



Treaty Series No. 53 (1937)

AGREEMENT

between His Majesty's Governments in the United Kingdom,
Canada, the Commonwealth of Australia, New Zealand and
the Union of South Africa and the Government of India

and

the Egyptian Government

regarding

British War Memorial Cemeteries and Graves in Egypt

[With Exchange of Notes, June 2/5, 1937]

Cairo, June 2, 1937

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

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AGREEMENT BETWEEN HIS MAJESTY'S GOVERNMENTS IN
THE UNITED KINGDOM, CANADA, THE COMMONWEALTH
OF AUSTRALIA, NEW ZEALAND AND THE UNION OF SOUTH
AFRICA AND THE GOVERNMENT OF INDIA AND THE
EGYPTIAN GOVERNMENT REGARDING BRITISH WAR
MEMORIAL CEMETERIES AND GRAVES IN EGYPT, WITH
EXCHANGE OF NOTES OF JUNE 2/5, 1937.

Cairo, June 2, 1937.

THE Government of Egypt on the one hand, and the Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and India on the other hand, being desirous of placing on a firm and established basis the care of the graves of the British soldiers who fell in the late war and were buried in Egyptian Territory, have agreed as follows:—

ARTICLE 1.

The Imperial War Graves Commission (hereinafter referred to as "The Commission") incorporated by Royal Charter granted by His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as "His Majesty The King and Emperor") on the 21st day of May, 1917, is recognised by the Egyptian Government as the sole authority charged with the care of the British War Memorial Cemeteries and War Graves in Egypt.

Accordingly, the Commission shall alone be qualified to act in this matter, particularly in all that concerns the execution of that part of the agreement contained in the note of the 27th October, 1918, addressed by le Comité des Finances to, and approved by the Egyptian Council of Ministers on the 9th November, 1918, relating to the free cession of land in perpetuity for British War Memorial Cemeteries to the Commission by the Egyptian Government, and subsequently confirmed by a formal Deed of Gift dated the 9th May, 1921, and registered in the Bureaux des Hypothèques of the Mixed Tribunals of Cairo and Alexandria on the 9th May, 1921, and the 27th June, 1921, respectively, and in the Bureaux des Hypothèques of Mansourah on the 27th July, 1921.

ARTICLE 2.

Notwithstanding anything contained in the aforesaid Deed of Gift or its annexes as to the nature of the Commission's Committee in Egypt, the Egyptian Government agrees that the character and

functions of that body shall be as provided in Articles 11 and 12 of the present Agreement, and that the Commission's rights under the Deed of Gift shall continue unaffected by any changes in the title, composition or powers of the said Committee made in conformity with these articles.

ARTICLE 3.

The Egyptian Government hereby agrees that the British War Memorial Cemeteries shall not be subject to any State or local taxes.

ARTICLE 4.

The exhumation of bodies buried in the British War Memorial Cemeteries or War Graves with a view to their transport elsewhere shall only take place in agreement with the Commission. The Egyptian Government undertakes to refuse all applications for permission for the removal of bodies unless preferred through the Commission.

ARTICLE 5.

The Egyptian Government recognises the right of the Commission to act in Egypt as an Association possessing the civil rights of a juristic person.

ARTICLE 6.

The Commission is authorised to enclose the British War Memorial Cemeteries, to lay them out according to a scheme approved by the Commission, to erect in them sepulchral monuments or other suitable structures, to make plantations in them, to designate from time to time the custodians or persons to take charge of them and, subject to the approval of the Minister of the Interior, to enact regulations governing visits to and the policing of the same, and to prosecute those who infringe the said regulations.

ARTICLE 7.

The custodians appointed by the Commission to take charge of and maintain the British War Memorial Cemeteries and War Graves may be persons of British nationality. The custodians shall be recognised by the Egyptian Government and shall receive from the Egyptian Government every assistance necessary for the safeguard and protection of the British War Memorial Cemeteries and War Graves. The custodians shall have no military character.

ARTICLE 8.

The Egyptian Government recognises the existence of graves of officers and men of the forces of His Majesty The King and Emperor situated outside the limits of the lands granted by the said Deed of Gift, as set forth in a list to be communicated to the Egyptian

Government by the Diplomatic representative in Egypt of His Majesty The King and Emperor. The Egyptian Government undertake that, should the Commission at any time in the future consider the transfer of these graves necessary or desirable, by reason of the closing (for burial purposes) or disuse of the Cemeteries in which they are situated or otherwise, all necessary facilities will be accorded to the Commission to remove the remains to one or other of the British War Memorial Cemeteries.

ARTICLE 9.

Requests for permission to erect, even outside a British War Memorial Cemetery, a commemorative monument designed to recall a feat of arms of the forces of His Majesty The King and Emperor or of any unit thereof, shall be presented by the Commission to the Egyptian Government for their consent.

Should a request of this nature be made direct to the Egyptian Government, the latter shall refer it to the Commission before giving any decision, and shall consider in agreement with the Commission what action shall be taken thereon.

ARTICLE 10.

All building material, stone, marble, tools or other stores required by the Commission from time to time for the construction of, or erection of monuments in or upon, the British War Memorial Cemeteries and War Graves, or for repair or replacement of existing materials, shall on production of the necessary certificates from the Commission's representative be admitted into Egypt by the Egyptian Government free of all Customs duties or dues.

ARTICLE 11.

The Commission shall appoint a Committee with offices in Egypt to represent the Commission in Egypt in its relations with the Egyptian Authorities, and especially to exercise in the name of the Commission all or any of the rights reserved to it under the present agreement.

This Committee shall be competent to perform in the name of the Commission, and within the limits of the powers delegated to it by the latter, all civil acts necessary to enable it to fulfil its object.

ARTICLE 12.

The Committee in Egypt referred to in the previous Article shall be called the "Anglo-Egyptian War Cemeteries Committee." It shall be composed of four Honorary Members, of whom two shall be British and two Egyptian, and of eight Official Members, of whom four shall be British and four Egyptian.

The Egyptian Members shall be appointed on the recommendation of the Egyptian Government, which shall be requested and transmitted through diplomatic channels,

The Honorary Members shall be chosen from persons who have won distinction in the Navy, the Army, the Air Force or the Civil Service, or in Letters, Art or Science.

The Egyptian Official Members shall be appointed in virtue of their official functions, and shall be regarded as appointed at the moment they assume office, and shall cease to form part of the Committee from the day when they vacate their said offices. The Egyptian Government undertakes to notify the Commission of all changes which may take place amongst the Egyptian Official Members.

The Commission shall appoint the Secretary of the Committee.

ARTICLE 13.

The agreement shall come into force on the day of its publication in the official journal of the Egyptian Government; the contracting Governments shall by agreement fix the date of this publication.⁽¹⁾

In witness whereof the undersigned duly authorised thereto have signed the present agreement and have affixed thereto their seals.

Done at Cairo in duplicate the second day of June, one thousand nine hundred and thirty-seven.

For the Government of Egypt :

(L.S.) MAHMOUD GHALEB.

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

(L.S.) MILES W. LAMPSON.

For the Government of Canada :

(L.S.) MILES W. LAMPSON.

For the Government of the Commonwealth of Australia :

(L.S.) MILES W. LAMPSON.

For the Government of New Zealand :

(L.S.) MILES W. LAMPSON.

For the Government of the Union of South Africa :

(L.S.) MILES W. LAMPSON.

For the Government of India :

(L.S.) MILES W. LAMPSON.

⁽¹⁾ The Agreement came into force on November 29, 1937.

EXCHANGE OF NOTES.

No. 1.

Mahmoud Ghaleb Pasha to Sir M. Lampson.

Sir,

Cairo, June 2, 1937.

WITH reference to the Agreement concluded on the 2nd day of June, 1937, between the Government of Egypt and the Governments of the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and India respecting the British War Memorial Cemeteries and Graves in Egyptian territory, I take the opportunity of placing on record that the Egyptian Government agrees that in the first part of Article 1 and in Articles 3, 7 and 10 of the said Agreement, the words "British War Memorial Cemeteries" shall be deemed to include the Australian and New Zealand Memorial at Port Said and the Indian Memorial at Port Tewfik, and that the said Agreement shall have effect accordingly.

I avail, &c.

MAHMOUD GHALEB,
Acting Minister for Foreign Affairs.

No. 2.

Sir M. Lampson to Mahmoud Ghaleb Pasha.

Sir,

British Embassy, Cairo, June 5, 1937.

I have the honour to acknowledge receipt of your Excellency's note of the 2nd June placing on record, with reference to the Agreement concluded on the 2nd day of June, 1937, between the Government of Egypt and the Governments of the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and India respecting the British War Memorial Cemeteries and Graves in Egyptian territory, that the Egyptian Government agrees that in the first part of Article 1 and in Articles 3, 7 and 10 of the said Agreement the words "British War Memorial Cemeteries" shall be deemed to include the Australian and New Zealand Memorial at Port Said and the Indian Memorial at Port Tewfik, and that the said Agreement shall have effect accordingly.

I avail, &c.

MILES W. LAMPSON,
Ambassador.

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