

AGREEMENT RELATIVE TO THE BRITISH
COMMONWEALTH WAR CEMETERY IN JAPAN

Whereas the Government of Japan made a Declaration with respect to the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, to the effect that it would conclude with the Allied Powers concerned such agreements as might prove necessary in connection with the war graves, cemeteries and memorials of such Allied Powers in Japanese territory,

Whereas the spirit embodied in the above-mentioned Declaration applies as a matter of course to the war graves, cemeteries and memorials of India in Japanese territory, notwithstanding the fact that India is not a signatory to the above-mentioned Treaty of Peace, and

Whereas the Government of Japan on the one hand, and the Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, India and Pakistan (in the present Agreement referred to as the "Commonwealth Countries") on the other hand, being animated by a common desire to honour the memory of those who have sacrificed their lives for their countries, have decided to make provisions with regard to the cemeteries, graves and memorials of the members of the Armed Forces of the Commonwealth Countries, who in the war of 1941-45 have fallen on the field of battle or have died and are buried in Japanese territory;

The

The Government of Japan and the Governments of the Commonwealth Countries have agreed as follows:

ARTICLE 1

(1) "Commonwealth cemetery" means the cemetery and graves situated at Kariba-cho, Hodogaya-ku, Yokohama-shi, as indicated in the Maps attached to the present Agreement, in which are buried the bodies of members of the Armed Forces of the Commonwealth Countries, who have fallen on the field of battle or have died in the war of 1941-45, and the memorials which are or may be erected in the said cemetery in their honour.

(2) "The Commission" means the Imperial War Graves Commission incorporated by Royal Charter of 21st May, 1917

ARTICLE 2

The Commission is recognized by the Government of Japan as the sole authority charged on behalf of the Commonwealth Countries with the permanent care in Japanese territory of the Commonwealth cemetery.

ARTICLE 3

(1) The Government of Japan shall grant the use of the land (including all structures and plantations thereon) comprising the Commonwealth cemetery free of cost to the Commission solely for the purposes set forth in the present Agreement and for a period of 30 years, which shall be renewed from time to time for as long as the land is used for such purposes.

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(2) The Government of Japan shall ensure the continued existence of such means of access to the Commonwealth cemetery as are in existence at the time of the coming into force of the present Agreement.

ARTICLE 4

Bodies of members of the Armed Forces of the Commonwealth Countries shall not be exhumed from the graves in which they rest without the consent of the Commission.

ARTICLE 5

(1) The Government of Japan recognizes the Commission as an association possessing juridical personality for the purpose of ensuring the upkeep of the Commonwealth cemetery.

(2) The Commission is accordingly authorized at its own cost to enclose and lay out the Commonwealth cemetery according to a scheme approved by itself, to erect sepulchral monuments or other suitable structures therein, to make plantations therein, to enact regulations governing visits to the Commonwealth cemetery, and to select persons who may be nationals of the Commonwealth Countries to take charge of and to maintain the Commonwealth cemetery.

(3) Subject to the authorization granted in the preceding paragraph, the Commission shall conform to Japanese laws and regulations relating to cemeteries, graves, memorials and other structures.

ARTICLE 6

ARTICLE 6

(1) A Japanese-Commonwealth Joint Committee shall be established to advise the Commission on the exercise of the rights reserved to the latter under the present Agreement.

(2) The Joint Committee referred to in the preceding paragraph shall be composed of three Commonwealth diplomatic representatives who shall be appointed by the Commission, and three Japanese members who shall be appointed by the Commission on recommendation by the Government of Japan, such recommendation to be transmitted through diplomatic channels.

(3) The members of the Joint Committee shall be appointed for a period not exceeding three years and shall be eligible for reappointment.

(4) The Commission shall appoint a Secretary-General of the Joint Committee.

ARTICLE 7

None of the following national and local taxes or charges of Japan shall be levied on the Commonwealth cemetery, on the Commission, or on such structures as are or may be erected within the Commonwealth cemetery and which are solely and directly necessary for the maintenance and care of the Commonwealth cemetery:

- (a) Registration Tax
- (b) Prefectural and Municipal Inhabitant Tax

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- (c) Real Property Acquisition Tax
- (d) Municipal Property Tax
- (e) All taxes or charges which may be levied in the future in place of the taxes mentioned in (a), (b), (c) and (d) above.

ARTICLE 8

(1) The Commission shall be at liberty to import, in reasonable quantity, into Japanese territory free of customs or import dues monuments (including headstones), stone, marble, or other building material, tools (including mechanical appliances such as lawn mowers), automobiles (not including passenger vehicles), machinery and plant for water supply, which may be required by the Commission for the direct purposes of constructing, maintaining, repairing, or carrying out replacements in, the Commonwealth cemetery and also (subject to such conditions as the competent Japanese authorities may consider necessary as a safeguard against the introduction of disease) trees, shrubs, plants, seeds and bulbs required for the horticultural embellishment or maintenance of the said cemetery. However, the Commission shall take such measures as are necessary to ensure that the items which have been exempted from customs or import dues are not disposed of in Japanese territory without the prior consent of the competent Japanese authorities.

(2) The Government of Japan agrees that in any particular

(c)

case

case under the preceding paragraph a certificate signed by the Secretary-General of the Joint Committee to the effect that the importation is being made for the purposes as provided for in the preceding paragraph shall be accepted by the authorities as sufficient evidence to that effect.

ARTICLE 9

Details of the manner in which effect will be given to the present Agreement shall be agreed upon by consultation between the Japanese authorities and the Commission representing the Commonwealth Countries.

ARTICLE 10

The present Agreement shall enter into force one month after the date of receipt by the Government of Australia, representing the Commonwealth Countries, of a note of acceptance from the Government of Japan.

IN WITNESS whereof the undersigned, duly authorized to that effect, have signed the present Agreement.

DONE at Tokyo on the twenty-first day of September, 1955 in the Japanese and English languages, both texts being equally authentic, in a single copy which shall be deposited with the Government of Japan, and of which certified copies shall be furnished to the other Governments parties to the present Agreement.

For the Government of Japan:

Mamoru Shigemitsu

For the Government of the United Kingdom of
Great Britain and Northern Ireland:

Ester Wrening

For the Government of Canada:

J. G. [Signature]

For the Government of Australia:

W. S. Jamieson

For the Government of New Zealand:

R. L. G. [Signature]

For the Government of the Union of South Africa:

Ester Wrening

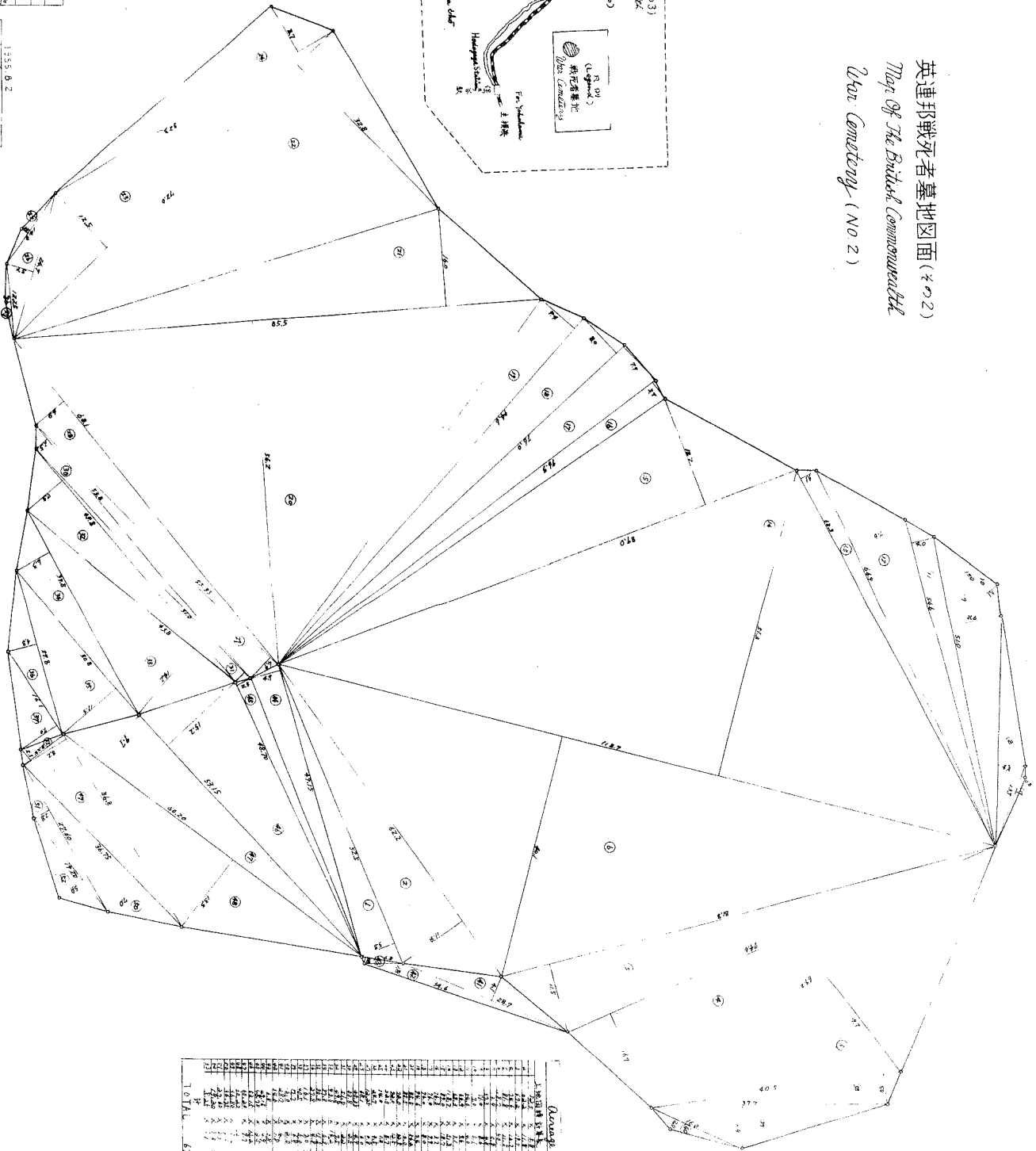
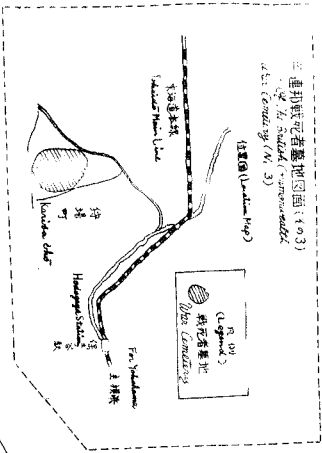
For the Government of India:

[Signature]

For the Government of Pakistan:

G. H. Malik

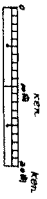
英連邦戰死者墓地圖面 (402)
 Map of The British Commonwealth
 War Cemetery (NO 2)



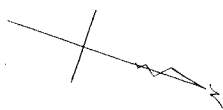
面積 (Square Feet)	
1	100
2	100
3	100
4	100
5	100
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7	100
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10	100
11	100
12	100
13	100
14	100
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96	100
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98	100
99	100
100	100
TOTAL	67,000

英連邦戰死者墓地圖面
 Map of The British Commonwealth
 War Cemetery (NO 2)

1955.0.2
 英國政府
 國防部
 戰爭紀念委員會
 倫敦



英連邦戰死者墓地圖面 (4091)
Map of The British Commonwealth War Cemetery (No. 1)



英連邦戰死者墓地配置圖

Address: 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

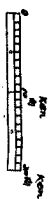
Date of Survey: 1955. 6. 28

Scale: 1:1000

1955. 6. 2

Informant by: [Signature]

Chief of the Survey: [Signature]



Plot No.	Description	Area (sq ft)	Remarks
A	Large central structure	7200	
B	Small rectangular plot	400	
C	Small rectangular plot	400	
D	Small rectangular plot	400	
E	Small rectangular plot	400	
F	Small rectangular plot	400	
G	Small rectangular plot	400	
TOTAL		23000	

本官は、ここに本書が千九百五十五年九月二十一日に東京で署名された日本国における英連邦戦死者墓地に関する協定の真正な謄本であることを証明する。

昭和参拾年拾月拾参日

日本国外務大臣官房
文書課長

小島 太作



(Translation)

I hereby certify that the foregoing is a true and complete copy of the Agreement relative to the British Commonwealth War Cemetery in Japan signed at Tokyo on September 21, 1955.

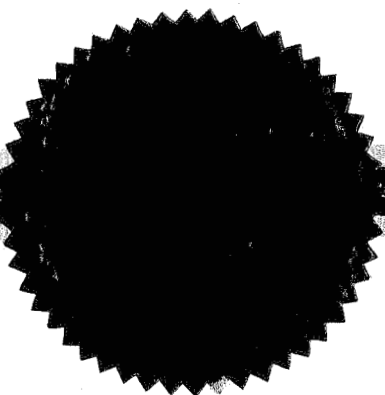
OCT. 13, 1955

Signed: Taisaku Kojima
Chief of Archives Section
Ministry of Foreign Affairs of Japan

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(TRANSLATION)

Tokyo,

22nd May, 1956.

Monsieur l'Ambassadeur,

I have the honour to refer to Article 10 of the Agreement relative to the British Commonwealth War Cemetery in Japan signed at Tokyo on September 21st, 1955, which provides that the Agreement shall enter into force one month after the date of receipt by the Government of Australia, representing the Commonwealth countries, of a note of acceptance from the Government of Japan.

I hereby wish to notify Your Excellency that the Government of Japan has accepted the Agreement. I would appreciate it if Your Excellency would send me a note acknowledging receipt of this notice.

I avail myself of this opportunity to renew to Your Excellency, Monsieur l'Ambassadeur, the assurance of my highest consideration.

(Signed) Mamoru Shigemitsu
Minister for Foreign Affairs
of Japan.

His Excellency,
Sir Alan Watt,
Ambassador Extraordinary and
Plenipotentiary of Australia
to Japan.

(COPY)

A.5.

Australian Embassy,

TOKYO.

22nd May, 1956.

Your Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note of 22nd May, 1956, giving notice that the Government of Japan has accepted the Agreement Relative to the British Commonwealth War Cemetery in Japan signed at Tokyo on 21st September, 1955. Your Excellency's Note also refers to Article 10 of the said Agreement which provides that the Agreement shall enter into force one month after the date of receipt by the Government of Australia, representing the Commonwealth countries concerned, of a note of acceptance from the Government of Japan. I have also the honour to inform Your Excellency that the date on which I, on behalf of the Commonwealth countries concerned, received Your Excellency's note of acceptance from the Government of Japan was 22nd May, 1956.

I have the honour to be,

Sir,

With the highest consideration,

Your obedient servant,

Ambassador.

H.E. Mr. Mamoru Shigemitsu,
Minister of State for Foreign Affairs,
Ministry of Foreign Affairs,
TOKYO.