

No. 9155

MULTILATERAL

Agreement respecting the war cemeteries, graves and memorials of the British Commonwealth in Ethiopian territory. Signed at Addis Ababa, on 12 April, 18 May and 6 November 1967

Official texts: English and Amharic.

Registered by Ethiopia on 17 July 1968.

MULTILATÉRAL

Accord relatif aux cimetières, sépultures et monuments commémoratifs militaires du Commonwealth sur le territoire éthiopien. Signé à Addis-Abéba, les 12 avril, 18 mai et 6 novembre 1967

Textes officiels anglais et amharique.

Enregistré par l'Éthiopie le 17 juillet 1968.

No. 9155. AGREEMENT¹ BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, CANADA, AUSTRALIA, NEW ZEALAND, INDIA AND PAKISTAN OF THE ONE PART AND THE IMPERIAL ETHIOPIAN GOVERNMENT OF THE OTHER PART, RESPECTING THE WAR CEMETERIES, GRAVES AND MEMORIALS OF THE BRITISH COMMONWEALTH IN ETHIOPIAN TERRITORY. SIGNED AT ADDIS ABABA, ON 12 APRIL, 18 MAY AND 6 NOVEMBER 1967

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

Animated by a common desire that the places of burial in Ethiopian territory of members of the Armed Forces of the Commonwealth Countries who have fallen in the War of 1939-1945 (hereinafter referred to as "the Commonwealth War Cemeteries" or "Commonwealth War Graves" as the case may be) should be protected from risk of disturbance and assured of respect and care,

Have decided to conclude an Agreement for this purpose and have accordingly agreed as follows :-

Article 1

The Commonwealth War Graves Commission (hereinafter referred to as "the Commission") incorporated by Royal Charter dated the 21st day of May 1917 is recognised by the Imperial Ethiopian Government as the sole authority charged on behalf of the participating countries with the duties of laying out, constructing and maintaining Commonwealth War Cemeteries and Graves. The Imperial Ethiopian Government recognise the right of the Commission to perform all acts necessary to enable it to fulfil its duties and functions in Ethiopian territory and to settle with the Ethiopian Authorities all questions concerning the Commonwealth War Cemeteries and Graves.

Article 2

(1) The free use of the areas of land on which the Commonwealth War Cemeteries are presently located shall be granted to the Commission by the

¹ Came into force on 6 November 1967, the date on which all the Governments named in the preamble had signed it, in accordance with article 8.

Imperial Ethiopian Government free of cost and in perpetuity. It is understood that the said land shall remain the property of the Imperial Ethiopian Government.

(2) Arrangements for the free use by the Commission of land forming the sites of Commonwealth War Graves in publicly or privately owned Cemeteries in Ethiopian territory shall be settled by agreement between the competent Ethiopian Authorities and the Commission. The Imperial Ethiopian Government undertake to use their good offices for this purpose if requested by the Commission.

Article 3

(1) The Commission is authorised to enclose the Commonwealth War Cemeteries, to lay them out and construct them according to a scheme approved by the Commission, to erect in them sepulchral monuments or other structures, to make plantations in them, to construct and maintain water installations, to enact regulations governing visits to and the internal control of such Cemeteries and to select persons who may be nationals of the participating countries to take charge of such cemeteries.

(2) The Commission is further authorised to provide for the laying out and maintenance of Commonwealth War Graves in publicly or privately owned Cemeteries in Ethiopian territory in agreement with the competent authorities.

(3) The Imperial Ethiopian Government shall use their best endeavours to prevent land in the vicinity of a Commonwealth War Cemetery being put to uses inconsistent with the peace, seclusion and dignity of the Cemetery.

Article 4

Exhumation of bodies from the Commonwealth War Cemeteries or Graves, unless undertaken or authorised by the Commission and the Imperial Ethiopian Government, shall not be permitted. The Imperial Ethiopian Government undertake to instruct the competent Ethiopian Authorities to refuse all applications for permission to effect such exhumations or removals of bodies unless made by the Commission.

Article 5

Any proposal for the erection in Ethiopian 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 Imperial Ethiopian Government by the Commission for their concurrence. Should such a proposal reach the Imperial Ethiopian Government by any other channel, the Imperial Ethiopian Government shall refer it to the Commission for consideration and

shall consider in agreement with the Commission what action is to be taken thereon.

The sites of any memorials shall be subject to the prior approval of the Imperial Ethiopian Government.

Article 6

The Imperial Ethiopian Government shall exempt the Commission from all present taxes, dues or other State or local charges or impositions of whatsoever nature with which the Commission might otherwise be chargeable by reason of the carrying out of its official functions in accordance with the present Agreement. The Imperial Ethiopian Government shall at the request of the Commission use their good offices in order to exempt the Commission from all future taxes, dues, charges or impositions of whatsoever nature with which the Commission might otherwise be chargeable by reason of the carrying out of its official functions in accordance with the present Agreement. However, salaries, wages and all other remunerations in cash or benefits in kind received by persons normally resident in Ethiopia and employed by the Commission shall be liable to pay income tax thereon in accordance with Ethiopian Income Tax laws in force or which may hereinafter be in force. The competent Ethiopian Authorities shall arrange with the Commission the procedure for applying the foregoing exemption.

Article 7

In exercising the rights conferred by the present Agreement, the Commission shall conform to the laws and regulations in force in Ethiopian territory except in so far as the Commission is exempted therefrom by the provisions of the present Agreement.

Article 8

This Agreement shall come into force on the date on which all the Governments named in the preamble shall have signed it.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed the present Agreement on the dates appearing opposite their signatures.

DONE at Addis Ababa, in English and in Amharic, both texts being equally authoritative, in a single copy, which shall be deposited in the archives of the Imperial Ethiopian Government by whom certified copies shall be sent to the other signatory Governments.

For the Government of the United Kingdom and Northern Ireland :

T. E. BROMLEY

12th April 1967

For the Government of Canada :

Michel GAUVIN

12 April 1967

For the Government of the Commonwealth of Australia :

W. R. CROCKER

18.V.67

For the Government of New Zealand :

T. E. BROMLEY

12th April 1967

For the Government of the Republic of India :

K. L. MEHTA

12 April 1967

For the Government of Pakistan :

S. R. KHAIRI

November 6th, 1967

For the Imperial Ethiopian Government :

Ato Kitema YIFRU

26/2/60¹

¹ This date is reckoned according to the Gregorian calendar and is equivalent to 6 November 1967.