



Treaty Series No. 18 (1956)

Agreement

between the Governments of the
United Kingdom of Great Britain and Northern Ireland,
Australia and India of the one part
and the Government of Thailand of the other part
regarding **British Commonwealth War
Graves in Thai Territory**

Bangkok, August 24, 1954

[with Exchange of Letters, Exchange of Notes and Plans]

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of Her Majesty
June 1956*

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**AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
AUSTRALIA AND INDIA AND THE GOVERNMENT OF
THAILAND REGARDING WAR GRAVES**

Bangkok, August 24, 1954

The Governments of the United Kingdom of Great Britain and Northern Ireland, Australia and India (hereinafter referred to as "the Commonwealth countries") of the one part and the Government of Thailand of the other part,

Desiring that places of burial in Thai territory of members of the Armed Forces of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, India and Pakistan who have fallen in the War of 1939-1945 (hereinafter referred to as "War Cemeteries" or "War Graves" as appropriate) and places of burial or commemoration of members of the Armed Forces of Thailand in the territories of the Commonwealth countries who have fallen in the same war, should be protected from risk of disturbance and assured of respect and care, have decided to conclude an Agreement for the purposes above mentioned and have accordingly agreed as follows:—

ARTICLE 1

The Government of Thailand undertake to acquire at their own cost and hold in perpetuity the lands necessary for and the sites already occupied by the War Cemeteries. The areas concerned are 'at Kanchanaburi (17.289 rai) and Chungkai (24.18 rai), scale maps of which are annexed to this Agreement. The Government of Thailand agree to allow the free use of these lands, by the agency referred to in the following article, for the purposes of laying out, constructing and maintaining thereon permanent War Cemeteries of the War of 1939-1945 and for so long as such uses thereof are continued in accordance with the present Agreement.

ARTICLE 2

The Government of Thailand take note that the Governments of the Commonwealth countries have appointed the Imperial War Graves Commission incorporated by Royal Charter of the 21st of May, 1917 (hereinafter referred to as "the Commission"), as their agency to exercise in their behalf the rights and privileges accorded by the present Agreement.

ARTICLE 3

If any request from a source other than the Commission for permission to exhume any body from the War Cemeteries is received by the Government of Thailand, or if for any reason the Government of Thailand desire exhumation of bodies from the War Cemeteries, such exhumation shall not take place without prior consultation with, and the agreement of, the Commission.

ARTICLE 4

The Commission is authorised to enclose the War 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 construct and maintain water installations, to designate from time to time

the custodians or persons (who may be British subjects) to take charge of them and (subject to the approval of the competent authority of the Government of Thailand) to enact regulations governing visits to and the internal control of the same.

ARTICLE 5

(1) The Commission shall be represented in Thailand by a Committee composed of not more than two officials representative of the Governments of the Commonwealth countries designated by the Commission and not more than two officials of the Public Administrative Services of the Government of Thailand designated by the said Government.

(2) The function of this Committee shall be to act as an official channel between the Commission and the Thai authorities on all matters concerning the War Cemeteries and Graves or relating to the responsibilities and functions of the Commission in Thailand, as well as to advise and assist the Commission in carrying out the measures the latter may deem necessary in connexion with the War Cemeteries and Graves.

ARTICLE 6

Rights similar to those set forth in this Agreement shall, on the request of the Government of Thailand, be accorded reciprocally to that Government if and in so far as it may decide to construct, embellish or maintain the places of burial or commemoration of members of the Forces of Thailand fallen in the War of 1939-1945 situated in the territories of the Governments of the Commonwealth countries.

ARTICLE 7

This Agreement shall come into force on the twenty-fourth day of August, one thousand nine hundred and fifty-four.

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

Done at Bangkok on the twenty-fourth day of August, one thousand nine hundred and fifty-four, in duplicate copies, one of which shall be deposited with the Government of Thailand and the other with the Government of the United Kingdom of Great Britain and Northern Ireland. The latter shall communicate certified copies to the Governments of Australia and India.

For the Government of the United Kingdom:

BERKELEY GAGE.

For the Government of the Commonwealth of Australia:

B. C. BALLARD.

For the Government of India:

A. R. SETHI.

For the Government of Thailand:
KHEMJATI PUNYARATABHAN.

EXCHANGE OF LETTERS

No. 1

Her Majesty's Chargé d'Affaires at Bangkok to the Thai Minister for Foreign Affairs

British Embassy,

Dear Phra Bahiddha,

Bangkok, 13th April, 1953.

I wonder if I might ask your help in connexion with the British War Graves cemetery at Kanchanaburi.

There has been some correspondence about our request that a protective margin should be added to this cemetery (see my letter to Prince Wongsá No. 1851/5/52 of the 12th February, 1952⁽¹⁾). On the 25th July I raised the matter in conversation with Prince Wongsá, following press rumours that the land in question was to be used by the Railways Department. Prince Wongsá assured me that it had been agreed that the margin should be kept for the protection of the cemetery and said he would confirm this assurance in writing.

Although the assurance was included in the Ministry of Foreign Affairs press release of the 26th July, we do not appear to have received the written confirmation. Although this is now merely a formality, I should be most grateful if you could let me have a reply to my letter of the 12th February, 1952, in order to keep the record straight.

Yours sincerely,

G. C. WHITTERIDGE.

No. 2

The Thai Minister for Foreign Affairs to Her Majesty's Chargé d'Affaires at Bangkok

Ministry of Foreign Affairs,

Dear Mr. Whitteridge,

Saranrom Palace, 29th April, 1953.

I beg to acknowledge the receipt of your letter of the 13th instant concerning a protective margin to be added to the British War Graves cemetery at Kanchanaburi.

In reply, I beg to confirm that the request of the British Government for the piece of land to be kept as a protective margin to the cemetery has, in fact, been agreed to by the Thai authorities.

Yours sincerely,

BAHIDDHA.

(1) Not printed.

EXCHANGE OF NOTES

No. 1

Her Majesty's Ambassador at Bangkok to the Thai Deputy Minister for Foreign Affairs

British Embassy,

Bangkok, August 24, 1954.

Monsieur le Ministre,

With reference to the Agreement concluded to-day between the Governments of the United Kingdom of Great Britain and Northern Ireland, Australia and India on the one hand and the Government of Thailand on the other hand regarding War Graves, I have the honour upon instructions from the Government of the United Kingdom and with the concurrence of the Governments of Australia and India, to propose that the agency appointed by the Commonwealth countries to exercise the rights and privileges of the Agreement (The Imperial War Graves Commission) shall be permitted to import, free of duty, such articles and materials as are considered necessary for the marking, maintenance or construction of the cemeteries, graves and memorials referred to in the Agreement and which shall have been specified and notified to the Royal Thai Government within one year of the date of this Note.

If the foregoing proposal is acceptable to the Royal Thai Government, I have the honour to suggest that the present Note and your Excellency's reply to that effect shall be regarded as placing formally on record the agreement reached between the Governments of the Commonwealth countries and the Royal Thai Government in regard to this matter.

I have, &c.

B. E. F. GAGE.

No. 2

The Thai Deputy Minister for Foreign Affairs to Her Majesty's Ambassador at Bangkok

Ministry of Foreign Affairs,

Saranrom Palace, 24th August, B.E.

Monsieur l'Ambassadeur,

In reply to your Note of to-day's date with reference to the Agreement concluded to-day between the Government of Thailand on the one hand and the Governments of the United Kingdom of Great Britain and Northern Ireland, Australia and India on the other hand regarding War Graves, I have the honour to inform you that the Royal Thai Government accept the proposal therein contained that the agency appointed by the Commonwealth countries to exercise the rights and privileges of the Agreement (The Imperial War Graves Commission) shall be permitted to import, free of duty, such articles and materials as are considered necessary for the marking, maintenance or construction of the cemeteries, graves and memorials referred to in the Agreement and which shall have been specified and notified to the Royal Thai Government within one year of the date of this Note.

I have the honour to inform you that the Royal Thai Government also accept your suggestion that your Note and the present Note in reply thereto shall be regarded as placing formally on record the Agreement reached between the Royal Thai Government and the Governments of the Commonwealth countries in that matter.

I avail, &c.

KHEMJATI PUNYARATABHAN.