

A G R E E M E N T

BETWEEN

The Governments of New Zealand, the United Kingdom of Great Britain and Northern Ireland, Canada, Australia and India, and the Government of the Tunisian Republic concerning Commonwealth War cemeteries, graves and memorials in Tunisia.

The Governments of New Zealand, the United Kingdom of Great Britain and Northern Ireland, Canada, Australia and India (being countries which participate in the work of the Commonwealth War Graves Commission and which are hereinafter referred to as "the Participating Countries")

of the one part

and the Government of the Tunisian Republic

of the other part

Desiring to make provision with regard to the Cemeteries, Graves and Memorials in Tunisian territory commemorating the sacrifice of members of the Armed Forces of the Commonwealth who fell during the first and second World Wars;

have agreed as follows:

ARTICLE 1

(1)- The Commonwealth War Graves Commission (hereinafter referred to as "the Commission") is recognised by the Government of the Tunisian Republic as the sole authority charged on behalf of the Participating Countries with the care in Tunisian territory of Commonwealth War Cemeteries, Graves and Memorials.

(2)- The Commission is empowered to settle with the Tunisian authorities all questions concerning War Cemeteries, Graves and Memorials of the Participating Countries.

ARTICLE 2

(1)- The Government of the Tunisian Republic shall grant to the Commission, in accordance with the provisions of Article 3, the use of the lands in Tunisian territory used as Commonwealth War Cemeteries as listed in the Annex to this Agreement.

(2)- In the event of public necessity subsequently requiring that these lands should be used for other purposes, the Government of Tunisia will consult the Commission with a view to reaching a mutually acceptable arrangement in the spirit of this Agreement and of the Geneva Conventions of 12 August 1949.

ARTICLE 3

(1)- The Government of the Tunisian Republic shall authorise the Commission to ensure, at its own expense, the care, layout, maintenance and control of the Commonwealth War Cemeteries, Graves and Memorials.

(2)- Subject to the prior agreement of the competent Tunisian authorities, the Commission is authorised:

- (a)- to enclose the said Cemeteries;
- (b)- to lay them out and embellish them according to plans approved by the Tunisian authorities;
- (c)- to erect sepulchral monuments or any other structures deemed appropriate; and
- (d)- to install and maintain water supply systems in the said Cemeteries.

Any alteration to these arrangements shall be subject to the prior agreement of the competent Tunisian authorities.

(3)- The Commission is authorised to appoint with the agreement of the competent Tunisian authorities persons to take charge of such Cemeteries.

(4)- The Commission is empowered to lay down in agreement with the competent Tunisian authorities regulations governing visits to and the internal administration of such Cemeteries.

(5)- The Government of the Tunisian Republic shall use its best endeavours to prevent any development in the neighbourhood of the Cemeteries which is likely to affect the cemeteries and graves.

ARTICLE 4

The competent Tunisian authorities reserve the right to have access to and to inspect the Cemeteries.

ARTICLE 5

Subject to the provisions of paragraph (2) of Article 2 of this Agreement, exhumation of bodies from War Graves in the Cemeteries shall not be permitted unless undertaken or authorised by the Commission.

The Government of the Tunisian Republic undertakes to issue instructions to the local competent authorities to refuse all applications for the exhumation of bodies which have not been duly referred or authorised by the Commission.

ARTICLE 6

(1)- (a)- The Commission shall be authorised to import into Tunisia and if need be to re-export, free of all customs duties, dues and charges, articles and materials necessary for the embellishment and upkeep of War Cemeteries, Graves or Memorials.

(b)- The operations referred to in the preceding subparagraph shall be subject to the import regulations in force under Tunisian law;

(c)- The vehicles needed to meet the requirements of the Commission shall also be free of all taxes, duties or charges and shall be registered by the Tunisian authorities in the appropriate category;

(d)- The exemptions and facilities provided for in this paragraph shall be granted at the request of the Commission.

(2)- The Government of the Tunisian Republic is prepared, within the framework of the regulations in force, to grant all facilities to the personnel of the Commission who are nationals of the Participating Countries to enable them to enter, reside in and leave Tunisian territory.

(3)- With regard to the labour in its employment the Commission shall comply with regulations in force in Tunisia concerning labour laws and social security.

ARTICLE 7


(1)- The present Agreement shall enter into force on the first day of the month following the notification by the Government of the Tunisian Republic to the other signatory Governments of the completion of the formalities required by Tunisian constitutional procedures.

(2)- The Government of Pakistan shall be entitled to accede to this Agreement, as a Participating Country, by notifying the Government of the Tunisian Republic to this effect.

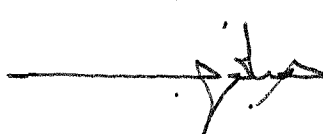
In WITNESS WHEREOF, Plenipotentiaries of the Governments of the Participating Countries and of the Government of the Tunisian Republic have signed the present Agreement.

Done at Tunis, this ^{2nd} day of May 1990
in English, Arabic and French, the three texts being equally authoritative.

For the Government
of New Zealand


HE Mr. Stephen Day
British Ambassador

For the Government
of the Tunisian Republic

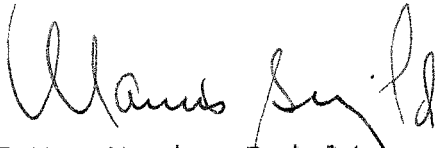

Mr. Hedi Belkhodja
Director General of
Consular Affairs

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



HE Mr. Stephen Day
British Ambassador

For the Government of Canada



HE Mr. Marius Bujold
Canadian Ambassador

For the Government of Australia



HE Mr. Michael Smith
Australian Ambassador

For the Government of India



HE Mr. Prithvi Raj Sood
Indian Ambassador