemeteries for the inclusion of Commonwealth War Graves of the 1939-45 War and to establish such additional monuments, structures and plantations and make such improvements therein, as it may consider necessary.

(3) Works carried out in Commonwealth War Cemeteries of the 1939-45 War or in the Commonwealth War Cemeteries provided for in the Agreement of 1921 shall be in harmony with the surroundings, shall not impair the appearance of the landscape and, in general, shall not be contrary to the Greek legislation relating to the construction of buildings.

(4) Proposals for the erection of any new memorial shall be communicated to the competent Greek authorities for agreement with them.

ARTICLE 7

The remains of members of the Armed Forces of the Participating Countries shall not, without the consent of the Commission, be exhumed for the purpose of removal from the Commonwealth War Cemeteries in which they rest and the Royal Hellenic Government shall issue instructions to that effect to the appropriate Greek authorities.

ARTICLE 8

Any proposal for the erection in Greek territory of a monument designed to commemorate a feat of arms of the Armed Forces of the Participating Countries or of any unit of those forces shall be communicated to the Royal Hellenic Government by the Commission for approval. Should such a proposal reach the Royal Hellenic Government through any other channel, the Royal Hellenic Government shall refer it to the Commission for consideration and shall decide in agreement with the Commission on the action to be taken thereon.

ARTICLE 9

(1) The Royal Hellenic Government shall extend to the Commission exemption from present and future charges with which it might otherwise be chargeable by reason of the carrying out of its official functions in accordance with the present Agreement. The aforesaid exemption shall relate to custom charges and duties, State or local charges or taxes, and deductions on behalf of third parties, with the exception of those made on behalf of the Piraeus and other ports' authorities. The competent Greek authorities shall arrange with the Commission the procedure for applying the foregoing exemption.

(2) The Royal Hellenic Government shall arrange that the certificates issued for the purposes of the implementation of paragraph (1) of the present Article, signed on behalf of the Commission and confirming that the requested exemption relates to the exercise by the Commission of its official functions as specified in the present Agreement, shall be accepted by the authorities concerned as conclusive evidence to that effect. The names of the officers of the Commission authorised to sign such certificates shall be notified from time to time to the Royal Hellenic Government by the Commission.

(3) Apart from the customs exemptions and tax facilities described in paragraph (1) of Article 9 of the present Agreement, the Commission shall be entitled to import for its official use in Greece only six motor vehicles, of which not more than two may be, if necessary, passenger motor cars. The Royal Hellenic Government shall arrange for such vehicles to be released under the state of free use for an indefinite period and to be exempt from circulation tax.

(4) Members of the Commission's official staff who are not normally resident in Greece may import into Greece within three months of the date of their arrival and free of all customs or other charges their own household goods and personal effects. Each member of the Commission's official staff not normally resident in Greece may also import one private car for the personal use of himself and his family during the period of his official employment by the Commission in Greece: any such car shall be registered in Greece in the names of the Commission's employee concerned, shall be given "Free Use" plates, shall be exempted from the obligation to pay circulation tax and shall not be sold before the expiry of two years from the date on which it is imported into Greece. Any such car which has already been imported into Greece by a member of the Commission's official staff not normally resident in Greece shall be exempted from the obligation to pay circulation tax from the day of its import.

ARTICLE 10

(1) In exercising the rights conferred upon it by the present Agreement, the Commission shall conform to the Greek laws and regulations relating to cemeteries, graves and memorials, except in so far as the Commission is exempted therefrom by the provisions of the present Agreement.

(2) With particular reference to the import by the Commission of plants such as shrubs, cuttings, bulbs and seeds the existing regulations relating to plant health shall apply.

ARTICLE 11

(1) The present Agreement shall enter into force one month after the date of receipt by the Government of the United Kingdom, representing the Participating Countries, of a Note of acceptance from the Royal Hellenic Government.⁽²⁾

(2) On the entry into force of the present Agreement, the Agreement of 1921 shall terminate.

⁽²⁾ The Agreement entered into force on 30 June, 1969.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Agreement.

Done at Athens this 22nd day of October, 1968 in the English and Greek languages, both texts being equally authoritative, in a single original to be deposited in the archives of the Royal Hellenic Government, which shall transmit certified copies thereof to the other signatory Governments.

FOR THE ROYAL HELLENIC GOVERNMENT:
GEORGE CHRISTOPOULOS.

FOR THE GOVERNMENT OF AUSTRALIA:
HUGH GILCHRIST.

FOR THE GOVERNMENT OF CANADA:
H. F. FEAVER.

FOR THE GOVERNMENT OF INDIA:
RAJAH JAI KUMAR ATAL.

FOR THE GOVERNMENT OF NEW ZEALAND:
D. N. HULL.

FOR THE GOVERNMENT OF PAKISTAN:
J. G. KHARAS.

FOR THE GOVERNMENT OF SOUTH AFRICA:
LT. COLONEL NIKOLAAS J. J. JOOSTE, E.D.

FOR THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND:
D. S. L. DODSON.

ANNEX

COMMONWEALTH WAR CEMETERIES OF THE 1914-18 WAR
IN GREEK TERRITORY

Bralo British Cemetery
*Dedeagatch British Cemetery
Doiran Military Cemetery
*East Mudros Military Cemetery, Lemnos
Karasouli Military Cemetery
*Kirechkoi-Hortakoi Military Cemetery
Lahana Military Cemetery
Portianos Military Cemetery, West Mudros, Lemnos
Salonika (Lembet Road) Military Cemetery
Salonika (Mikra) British Cemetery
Salonika (Monastir Road) Indian Cemetery
Sarigol Military Cemetery
Struma Military Cemetery
Syra New British Cemetery
West Mudros Moslem Cemetery, Lemnos

* Contains 1939-45 War Burials also.

COMMONWEALTH WAR CEMETERIES OF THE 1939-45 WAR
IN GREEK TERRITORY

Leros War Cemetery
Phaleron War Cemetery, Athens
Rhodes War Cemetery
*Suda Bay War Cemetery, Crete

* Contains 1914-18 War Burials also.