

CHAPTER 2. INTERNATIONAL TREATIES AND SUPPLEMENTARY LEGISLATION

SECTION A. MULTIPARTITE TREATIES

1. Contraband traffic in alcoholic liquors

- (a) CONVENTION FOR THE SUPPRESSION OF THE CONTRABAND TRAFFIC IN ALCOHOLIC LIQUORS

Signed at Helsingfors, 19 August 1925. Ratified by all the States mentioned in the Preamble. Entered into force on 23 December 1925. "League of Nations Treaty Series", vol. 42, p. 73; Hudson, "International Legislation", vol. 3, p. 1673. Translation by the Secretariat of the League of Nations

Germany, Denmark, Esthonia, Finland, Latvia, Lithuania, Norway, Poland and the Free City of Danzig, Sweden, and the Union of Socialist Soviet Republics, being desirous of suppressing the contraband traffic in alcoholic liquors;

Considering that such traffic constitutes a danger for public morals and should be combated by every possible means, and

Believing that this object can most effectively be attained by international agreements,

Have decided to conclude a Convention on this subject, and have appointed as their Plenipotentiaries:

Who, having communicated their full powers, found in good and due form, have agreed as follows:

Article 1. The expression "alcoholic liquors" as used in the present Convention shall be understood to mean alcohol and spirituous liquids suitable for drinking or for the manufacture of beverages, together with wines or sparkling wines, the alcoholic content of which exceeds 18 per cent in volume. Beer and similar beverages with an alcoholic content of less than 12 per cent shall not be regarded as alcoholic liquors.

The provisions of the present Convention shall not apply to alcoholic liquors which form part of a ship's supplies or which belong to persons travelling or employed on board a vessel, provided that the said liquors do not exceed the quantity required for the voyage, and that they are declared in accordance with the customs regulations of the State in question.

Article 2. Each of the Contracting Parties undertakes to prohibit vessels of a net register tonnage less than 100 tons from exporting alcoholic liquors from its territory, including its customs warehouses and free ports.

This clause shall not apply to mechanically propelled vessels employed on a regular service.

Article 3. Each of the Contracting Parties undertakes to permit the exportation of alcoholic liquors from its territory—including its customs warehouses and free ports—by vessels of the nationality of one of the Parties of a net register tonnage less than 100 tons, only if an official authorization has been granted to the vessel by the competent authorities of its country of origin.

Such authorization may only be granted if the honourable standing and *bona fides* of the shipowner are attested by means of a certificate issued by a public or private organization competent in matters relating to trade and navigation.

The above-mentioned certificate shall be granted for a period of three years. It shall expire when the vessel changes owners.

In case of misuse, the certificate shall be withdrawn after investigation by the authorities in question.

Article 4. The vessels referred to in article 3 may not sail unless:

(a) It is clear that they are not engaged in contraband traffic;

(b) The master of the vessel or the shipper of the alcoholic liquors has declared in writing that the goods on board are being exported *bona fide* and will really be shipped to the place of destination in accordance with the regulations enforced there; and

(c) If the master of the vessel has furnished evidence in accordance with the provisions of article 5 that the alcoholic liquors previously transported by the vessel have been delivered at the place of destination, unless the master proves that he has been prevented by damages to his vessel or other valid reason from furnishing such evidence.

Article 5. The quantity, nature and destination of the alcoholic liquors to be exported abroad on the vessels referred to in article 3 must be shown in an annex attached to the official certificate provided for in article 3 and signed by the master. These particulars shall be attested by the seal of the competent authorities at the port of departure.

The competent authorities at the port of destination shall similarly attest on this annex that the liquors in question have been regularly unloaded. If in a non-contracting country such a certificate cannot be obtained from the competent authorities, other satisfactory evidence will be accepted.

Article 6. The Contracting Parties are responsible for establishing the penalties rendered necessary by the application of the provisions of articles 2-4.

Article 7. The Contracting Parties shall take such steps as may be possible to prevent alcoholic liquors destined for a national port from being conveyed to a foreign port.

Article 8. The Contracting Parties undertake to do everything in their power to prevent contraband traffic in alcohol in the Contracting States, whatever the nature and tonnage of the vessels may be.

Article 9. The Contracting Parties undertake to raise no objection to the application by any of them of its laws, within a zone extending to twelve nautical miles from the coast or from the exterior limit of the archipelagoes, to vessels which are obviously engaged in contraband traffic.

If a vessel suspected of engaging in contraband traffic is discovered in the enlarged zone hereinbefore described, and escapes out of this zone, the authorities of the country exercising control over the zone in question may pursue the vessel beyond such zone into the open sea and exercise the same rights in respect of it as if it had been seized within the zone.

These stipulations are adopted without prejudice to the attitude taken by each of the Contracting Parties with regard to the legal principles governing territorial and customs zones.

Article 10. The Contracting Parties shall maintain the principle that the penalties for contraband traffic in alcoholic liquors shall only be imposed upon the actual offenders. In any case the vessels may not directly or indirectly be detained as security for fines or other similar liabilities, if the alcoholic liquors illegally imported by one of the persons employed on board only constitute an insignificant quantity in the circumstances, or if the alcoholic liquors imported by several members of the crew of the vessel cannot be regarded as a considerable quantity in the circumstances, provided, however, that the shipowner or the master is not himself accused of illegal importation, and, further, that he cannot—in view of the quantity of the goods or other circumstances—be regarded as having neglected to exercise the necessary supervision in this matter.

If it is proved that a vessel of whatever tonnage conveying alcoholic liquors has been compelled to put into a port of refuge to ensure the safety of the vessel, the cargo or the persons on board, the owner or master shall not be subjected by reason of the cargo to any expense or inconvenience other than any necessary charges for supervision.

Article 11. The customs authorities of the Contracting States shall supply each other with as accurate information as possible as to the position of contraband traffic and the persons engaged in it and shall communicate to each other particulars of any special arrangements which might help to facilitate the prevention of contraband traffic.

Article 12. The Contracting Parties declare their readiness to examine in a friendly spirit any proposals which any of the Contracting Parties may put forward for supplementing the present Convention.

(b) FINAL PROTOCOL TO THE CONVENTION FOR THE SUPPRESSION OF THE CONTRABAND TRAFFIC IN ALCOHOLIC LIQUORS

Signed at Helsingfors, 19 August 1925. Entered into force on 23 December 1925. "League of Nations Treaty Series", vol. 42, p. 85; Hudson, "International Legislation", vol. 3, p. 1679. Translation by the Secretariat of the League of Nations

On the occasion of the signing this day of the Convention for the Suppression of the Contraband Traffic in Alcoholic Liquors, the Plenipotentiaries of the Contracting Parties have agreed as follows and have made the following declarations with regard to the Convention.

Ad *Article 1.* It is agreed that in this article the expression "alcoholic liquors" does not include methylated spirits or varnish, and that the words "wines and sparkling wines" include wines and beverages of a similar kind or with a wine basis, together with medicinal wines, sparkling wines and similar beverages.

It is understood that in paragraph 2 the "State in question" means the Contracting State into which the alcoholic liquors have been introduced.

Ad *Article 7*. This article refers to cases in which alcoholic liquors are sent from one national port to another.

It is understood that this article also applies to the maritime traffic between two national ports situated on different seas.

Ad *Article 9*. It is understood that the limit of the enlarged zone provided for in this article shall be deemed to coincide with the middle line of the waters separating two Contracting States when their breadth is less than twenty-four nautical miles, unless another frontier line has been fixed by convention, usage or otherwise.

It is further understood that the words "the open sea" merely refer to the territory which is not affected by the stipulation contained in paragraph 1 of this article.

The German delegates declare that the German production of and trade in wine are not in any way to be injuriously affected by this Convention. They therefore accept the Convention subject to the reservation that, in so far as Germany is concerned, alcoholic liquors (article 1) must be understood to mean alcohol and spirits suitable for drinking or for the manufacture of beverages together with wines and sparkling wines whose alcoholic content exceeds 180 grammes per litre or 22 per cent in volume.

The delegate of the Union of Socialist Soviet Republics, taking into consideration the German declaration, makes the same reservation in respect of his own country.

The other Contracting States declare that they recognize the above reservations and undertake to have regard to them in their legislation and administration.

The German, Esthonian and Polish delegates declare that their Governments approve the provisions of article 9 on the supposition that legitimate navigation is not obstructed thereby and that the stipulation contained in paragraph 2 of this article does not in any way imply the recognition *ipso facto* of such a right of pursuit—whether outside the limit of the territorial waters or outside the zone provided for in paragraph 1.

The delegate of the Union of Socialist Soviet Republics declares that his Government approves the provisions of the Convention, provided that simultaneously with this Convention there shall come into force the Agreement, signed this day by the delegates of Esthonia, Finland and the Union of Socialist Soviet Republics and that the allocation of the customs territories in the Gulf of Finland is settled according to this Agreement;

Declares that the Government of the Union of Socialist Soviet Republics, in approving the provisions of the present Convention, in no way intends to prejudice its position as regards the status in international law of vessels which are the property of the State; and

Declares, for information, that the part of the Gulf of Finland, which is east of the Greenwich meridian 28° 54', excluding Finnish territorial waters, is necessarily within the control zone of the Union of Socialist Soviet Republics.

The delegates of Esthonia, Finland and the Union of Socialist Soviet Republics declare that they have adopted this day an agreement with

regard to the allocation of the customs territories in the Gulf of Finland within which the customs rights for the prevention of the contraband traffic in alcohol are to be exercised—under the terms of article 9—by these three riparian States. This agreement is annexed to the present Protocol. It will come into force on the same day as the Convention and will not be notified separately to the States signatory to the Convention.

The other delegates have taken note of this declaration.

(c) ADDITIONAL AGREEMENT FOR THE SUPPRESSION OF THE CONTRABAND TRAFFIC IN ALCOHOLIC LIQUORS

Signed at Helsingfors, 19 August 1925. Entered into force on 23 December 1926. "League of Nations Treaty Series", vol. 42, p. 88; Hudson, "International Legislation", vol. 3, p. 1682. Translation by the Secretariat of the League of Nations

By virtue of the provision inserted in the Final Protocol approved this day by the Helsingfors Conference for the suppression of the contraband traffic in alcoholic liquors to the effect that, "The limit of the enlarged zone provided for in this article shall be deemed to coincide with the middle line of the waters separating two Contracting States when their breadth is less than twenty-four nautical miles, unless another frontier line has been fixed by Convention, usage or otherwise", the undersigned, Plenipotentiary Delegates of Estonia ... of Finland ... and of the Union of Socialist Soviet Republics ... have agreed as follows:

1. On the east of meridian 27° east of Greenwich the respective control zones of Finland and the Union of Socialist Soviet Republics shall be determined in the manner provided for in article 2 of the Convention between Finland and the Union of Socialist Soviet Republics signed at Helsingfors on 28 July 1923, concerning *inter alia* the maintenance of order in that part of the Gulf of Finland situated outside territorial waters; it shall, however, be arranged that the control zones of the Union of Socialist Soviet Republics do not overlap the customs zones of Finland and that the legitimate maritime traffic between the mainland of Finland and the islands belonging to her is not prevented or rendered difficult, and further, that the rights relating to maritime traffic enjoyed by each of the two States in the territorial waters of the other State are not diminished by this Agreement.

2. The control zones provided for in this Agreement shall not extend to the international maritime routes leading on the west of meridian 27° east of Greenwich, in the waters of the Gulf of Finland, from the ports of the Union of Socialist Soviet Republics to the Baltic Sea and *vice versa* outside the present Finnish territorial waters: the exact position of these routes shall be determined by experts of the three States concerned. As regards the above-mentioned international maritime routes the principles relating to freedom of the seas recognised by international law shall apply.

3. The present Agreement shall constitute, as regards the Contracting Parties, an integral part of the Convention for the suppression of the contraband traffic in alcoholic liquors signed this day at Helsingfors.

It shall be ratified and shall come into force at the same time and in the same manner as the said Convention and it may also come into force if two of the three States concerned adopt it to the extent to which it affects those two States.

(d) PROTOCOL TO THE ADDITIONAL AGREEMENT FOR THE SUPPRESSION OF THE CONTRABAND TRAFFIC IN ALCOHOLIC LIQUORS

Signed at Moscow, 22 April 1926. Entered into force on 22 April 1926. "League of Nations Treaty Series", vol. 45, p. 183; Hudson, "International Legislation", vol. 3, p. 1684. Translation by the Secretariat of the League of Nations

In virtue of article 2 of the Agreement which was concluded at Helsingfors on 19 August 1925, between Esthonia, Finland and the Union of Socialist Soviet Republics and which constitutes for the Contracting Parties an integral part of the Convention for the suppression of the contraband traffic in alcoholic liquors, signed on the same day, according to which article the exact position of the international maritime routes mentioned therein was to be determined by experts of the above-mentioned States;

The undersigned experts, having communicated their full powers found in good and due form, have agreed as follows:

Article 1. The limits of the international maritime routes to which the supervision provided in the general Convention shall not extend, but in regard to which the principles of international law relating to freedom of the seas shall apply, shall be as follows:

To the north:

A straight line starting from the point situated at 59° 59'5" north latitude and 27° 00'0" east longitude and proceeding to the point situated at 60° 4'0" north latitude and 26° 31'0" east longitude;

Hence in a straight line to the point situated at 60° 00'5" latitude and 26° 24'0" longitude;

Hence in a straight line to the point situated at 59° 51'0" latitude and 25° 00'0" longitude;

Hence in a straight line to the point situated at 59° 50'0" latitude and 24° 44'0" longitude;

Hence in a straight line to the point situated at 59° 32'5" latitude and 23° 00'0" longitude;

Thence in a straight line as far as the point situated at 59° 29'0" latitude and 22° 00'0" longitude;

To the south:

A straight line starting from the point situated at 59° 57'5" latitude and 27° 00'0" longitude to the point situated at 60° 00'5" latitude and 26° 38'0" longitude;

Hence in a straight line to the point situated at 59° 53'0" latitude and 26° 22'0" longitude;

Hence in a straight line to the point situated at 59° 44'0" latitude and 24° 44'0" longitude;

Hence in a straight line to the point situated at 59° 13'0" latitude and 22° 18'0" longitude;

Thence in a straight line as far as the point situated at 59° 03'0" latitude and 22° 00'0" longitude.

The lines of demarcation described above are shown in red on the Russian maritime chart no. 1557 annexed to the present Protocol. Should the text and the chart not concord with one another, the text shall be authentic.

Note. All longitudes are reckoned from Greenwich.

Article 2. The present Protocol shall come into force and may be denounced at the same time and in the same manner as the aforementioned Agreement concluded between Esthonia, Finland and the Union of Socialist Soviet Republics.

Note. No agreement was reached, however, with respect to the international maritime route situated in the southeastern part of the Gulf of Finland. See Final Protocol of the Conference of Experts, signed at Moscow, 22 April 1926. *League of Nations Treaty Series*, vol. 45, p. 186; Hudson, *International Legislation*, vol. 3, p. 1687.

(e) DENMARK

- (i) *Act No. 275, respecting measures for the prevention of smuggling, 13 November 1926, as amended by article 3 of Act 127 of 15 April 1930 and by Act 316 of 28 November 1935. "Danmarks Lov, 1665-1946" (Copenhagen, 1946), p. 871. Translation by the Secretariat of the United Nations*

Article 1. In pursuance of the Convention for the Suppression of the Contraband Traffic in Alcoholic Liquors, signed at Helsinki on 19 August 1925, a Royal Order may be made for the purpose of applying the provisions of the customs law concerning the carriage of goods by sea etc. and the penal provisions issued thereunder (including the provisions of paragraph 4 of article 48 of the Customs Act of 29 March 1924) to Danish and foreign ships within the areas and to the extent specified in the aforesaid Convention, in which the term "12 Sømil" (twelve nautical miles) shall be understood to mean "12 Kvartmil" *.

A Royal Order may be made to provide that the enforcement officials of a foreign State with which an agreement has been made concerning a joint watch over certain waters for the suppression of unlawful imports of alcoholic liquors shall be granted the same powers and enjoy the same protection under the law while carrying out their duties in those parts of the Danish customs area covered by the agreement (including the enlarged customs zone referred to in the first paragraph of this article) as are granted to and enjoyed by Danish customs guards.

Article 2. The proceeds from fines imposed and seizures made under the customs law shall accrue to the Treasury: Provided that not more than one-half of the sums constituting the proceeds from fines and seizures may be used, as determined by the customs administration, to pay informers and persons making arrests in cases of contraventions of the customs law. All provisions contrary to this rule are hereby repealed.

Article 3. This Act, which does not apply to the Faroe Islands, shall come into force immediately.

- (ii) *Royal Order No. 219, on measures to prevent smuggling, 4 December 1929. "Dansk Lovsamling", 1929, p. 297. Translation by the Secretariat of the United Nations*

In pursuance of article 1, paragraph 1, of Act No. 275 of 13 November 1926 on measures to prevent smuggling, etc., and in connexion with

* 1 *Kvartmil* equals one quarter of the old Danish long mile.

Royal Order No. 281 of 17 November 1926, Royal Order No. 234 of 9 September 1927, and Royal Order No. 181 of 25 August 1929, it is hereby provided that the rules of customs law relating to the carriage of goods by sea, etc., and the penal provisions connected therewith, and the provisions of the Customs Act of 29 March 1924, article 48, paragraph 4, shall henceforth apply to ships of Russian nationality—in addition to ships of Danish, Esthonian, Finnish, Latvian, Norwegian, Swedish, Polish, Danzig, German and Lithuanian nationality—in the areas and to the extent laid down by article 9 of the Convention for the suppression of the contraband traffic in alcoholic liquors and the Final Protocol thereto, signed at Helsingfors on 19 August 1925 and ratified by Denmark on 23 April 1926, and notified by a Finance Ministry notification of 20 May 1926 (cf. Finance Ministry notifications of 8 September 1927, 22 August 1929 and 3 December 1929 on the accession of foreign countries to the said Convention).

- (iii) *Act No. 85, to supplement the Act of 13 November 1926 respecting measures for the prevention of smuggling, 31 March 1931. "Danmarks Love, 1665-1946" (Copenhagen, 1946), p. 1071. Translation by the Secretariat of the United Nations*

Article 1. (1) The use of a Danish vessel for the purpose of smuggling alcoholic liquors by way of trade to a foreign country that has ratified the Convention for the Suppression of the Contraband Traffic in Alcoholic Liquors, signed at Helsinki on 19 August 1925, shall render the owner of such vessel or the head of the shipping company, as the case may be, and any charterer of the vessel and its master liable to punishment by fine or imprisonment. The transshipment of goods outside the customs territories of the States concerned in circumstances giving rise to a strong presumption that the intention was to import such goods unlawfully into one of these States shall likewise be deemed to be smuggling.

(2) The provisions of article 49 of Act No. 108 of 29 March 1924* shall apply *mutatis mutandis* in respect of contraventions of the aforesaid provision. The vessel shall be security for the payment of fines incurred.

2. Declaration of Panama

- (a) DECLARATION APPROVED AT PANAMA, AT THE FIRST MEETING OF THE MINISTERS OF FOREIGN AFFAIRS OF THE AMERICAN REPUBLICS, 3 OCTOBER 1939. "PAN AMERICAN UNION, CONGRESS AND CONFERENCE SERIES", No. 29, p. 19

The Governments of the American Republics, meeting at Panama, have solemnly ratified their neutral status in the conflict which is disrupting the peace of Europe, but the present war may lead to unexpected results which may affect the fundamental interests of America and there can be no justification for the interests of the belligerents to prevail over the rights of neutrals causing disturbances and suffering to nations which by

* For the amended text of that Act, see Proclamation No. 171 of 11 May 1928. *Danmark Love, 1665-1946* (Copenhagen, 1946), p. 932.

their neutrality in the conflict and their distance from the scene of events, should not be burdened with its fatal and painful consequences.

During the World War of 1914-1918 the Governments of Argentina, Brazil, Chile, Colombia, Ecuador and Peru advanced, or supported, individual proposals providing in principle a declaration by the American Republics that the belligerent nations must refrain from committing hostile acts within a reasonable distance from their shores.

The nature of the present conflagration, in spite of its already lamentable proportions, would not justify any obstruction to inter-American communications which, engendered by important interests, call for adequate protection. This fact requires the demarcation of a zone of security including all the normal maritime routes of communication and trade between the countries of America.

To this end it is essential as a measure of necessity to adopt immediately provisions based on the above-mentioned precedents for the safeguarding of such interests, in order to avoid a repetition of the damages and sufferings sustained by the American nations and by their citizens in the war of 1914-1918.

There is no doubt that the Governments of the American Republics must foresee those dangers and as a measure of self-protection insist that the waters to a reasonable distance from their coasts shall remain free from the commission of hostile acts or from the undertaking of belligerent activities by nations engaged in a war in which the said governments are not involved.

For these reasons the Governments of the American Republics

Resolve and hereby declare:

1. As a measure of continental self-protection, the American Republics, so long as they maintain their neutrality, are as of inherent right entitled to have those waters adjacent to the American continent, which they regard as of primary concern and direct utility in their relations, free from the commission of any hostile act by any non-American belligerent nation, whether such hostile act be attempted or made from land, sea or air.

Such waters shall be defined as follows. All waters comprised within the limits set forth hereafter except the territorial waters of Canada and of the undisputed colonies and possessions of European countries within these limits:

Beginning at the terminus of the United States-Canada boundary in Passamaquoddy Bay, in 44° 46' 36" north latitude, and 66° 54' 11" west longitude;

Thence due east along the parallel 44° 46' 36" to a point 60° west of Greenwich;

Thence due south to a point in 20° north latitude;

Thence by a rhumb line to a point in 5° north latitude, 24° west longitude;

Thence due south to a point in 20° south latitude;

Thence by a rhumb line to a point in 58° south latitude, 57° west longitude;

Thence due west to a point in 80° west longitude;

Thence by a rhumb line to a point on the equator in 97° west longitude;

Thence by a rhumb line to a point in 15° north latitude, 120° west longitude;

Thence by a rhumb line to a point in 48° 29' 38" north latitude, 136° west longitude;

Thence due east to the Pacific terminus of the United States-Canada boundary in the Strait of Juan de Fuca.

2. The Governments of the American Republics agree that they will endeavor, through joint representation to such belligerents as may now or in the future be engaged in hostilities, to secure the compliance by them with the provisions of this Declaration, without prejudice to the exercise of the individual rights of each State inherent in their sovereignty.

3. The Governments of the American Republics further declare that whenever they consider it necessary they will consult together to determine upon the measures which they may individually or collectively undertake in order to secure the observance of the provisions of this Declaration.

4. The American Republics, during the existence of a State of war in which they themselves are not involved, may undertake, whenever they may determine that the need therefor exists, to patrol, either individually or collectively, as may be agreed upon by common consent, and in so far as the means and resources of each may permit, the waters adjacent to their coasts within the area above defined.

Note. Certain incidents having occurred within the zone established by the Panama Declaration, joint notes of protest were sent to the European belligerents on 23 December 1939, 16 March 1940 and 24 May 1940. For the text of the notes and of the replies thereto, see *Pan American Union, Law and Treaty Series*, No. 13, pp. 30-52; No. 14, pp. 33-35; No. 15, pp. 115-20. For a statement by the British Admiralty on the Panama Declaration see *U.S. Naval War College, International Law Situations*, 1939, p. 68.

The Inter-American Neutrality Committee adopted on 27 April 1940 a detailed recommendation on the security zone created by the Declaration of Panama. *Pan American Union, Second Meeting of the Ministers of Foreign Affairs of the American Republics, Special Handbook*, pp. 57-67; *Pan American Union, Law and Treaty Series*, No. 14, p. 38. See also Resolution No. I of the Second Meeting of the Ministers of Foreign Affairs of the American Republics, reproduced in *Pan American Union, Congress and Conference Series*, No. 32, p. 27.

3. International Penal Law

(a) TREATY ON INTERNATIONAL PENAL LAW

Signed at Montevideo, 19 March 1940. Uruguay, "Registro Nacional de Leyes y Decretos", vol. 65 (1942), p. 1525. Translation from "American Journal of International Law", vol. 37 (1943), p. 122

Article 12. For the purposes of criminal jurisdiction, territorial waters are declared to be those included in a belt five miles wide running along the coast of the mainland or of the islands which constitute part of the territory of the various States.

Note. A similar provision was contained in article 12 of the Montevideo Treaty on International Penal Law of 23 January 1889. Martens, *Nouveau Recueil Général de Traités*, 2nd series, vol. 18, p. 432.

SECTION B. BIPARTITE TREATIES

1. China — Mexico

- (a) TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION, 14 DECEMBER 1899. "BRITISH AND FOREIGN STATE PAPERS", VOL. 92, P. 1061

Article XI. ... The two contracting parties agree upon considering a distance of three marine leagues, measured from the line of low tide, as the limit of their territorial waters for everything relating to the vigilance and enforcement of the customs-house regulations and the necessary measures for the prevention of smuggling.

2. Czechoslovakia — Finland

- (a) AGREEMENT FOR THE SUPPRESSION OF THE ILLICIT IMPORTATION OF ALCOHOLIC LIQUORS INTO FINLAND, 21 MARCH 1936. "LEAGUE OF NATIONS TREATY SERIES", VOL. 179, P. 295. TRANSLATION BY THE SECRETARIAT OF THE LEAGUE OF NATIONS

The President of the Republic of Finland and the President of the Czechoslovak Republic, being desirous of co-operating in the suppression of the illicit importation of alcoholic liquors into Finland,

Have decided to conclude an Agreement for that purpose and have accordingly appointed as their Plenipotentiaries:

. . .

Who, having communicated their full powers, found in good and due form, have agreed as follows:

Article 1. (1) The Czechoslovak Government agrees that it will raise no objection if the Finnish authorities, outside the territorial waters of Finland, but within the zone specified below:

(a) Board the vessels hereinafter defined, flying the Czechoslovak flag, in order that inquiries may be addressed to those on board and examination made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavouring to import or have imported alcoholic liquors into Finland in violation of the laws there in force;

(b) Search the vessel, if the inquiries and examination have shown a reasonable ground for suspicion that such import is being attempted or has taken place; or

(c) Seize the vessel and escort it into a port of Finland for adjudication by the courts in accordance with the laws of Finland relating to the import of alcoholic liquors, if the inquiries, examination and search afford a reasonable cause for belief that the vessel has been employed to commit or in an attempt to commit an offence against the said laws, provided none of the measures referred to in this paragraph shall be taken against any vessel unless a decision to that effect has, in conformity with the Finnish law of 9 May 1932 regarding the prevention of liquor smuggling from the open sea, been previously taken by

the Finnish Council of Ministers in respect of any such vessel and unless the name of that vessel has been notified to the Czechoslovak Diplomatic Representative at Helsinki as being that of a suspected vessel.

(2) The vessels to which the provisions of the preceding paragraph apply are private vessels (*a*) whose net register tonnage does not exceed 500 tons, (*b*) not owned, chartered or employed by the Government, and (*c*) registered in the Czechoslovak Republic.

(3) The zone referred to in paragraph 1 of the present article extends, in the Gulf of Bothnia, in the Baltic and in the Gulf of Finland, to twelve marine miles from the Finnish coast (including the Aaland and other Finnish islands).

Article 2. (1) No action shall be taken under the present Agreement against any vessel or any person, nor shall any such vessel or any person be liable to any penalty or forfeiture under the laws of Finland in respect of alcoholic liquors carried in vessels which are (*a*) listed as ship's stores or belong to persons travelling or employed on such vessels and do not exceed the quantities reasonably required for the voyage, and are duly declared in conformity with the customs laws of Finland, or (*b*) are cargo destined for a port situated outside Finland and are kept under seal continuously while the vessel is within Finnish territorial waters or ports, or (*c*) are cargo destined for importation into Finland in accordance with the laws and regulations in force.

(2) The penalties in respect of the illicit importation of alcoholic liquors imposed in Finland on vessels or on persons connected therewith shall be inflicted in such a manner as only to affect the actual persons guilty. No vessel shall—directly or indirectly—be made security for the payment of any fines or judicial expenses on account of alcoholic liquors unlawfully imported by one or more of the crew or other persons on board which are of an insignificant quantity, whatever the circumstances of the case, provided that the owner or master of the vessel are themselves not guilty of illicit importation and cannot be regarded as having been negligent in exercising the necessary supervision in this matter, having regard to the quantity of cargo and other circumstances.

Article 3. (1) The Government of the Republic of Finland will pay full compensation for any loss or damage caused by an interference by the Finnish authorities, in connexion with the suppression of illicit imports of alcoholic liquors into Finland, with any vessel registered in Czechoslovakia which is not justified by or is contrary to the preceding provisions of this Agreement or goes beyond the provisions of this Agreement, including all cases where it is established that the vessel in fact had not imported and had not engaged in an attempt to import alcoholic liquors illegally into Finland.

(2) Any claim under the preceding paragraph shall, if the Czechoslovak Government so requests, be referred for decision to an arbitrator to be selected by agreement between the High Contracting Parties or, in default of agreement, to be nominated by the President of the Permanent Court of International Justice.

(3) It shall not be necessary that the individuals concerned shall have had recourse to any remedies open to them in the courts of Finland before the Czechoslovak Government presents any claim under the preceding paragraph.

3. Denmark — Sweden

- (a) CONVENTION FOR THE REPRESSION OF CONTRABAND IN ALCOHOLIC LIQUORS, 28 OCTOBER 1935. "LEAGUE OF NATIONS TREATY SERIES", VOL. 166, PP. 299, 307. TRANSLATION BY THE SECRETARIAT OF THE LEAGUE OF NATIONS

The undersigned, duly authorized by their respective Governments to conclude a Convention between Denmark and Sweden for combating the smuggling of alcohol, have agreed on the following provisions:

Article 1. Within the territorial waters of the two contracting States in the Sound and certain parts of the Kattegat and the Baltic, namely:

On the Danish side, from 12° 17.5' east longitude (Gilbjergshoved), along the north and east coast of Zealand, together with Møen and Falster, to 11° 58' east longitude (Gedser) and round the island of Bornholm and the islands known as Ærteholmene, and

On the Swedish side, from 56° 27' north latitude (Hallands Väderö lighthouse), along the west, south and east coast of Skåne, to 55° 39.8' north latitude (Stenshuvud),

the supervision staff of the two States shall, in accordance with the following provisions and with the detailed regulations which may be agreed upon between the supreme customs authorities of the two countries, co-operate in combating the illicit import of alcoholic liquors into their customs territory.

The provisions of the present Convention relating to the territorial waters shall not be applicable to ports and entrances to ports.

Article 2. The supervision staff of either contracting party shall be entitled to extend its activity to the other State's territorial waters covered by the present Convention, and in such case, while complying with the provisions of article 3, shall be under the same obligation to take action for preventing the illicit import of alcoholic liquors as in its own territorial waters.

Article 3. The conditions and method of stopping, inspecting and seizing vessels, and any other rights granted to the supervision staff, shall be governed by the provisions applicable in the State within whose territorial waters the supervision is carried out. The same rule shall apply with regard to legal protection and the right to a share in the proceeds of the confiscated goods or corresponding rights to which such personnel is entitled.

Article 4. Vessels and cargoes seized by the supervision staff of either of the contracting States within the territorial waters of the other State shall, together with the persons on board, be handed over as soon as possible to the authorities of the latter State. A written report regarding the seizure, containing particulars as to the time and place at which it occurred, shall on the same occasion be handed to the said authorities.

Article 5. If either of the Contracting States has been obliged to pay compensation on account of measures taken within its territorial waters by the supervision staff of the other State, the latter State shall be compelled to compensate the former for the expenditure thus incurred,

and for the costs in which that State may have been involved in connexion with the judicial or arbitral procedure.

Article 6. The provisions of the preceding articles regarding the territorial waters of the Contracting States shall apply, as far as Danish and Swedish vessels used for smuggling are concerned, *mutatis mutandis*, to the waters immediately outside the territorial waters within the zone referred to in article 9 of the Convention, concluded at Helsingfors, on 19 August 1925, for the suppression of the Contraband Traffic in Alcoholic Liquors, together with the comments on the said article contained in the Final Protocol to this Convention.

Final Protocol to the Convention for the repression of contraband in alcoholic liquors, 28 October 1935. "League of Nations Treaty Series", vol. 166, pp. 304, 309. Translation by the Secretariat of the League of Nations

On proceeding on this date to sign the Convention between Denmark and Sweden regarding joint supervision for combating the illicit import of alcoholic liquors, the undersigned Plenipotentiaries declare on behalf of their Governments that Danish and Swedish territorial waters, for the purpose of applying the present Convention, extend to a distance of four sea miles, or 7,408 metres, from the land territory of each State, or from lines constituting the boundary towards the sea of the ports, port entrances and bays situated on their coasts, and of other maritime waters situated within and between the islands, islets and skerries lying off the coast which are not permanently submerged; in the Sound, however, the territorial waters shall not extend on either side beyond the line indicated in the Declaration of 30 January 1932, regarding certain frontier conditions in the Sound.

(b) DENMARK

Royal Order No. 13, concerning the prevention of smuggling, 24 January 1936. "Lovtidende, 1936", A, no. 3, p. 49. Translation by the Secretariat of the United Nations

In pursuance of Act No. 316 of 28 November 1935 to supplement the Act of 13 November 1926 concerning the prevention of smuggling, etc., it is hereby provided that supervision staff from Sweden, in the exercise of their duties as such, as provided in the Convention of 28 October 1935 between Denmark and Sweden for common supervision in order to prevent the smuggling of alcoholic liquors, shall have the same authority and enjoy the same legal protection as Danish customs officers.

Note. The relevant Danish acts for the prevention of smuggling are reproduced under the Convention of 19 August 1925 for the suppression of the contraband traffic in alcoholic liquors (part II, chapter 2, section A, no. 1, above).

(c) SWEDEN

Royal Order No. 13, for the execution of the Convention between Sweden and Denmark of 28 October 1935, for common supervision in order to prevent the smuggling of alcoholic beverages, 24 January 1936. "Svensk Författningssamling, 1936", p. 33. Translation by the Secretariat of the United Nations

His Majesty, the King, in pursuance of the Convention concluded between Sweden and Denmark on 28 October 1935 for common supervision in order to prevent the smuggling of alcoholic beverages and of the Act of 23 March 1934 (no. 53) respecting the right of the Crown to make orders concerning the placing in certain cases of the supervision staff of a foreign country on a footing of equality with Swedish customs officers and of the Act of 31 May 1935 (no. 234) supplementing the provisions in force regarding the importation of alcoholic beverages and wines into Swedish territorial waters, has been pleased to order as follows :

Article 1. Within Swedish and Danish territorial waters in the Sound and certain parts of the Kattegat and the Baltic, namely:

On the Swedish side, from 56° 27' north latitude (Hallands Väderö lighthouse), along the west, south and east coast of Skåne, to 55° 39.8' north latitude (Stenshuvud), and

On the Danish side, from 12° 17.5' east longitude (Gilbjergghoved), along the north and east coast of Zealand, together with Møen and Falster, to 11° 58' east longitude (Gedser) and round the island of Bornholm and the islands known as Ærteholmene,

Swedish and Danish supervision staff shall, in accordance with the detailed regulations agreed upon between the General Customs Board and the competent Danish customs authority, and in pursuance of the provisions respecting Sweden laid down in articles 2-11, co-operate in combating the illicit import of alcoholic beverages into Sweden and Denmark.

The provisions of this Order relating to the territorial waters shall not be applicable to ports and entrances to ports.

Where measures to prevent unlawful importation in vessels of Swedish or Danish nationality are concerned, such co-operation as aforesaid shall also take place in the waters immediately outside the said territorial waters within the zone referred to in article 9 of the Convention concluded at Helsingfors, on 19 August 1925, for the suppression of the contraband traffic in alcoholic liquors, together with the comments on the said article contained in the Final Protocol to that Convention.

Article 2. The provisions of sub-paragraph (b) of paragraph 2 of article 2, paragraph 1 of article 3, article 7, and paragraph 1 of article 8 of the Act of 20 June 1924 (no. 225), containing special provisions concerning unlawful dealing in alcoholic beverages and wines, in respect of cases where the circumstances clearly show that the alcoholic beverages or wines introduced into Swedish territorial waters are not or were not intended to be unlawfully imported into Sweden, shall not apply in respect of the introduction of such beverages or wines into the Swedish territorial waters specified in article 1 unless the circumstances clearly show that there similarly is or was no intention to import the said beverages unlawfully into Denmark.

Article 3. Danish supervision staff shall, within the Swedish territorial waters specified in article 1 and the waters adjacent thereto situated in the zone referred to in the last paragraph of article 1, have the right to inspect any vessel if such inspection is absolutely necessary for the purposes of the relevant supervision, and shall have the same rights in respect of confiscation as are granted to Swedish customs officers under the Act containing special provisions concerning unlawful dealing in alcoholic beverages and wines, as modified by article 2 of this Act, or under the Act of 27 November 1925 (no. 463) extending the application of the first-mentioned Act:

Provided that the foregoing provision shall, in respect of waters outside the territorial waters, apply only where action is taken against vessels of Swedish or Danish nationality.

Article 4. (1) Any vessel proceeding within the Swedish territorial waters specified in article 1 or the waters adjacent thereto situated in the zone referred to in the last paragraph of article 1 shall immediately comply with any order to stop given by Swedish or Danish supervision staff for the purposes of carrying out an inspection: Provided that in waters outside the territorial waters this provision shall not apply unless the nationality of the vessel is such that it is subject to inspection by the aforesaid staff.

(2) An order to stop shall be given by a supervision vessel taking part in the common supervision as follows:

By day, by displaying the prescribed Swedish customs flag and the alphabetic flag "K" (you should stop your vessel instantly) listed in the International Code of Signals; and

By night, by exhibiting an alternating yellow and blue light by means of a lamp or flashing light and also, where necessary, by flashing the Morse Code letter "K" (— . —) by means of a signal light or search-light.

In both cases an additional signal shall be given, if required, by producing not less than six short blasts in rapid succession by means of a steam whistle or siren.

Where two or more vessels are within the vicinity of the supervision vessel, the latter should clearly indicate by its position and direction which vessel is being signalled to stop.

If an order given to a vessel to stop is disregarded, a detonating signal that cannot be confused with a distress signal shall be used. The firing of a round shot shall be subject to the regulations issued by the General Customs Board for the prevention of damage to life and property.

(3) An aircraft taking part in the common supervision shall order a vessel to stop by circling above it and at the same time discharging a red signal rocket.

Article 5. Property seized under article 3 by a Danish supervision officer shall be delivered, either directly or through Swedish customs employees, to the competent Swedish customs office and shall be accompanied by a report in writing on the seizure.

Article 6. Any report which must be given to a Swedish customs office as provided in article 5 shall contain particulars of the time and place of the seizure. The report shall be forwarded as soon as possible to the competent prosecutor of the customs service.

The Swedish customs or police authorities shall undertake such further investigation in connexion with a seizure as may be necessary.

Article 7. A Danish supervision officer shall, while exercising the supervision provided under this Order, enjoy the legal protection to which, under article 5 of chapter 10 of the Penal Code, a Swedish customs officer is entitled under similar conditions.

Article 8. If the person in charge of a vessel fails to wait for a supervision officer after an order to stop has been given as provided in article 4, or to furnish such officer when making an inspection with the assistance or information required, such person shall be punished by a *per diem* fine unless the offence is punishable under the general law or the law relating to customs.

Article 9. An offence referred to in article 8 shall be prosecuted by the prosecutor of the customs service.

Proceedings in respect of such an offence shall be instituted before the customs court of the place where the offence was committed or where the offender first lands or is apprehended.

Article 10. Fines imposed under article 8 shall accrue in equal portions to the Crown and the private pension fund of the customs staff.

If a fine cannot be paid, another penalty shall be substituted therefor as provided in the ordinary Penal Code.

Article 11. The provisions of the Order of 22 June 1923 (no. 253), containing provisions in respect of the rendering and execution of judgments in certain customs proceedings, shall apply *mutatis mutandis* in respect of rendering and execution of judgments in proceedings concerning an offence referred to in article 8.

4. Dominican Republic — Mexico

- (a) TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION, 29 MARCH 1890. MARTENS, "NOUVEAU RECUEIL GÉNÉRAL DE TRAITÉS", 2ND SERIES, VOL. 18, P. 758. TRANSLATION FROM "BRITISH AND FOREIGN STATE PAPERS", VOL. 82, P. 689

Article 15. In all that concerns the police regulations of the ports, the loading and discharging of ships, and the custody of the merchandise and effects, the subjects of the two Powers shall be subject to the local laws and ordinances.

With respect to Mexican ports, under this title are comprehended the laws and ordinances promulgated, or that may be promulgated in the future, by the federal Government, as also the dispositions of the local authorities within the limits of the sanitary police.

The contracting parties agree to consider as the limit of the territorial jurisdiction on their respective coasts the distance of twenty kilometres, counted from the line of lowest tide. Nevertheless, this rule shall only be applied for the carrying out of the custom-house inspection, the observance of the custom-house regulations, and the prevention of smuggling; but on no account shall it apply to the other questions of international maritime law.

It is equally understood that each one of the contracting parties shall not apply the said extension of the limit of jurisdiction to the ships of the other contracting party, except when this contracting Power proceeds in the same manner with the ships of the other nations with which it has treaties of commerce and navigation.

5. Ecuador — Mexico

- (a) TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION, 10 JULY 1888. MARTENS, "NOUVEAU RECUEIL GÉNÉRAL DE TRAITÉS", 2nd SERIES, VOL. 19, P. 750. TRANSLATION FROM "BRITISH AND FOREIGN STATE PAPERS", VOL. 79, P. 147.

Article IX. The contracting parties agree to consider as limit of the territorial jurisdiction on their respective coasts the distance of twenty kilometres, reckoned from low-water mark.

6. Egypt — Germany

- (a) COMMERCIAL CONVENTION, 19 JULY 1892. "BRITISH AND FOREIGN STATE PAPERS", VOL. 84, P. 175. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 20. In cases of suspicion of smuggling, the Egyptian customs officers may board and seize any ship of less than 200 tons burthen, within a radius of ten kilometres from the coast outside the waters of an Egyptian port; moreover, any German ship of less than 200 tons burthen may be stopped and seized outside of that distance if the pursuit shall have been commenced within a radius of ten kilometres from the coast.

A *procès-verbal* of this fact shall be drawn by the captain, and the copy of that *procès-verbal* shall be communicated without delay to the Imperial Consulate.

Except in the cases provided for in the preceding paragraphs and in this article, as well as in paragraphs 3 and 4 of article 16, no German ship shall be boarded by the Egyptian customs officers.

It is understood that the Egyptian Government may, without notification to the German consular authorities, put guards on board any German ship in an Egyptian port or traversing the Suez Canal; this measure shall not cause, however, any costs or delay to the ships to which it is applied . . .

Note. Paragraphs 3 and 4 of article 16, which are mentioned in paragraph 3 of article 20, provide that:

"The customs officials cannot in any case proceed to visit or search commercial ships without giving previous notice to the Imperial Consulates in order to enable the consular authorities to assist therein. Such a notification shall be communicated to the consular officials in time, and shall mention the hour at which the formalities will take place.

"When the search is to be conducted on board a ship which may have remained in an Egyptian port, for any reason whatsoever, more than twenty-one days, it shall not be necessary to give previous notice to the consular authorities."

Provisions similar to those embodied in this Convention may be also found in commercial conventions concluded by Egypt with: Greece, 9/21 March

1895, article 19 (*British and Foreign State Papers*, vol. 87, p. 410); France, 26 November 1902, article 20 (*idem*, vol. 97, p. 892); Greece, 22 May/4 June 1906, article 19 (*idem*, vol. 99, p. 1044); Italy, 14 July 1906, article 20 (*idem*, vol. 100, p. 867); and Russia, 28 February/13 March 1909, article 20 (*idem*, vol. 102, p. 976).

All these conventions provided also for the acceptance by the various States of the Egyptian customs regulations of 22 July 1890, the text of which was annexed to these conventions; see Note to Egyptian Customs Regulations of 2 April 1884 (Part II, chapter 1, no. 12a, above).

Essentially similar, though differently worded provisions may be also found in the commercial convention between Egypt and the United Kingdom, of 29 October 1889, and in the other conventions mentioned in the Note thereunder (no. 7, below).

7. Egypt — United Kingdom

(a) COMMERCIAL CONVENTION, 29 OCTOBER 1889. "BRITISH AND FOREIGN STATE PAPERS", VOL. 81, P. 1274

Article 12. Each of the two contracting Governments has the right to put into force any regulations required for the working of their services, and for the suppression of fraud, as well as any measures dictated by reasons of public health or security, on condition that such regulations are equally applied to the ships and subjects of all other nations.

Such regulations, including the supervision of ships and the searching for or pursuit of contraband goods, as well as the fines and other penalties therein made applicable in case of false declaration, smuggling or attempting to smuggle, fraud or attempts to defraud, or any infringement of the regulations, shall, together with the measures that may be taken in regard to public health or security, be applicable in either of the two countries to the natives of the other under the same conditions as to natives of the country itself.

If, however, the Egyptian authorities should desire to search the dwelling-house of a British subject, or a British ship anchored in an Egyptian port, a duplicate of the search-warrant shall be sent to the British consular authority, who may at once take part if he thinks proper to do so, without the formality in question delaying the search, and no such search shall be made except between sunrise and sunset.

It is understood, however, that the preceding stipulation shall not apply to cases in which the search is to be made in a warehouse or depot, or on board a ship which may have remained in an Egyptian port, for any reason whatsoever, more than twenty-one days. In such cases notification to the British consular authority will not be necessary.

It is further understood that the Egyptian Government may, without notification to the British consular authorities, put guards on board any British ship in an Egyptian port or traversing the Suez Canal.

In cases of suspicion of smuggling, the Egyptian customs officers may board and seize any British ship of less than 200 tons burthen at anchor outside an Egyptian port, or sailing within ten kilometres of the shore. Ships of less than 200 tons burthen may, moreover, be boarded and seized beyond the ten kilometre limit, if the pursuit shall have been commenced within such limit.

Except in the cases provided for in paragraphs 3 and 4 of this article, no British ship exceeding 200 tons burthen shall be boarded or seized by the Egyptian customs officers.

Note. Similar provisions were embodied in article 12 of conventions concluded by Egypt with Austria-Hungary, 16 August 1890 (*British and Foreign State Papers*, vol. 82, p. 1109); Belgium, 24 June 1891 (*idem*, vol. 84, p. 147); and Italy, 1 February 1892 (*idem*, vol. 84, p. 158). See also the agreements, mentioned in the Note to the Egyptian Customs Regulations of 2 April 1884 (part II, chapter 1, no. 12a, above), and the conventions enumerated in the Note to the Commercial Convention between Egypt and Germany (no. 6, above).

8. El Salvador — Mexico

- (a) TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION, 24 APRIL 1893. TRANSLATION FROM "BRITISH AND FOREIGN STATE PAPERS", VOL. 95, P. 1362

Article XXI. It is agreed between the High contracting parties that the limit of sovereignty in the territorial waters adjacent to their respective coasts comprises a distance of twenty kilometres, counted from the line of lowest tide : but this rule shall apply only as regards the exercise of the right of police, for the execution of customs ordinances and the prevention of smuggling, and in respect of matters concerning the security of the country. In no case shall such limit be applicable to other questions of international maritime law.

9. Finland — Hungary

- (a) AGREEMENT FOR THE PREVENTION OF SMUGGLING OF ALCOHOLIC LIQUORS, EMBODIED IN AN EXCHANGE OF NOTES, 23 NOVEMBER 1932. "LEAGUE OF NATIONS TREATY SERIES", VOL. 142, P. 179. TRANSLATION BY THE SECRETARIAT OF THE LEAGUE OF NATIONS

(1) Hungary undertakes to raise no objection to the application by Finland of her laws, within a zone extending to twelve nautical miles from her coast or from the exterior limit of the archipelagoes along her coast, to Hungarian vessels which are manifestly engaged in contraband traffic in alcoholic liquors.

If a Hungarian vessel suspected of engaging in contraband traffic is discovered in the above-mentioned enlarged zone, and escapes out of this zone, the Finnish authorities may pursue the vessel beyond such zone into the open sea and exercise the same rights in respect of it as if it had been seized within the zone.

The above stipulations are adopted without prejudice to the attitude taken by the contracting parties with regard to the legal principles governing territorial and customs zones.

(2) It is understood that the lawful Hungarian trade in spirits and lawful Hungarian shipping are not in any way to be injuriously affected by this Agreement.

(3) It is understood that the Finnish Government will repair any damage that may be sustained by Hungarian vessels suspected of contra-

band traffic as a result of the measures taken by the Finnish authorities, should such suspicion eventually prove to have been unfounded.

10. Finland — Sweden

- (a) AGREEMENT FOR THE REPRESSION OF CONTRABAND IN ALCOHOLIC LIQUORS, 29 DECEMBER 1933. "LEAGUE OF NATIONS TREATY SERIES". VOL. 149, PP. 23, 29. TRANSLATION BY THE SECRETARIAT OF THE LEAGUE OF NATIONS

The undersigned, being duly authorized by their respective Governments to conclude an Agreement between Sweden and Finland for the repression of contraband in alcoholic liquors, have agreed as follows:

Article 1. In the territorial waters of the two contracting States situated between 60° 30' and 59° 45' latitude north and bounded on the west by straight lines drawn between the reefs of Högkallegrund, Östergryndan, Klacken, Gråskälsbrännan, Understen, Travarn, Halsaren, Storbrottet, Lerbådan, Simpnäsklubb, Håkanskär, Tjärven, Söderarm and Längden, and on the east by straight lines drawn between the reefs of Jernbådan, Salskär, Malgrunden, Skarven, Yttre Borgen, Gislan, Torskubbar, Sandgrunden, Uddbåda, Mellangadden, Nyhamn, Lågskär, Vittensten, Granbåda and Voronina, and thence by a straight line drawn southwards, a common surveillance service will be organized by the two States with a view to preventing the illicit importation of alcoholic liquors into their respective customs territories.

Article 2. In accordance with regulations to be agreed on between the central coastguard authorities of the two States, the staff of the surveillance service of each contracting State shall, in the territorial waters of the other State that lie within the zone referred to in article 1, be bound to keep the same watch to prevent the illicit import of alcoholic liquors into the territory of the said State as they keep in their own territorial waters to prevent illicit import into the territory of their own State.

Article 3. As regards the conditions and forms in which the hailing of vessels, search and seizures are to be carried out, and as regards all other duties of the surveillance staff, the provisions in force in the State in whose territorial waters the surveillance is exercised shall apply. The same shall be the case as regards protection, and the right of such staff to share in the value of goods seized, or similar advantages.

Article 4. Any vessel or cargo seized by the surveillance staff of one of the two States in the territorial waters of the other State shall, with those on board, be handed over as soon as possible to the authorities of the latter. A written report on the seizure, stating the place, date and hour of the operation in question, shall be handed at the same time to the said authority.

Article 5. If one of the contracting States has had to pay damages in respect of a measure taken in its territorial waters by the surveillance staff of the other State, the latter State shall be bound to refund it such sum and the costs of judicial or arbitration proceedings that may have been thereby involved.

Article 6. The provisions of the foregoing articles relating to the territorial waters of a contracting State shall apply, in the case of Swedish or Finnish vessels engaged in the contraband traffic, to waters situated within the zone defined in article 1 and lying between the territorial waters of the said State and the lines mentioned in article 2, paragraph 1 (*d*), of the Convention relating to the non-fortification and neutralization of the Aaland Islands, signed at Geneva on 20 October 1921.

Final Protocol to the Agreement for the repression of contraband in alcoholic liquors, 29 December 1933. "League of Nations Treaty Series", vol. 149, pp. 28, 30. Translation by the Secretariat of the League of Nations

On signing this day the Agreement concluded between Sweden and Finland regarding the organization of a common surveillance service with a view to preventing the illicit importation of alcoholic liquors, the undersigned Plenipotentiaries declare in the name of their respective Governments that it is understood, for the purpose of the present Agreement, that the territorial waters of Sweden extend to a distance of four sea miles, or 7.408 metres, and those of Finland to a distance of three sea miles, or 5.556 metres, from the land territories of the two countries or from the lines forming the seaward limit of harbours, entries of harbours and bays situated on their coasts, as well as from other maritime waters situated on the landward side of and between islands, islets or reefs not constantly submerged, lying along the coasts, but that the territorial waters do not extend on either side beyond the line referred to in article 6.

Note. With respect to the exemption from dues and pilotage of coastguard vessels engaged in common surveillance under this Convention, see the exchange of notes of 20 November 1936 (*League of Nations Treaty Series*, vol. 177, pp. 444, 446).

(*b*) SWEDEN

Royal Order No. 65, for the execution of the Agreement between Finland and Sweden for a common surveillance service for preventing the illicit importation of alcoholic beverages, 3 April 1934. "Svensk Författningssamling", 1934, p. 91. Translation by the Secretariat of the United Nations

In pursuance of the Agreement between Finland and Sweden for a common surveillance service for preventing the illicit importation of alcoholic liquors, signed on 29 December 1933, and in virtue of the Act of 23 March 1934 (no. 54), to empower the Crown to make orders placing foreign surveillance staff on the same footing as Swedish customs officers in certain cases. His Majesty has been pleased to order as follows:

Article 1. For the purpose of preventing the illicit importation of alcoholic beverages into a Swedish or Finnish customs area, Swedish customs staff and staff of the sea surveillance service of Finland shall exercise common surveillance within the zone of sea situated between 60° 30' and 59° 45' latitude north and bounded on the west by straight lines drawn between the reefs of Högaklegrund, Östergryndan, Klacken, Gråskälsbrännan, Understen, Travarn, Halsaren, Storbrottet, Lerbådan,

Simpnäsclubb, Håkanskär, Tjärven, Söderarm and Längden, and on the east by straight lines drawn between the reefs of Jernbådan, Sälskär, Malgrunden, Skarven, Yttre Borgen, Gislán, Torskubbar, Sandgrunden, Uddbåda, Mellangadden, Nyhamn, Lågsjär, Vittensten, Granbåda and Voronina, and thence by a straight line drawn southwards.

Regulations for the conduct of the surveillance service shall be made by agreement between the general customs board and the head of the sea surveillance service of Finland.

Article 2. Within that part of the zone of sea described in article 1 situated west of the line mentioned in article 2, paragraph (1) (d), of the Convention relating to the non-fortification and neutralization of the Aaland Islands, * signed at Geneva on 20 October 1921, Finnish surveillance staff may carry out such inspection of a vessel as is absolutely necessary to fulfil the purpose of the supervision, and exercise the right of seizure conferred upon Swedish customs officers by the Act of 20 June 1924 (no. 225) containing special provisions concerning unlawful dealing in alcoholic beverages and wines, and by the Act of 27 November 1925 (no. 463) to extend the application of the said Act.

These provisions shall, in that part of the zone of sea situated between Swedish territorial waters and the said line, apply only to vessels of Swedish and Finnish nationality.

Article 3. A vessel navigating within the zone of sea west of the line mentioned in article 2 shall immediately comply with an order to stop given by Swedish or Finnish surveillance staff for the purpose of inspection; provided that within that part of the zone of sea situated between Swedish territorial waters and the said line these provisions shall apply only to a vessel of such nationality as the said staff may be empowered to inspect.

(2) The order to stop shall be given by a vessel of the common surveillance service as follows:

By day, by displaying the prescribed Swedish customs flag and the alphabetic flag "K" (you should stop your vessel instantly) specified in the international code of signals;

By night, by exhibiting an alternating yellow and blue light by means of a lamp or flashing light and also, where necessary, by flashing the Morse Code letter "K" (—.—) by means of a signal light or searchlight.

In both cases an additional signal shall be given, if required, by producing not less than six short blasts in rapid succession by means of a steam whistle or siren.

Where two or more vessels are within the vicinity of the surveillance vessel, the latter should indicate by its position and direction which vessel is being hailed.

If an order given to a vessel to stop is disregarded, a detonating signal that cannot be confused with a distress signal shall be used. The

* Article 2, paragraph (1) (d) of that Convention states that the stretch of sea in question is bounded by the straight lines joining successively the following geographical points: (1) lat. 59° 27' N. and long. 20° 09.7' E. (Gr.); (2) Lat. 59° 47.8' N. and long. 19° 40' E. (Gr.); (3) Lat. 60° 11.8' N. and long. 19° 05.5' E. (Gr.); (4) Middle of Market Rock, lat. 60° 18.4' N. and long. 19° 08.5' E. (Gr.); and (5) Lat. 60° 41' N. and long. 19° 14.4' E. (Gr.).

firing of a warning round shot shall be subject to the regulations issued by the General Customs Board for the prevention of damage to life and property.

(3) An aircraft of the common surveillance service shall order a vessel to stop by circling above the vessel and at the same time discharging a red signal rocket.

Article 4. Property seized under article 2 by a Finnish surveillance officer shall be delivered to a competent Swedish customs office directly or through the customs staff, together with a written report on the seizure.

Article 5. A report delivered to a Swedish customs office in accordance with article 4 shall contain information on the time and place of the seizure. It shall be forwarded as soon as possible to the competent prosecutor of the customs service.

Any necessary further investigation of the seizure shall be undertaken by the Swedish customs or police authorities.

Article 6. A Finnish surveillance officer shall, while exercising the surveillance provided for in this Order, enjoy the protection afforded by article 5 of chapter 10 of the Penal Code to Swedish customs officers under like conditions.

Article 7. If the person in charge of a vessel fails to wait for the surveillance officer after an order to stop has been given as provided in article 3, or to give the surveillance officer the required assistance or information during the inspection, he shall be punished by a *per diem* fine, unless the offence is punishable under the ordinary law or the Customs Act.

Article 8. An offence referred to in article 7 shall be prosecuted by the prosecutor of the customs service.

Proceedings in respect of such an offence shall be instituted before the customs court of the place where the offence was committed or where the offender first arrives or is found.

Article 9. Fines imposed under article 7 shall be equally divided between the Crown and the private pension fund of the customs staff.

Unpaid fines shall be commuted in accordance with the general penal code.

Article 10. The provisions of Order No. 253 of 22 June 1923 containing provisions in respect of the giving and enforcement of judgments in customs proceedings shall apply to the giving and enforcement of judgments in proceedings for the offence referred to in article 7.

II. Finland — Union of Soviet Socialist Republics

- (a) CONVENTION REGARDING THE MAINTENANCE OF ORDER IN THE PARTS OF THE GULF OF FINLAND SITUATED OUTSIDE TERRITORIAL WATERS, 28 JULY 1923. "LEAGUE OF NATIONS TREATY SERIES", VOL. 32, PP. 101, 112. TRANSLATION BY THE SECRETARIAT OF THE LEAGUE OF NATIONS

The Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics being desirous, in the interests

of navigation in the Gulf of Finland, of effecting a settlement in regard to the questions mentioned in article 19 of the Peace Treaty signed at Dorpat, on 14 October, 1920, concerning the maintenance of order in the parts of the Gulf of Finland situated outside the territorial waters, the upkeep of maritime installations and the pilotage service in the Gulf, have decided to conclude the following Convention, and have for that purpose appointed as their Plenipotentiaries:

Who, having communicated their full powers, which were found to be in good and due form, have agreed as follows:

Article 1. In the parts of the Gulf of Finland situated outside the territorial waters of Finland and of the Union of Soviet Socialist Republics, east of longitude 27° E. of Greenwich, the maintenance of order shall be entrusted to the warships and hydrographic vessels of Finland and of the Union of Soviet Socialist Republics, which shall ensure that all vessels of the Contracting States sailing in the above-mentioned waters observe the general rules of navigation and any special regulations applying to the navigable channels in this part of the Gulf of Finland, that neither maritime installations nor warning or other marks are damaged, and that they are kept in good condition.

Note: The control referred to in the present article shall not apply to pilotage, customs, navigation and marine research vessels belonging to the contracting States, or to their warships.

Article 2. The part of the Gulf of Finland mentioned in article 1 shall be divided between the contracting States into areas of control; the Finnish State shall control the area situated north of the northern boundary line of the Main Channel (Stora Farled) and the Union of Soviet Socialist Republics shall control the area situated south of the said northern boundary line and the territorial waters of Hogland and Sommarö.

Note: The above-mentioned districts are marked on the Russian Chart No. 1492 (1923 edition) attached to the present Convention. The northern boundary line of the Main Channel runs from a point situated 60° 6' 6" N and 28° 54' E to a point situated 60° 11' 5" N and 27° 58' 5" E and thence to a point 60° 3' 5" N and 27° 11' E.

Should there be any divergence between the text of the present article and the chart, the chart shall be regarded as authentic.

Note: The control provided for in the present article, being instituted with a view to the maintenance of order, shall not prevent or impede traffic between islands belonging to Finland, situated in the Gulf of Finland to the south of the Main Channel, whether from island to island or between an island and the Finnish mainland.

Article 3. All vessels of the contracting States sailing in the waters specified in article 1 of the present Convention shall observe the directions and instructions which the special vessels on duty in virtue of the said article may give them under the terms of the present Convention; for this purpose such vessels shall immediately stop when first summoned to do so.

Article 4. Should any infringement of the rules of navigation take place, or should the maritime installations or the warning or other

marks be damaged, the commander of the vessel on duty shall in all cases draw up a statement, in which the commander of the vessel that has committed the infringement must certify that he was present. This document shall be sent through the diplomatic channel to the government of the State whose flag was flown by the vessel committing the infringement.

If the vessel in question succeeds in withdrawing to the territorial waters of the other contracting State, a special statement shall be drawn up, and signed by the commander of the vessel on duty and by two members of the crew; this statement shall be transmitted through the diplomatic channel to the competent authority of the State in question.

Article 5. Vessels which exercise the control in the waters mentioned in article 1 of this Convention shall carry, in addition to the regular ship's papers, a special certificate, issued by the competent authority of the State in question, and drawn up in the Finnish, Russian and English languages.

Article 6. In case of stress of weather, fog, obstruction by ice, or accident, the vessels mentioned in the previous article of the present Convention shall be entitled, in accordance with international custom, to seek refuge in the territorial waters of the other State and to put into port there (*relâche forcée*).

Article 7. The contracting States undertake to maintain and keep in good order the necessary buoys, beacons and other navigation marks in their respective areas of control, as described in article 2 of the present convention.

Article 8. Finland undertakes to maintain and keep in good order the lighthouses of Styrsudd, Seitskär, Upper Lavansaari, Lower Lavansaari, Nervö, Sommarö, Stora Tytterskär, Hogland South, Upper North Hogland, Lower North Hogland and Rödsjär (Ruuskeri) as well as the Lavansaari and Virgin lights, all of which are situated in its territory.

Special agreements shall be concluded with regard to the erection and the cost of any new installations which may be required.

Article 9. The cost of the upkeep and maintenance of the maritime installations mentioned in the first part of article 8 of the present Convention shall be borne by the contracting States in equal parts.

Article 10. Conferences between representatives of the competent authorities of the contracting States shall be held for the purpose of dealing with questions regarding the maintenance and upkeep of the maritime installations and navigation marks mentioned in articles 7 and 8 of the present Convention and regarding the defraying of the cost of the installations referred to in the first part of article 8.

These conferences shall take place annually before the beginning of the summer and winter navigation seasons, alternately at towns situated in Finland and in the Union of Soviet Socialist Republics.

The contracting States may summon special conferences when required.

The decisions reached at these conferences shall be submitted for the approval of the competent authorities in accordance with the regulations in force in each contracting State.

Article 11. The contracting States undertake to inform each other in advance, so far as possible, of the abolition or change of position of maritime installations and navigation marks, their removal to new sites, and changes in the operation of lighthouses and other similar installations in the Gulf of Finland.

Article 12. In case of accidents at sea the vessels and lifesaving stations of each State shall, in accordance with international custom, afford persons in distress every assistance in their power. This provision shall also apply in the case of accidents occurring in the territorial waters of the other State, if no help, or if insufficient help, is obtainable from that State.

Article 13. The contracting States bind themselves, in the interest of security of navigation, to transmit to each other a list of their pilotage stations, with their respective situations, and to communicate to each other their pilotage service regulations.

Should it prove necessary to set up joint pilotage stations a special convention shall be concluded in the manner laid down in article 10 of the present Convention.

(b) CUSTOMS SUPERVISION IN THE GULF OF FINLAND

- (i) *Convention regarding customs supervision in the Gulf of Finland, 13 April 1929. "League of Nations Treaty Series", vol. 96, pp. 93, 108. Translation by the Secretariat of the League of Nations*

The Finnish Republic and the Union of Soviet Socialist Republics, being desirous of concluding the Convention regarding Customs Supervision in the Gulf of Finland referred to in article 19 of the Treaty of Peace signed at Dorpat on 14 October 1920*, have appointed as their Plenipotentiaries:

. . .

Who, having communicated their full powers, found in good and due form, have agreed as follows:

Article 1. The Union of Soviet Socialist Republics has, and will raise, no objections to the outer boundaries of the Finnish customs supervision zone in the Gulf of Finland being traced as follows, from west to east:

Starting from longitude 22° east, along a line, drawn at a distance of two nautical miles from the boundary of the continuous territorial waters of Finland, to a point situated in latitude 60° 01' 6" north and longitude 26° 46' 9" east;

Thence, in a straight line, to a point situated in latitude 59° 59' 5" north and longitude 27° 00' 0" east;

* Article 19 of the Peace Treaty of Dorpat, 14 October 1920, provided that: "Questions dealing with customs, fishing, the upkeep of maritime establishments, the maintenance of order in the sectors in the Gulf of Finland which are outside territorial waters, the removal of mines in this free sector of the Gulf of Finland, the uniformity of the pilot service and other similar subjects, shall be submitted for examination to one or several Finnish-Russian Commissions." *League of Nations Treaty Series*, vol. 3, p. 70.

Thence, in a straight line, to a point situated on the longitude of the southern extremity of Hogland (Suursaari) Island at a distance of one nautical mile from such extremity;

Thence, along the boundary of the continuous territorial waters of Finland to a point situated in latitude $60^{\circ} 03' 5''$ north and longitude $27^{\circ} 10' 9''$ east;

Thence, in a straight line, to a point situated in latitude $60^{\circ} 04' 1''$ north and longitude $27^{\circ} 14' 7''$ east;

Thence, along a line, drawn at a distance of two nautical miles from the boundary of Finnish continuous territorial waters, to a point situated in latitude $60^{\circ} 07' 3''$ north and longitude $27^{\circ} 33' 3''$ east;

Thence, in a straight line, to a point situated in latitude $60^{\circ} 08' 3''$ north and longitude $27^{\circ} 39' 3''$ east;

Thence, along the boundary of Finnish continuous territorial waters to their intersection by the parallel of latitude $60^{\circ} 09' 9''$ north;

Thence, in a straight line, to a point situated in latitude $60^{\circ} 10' 8''$ north and longitude $27^{\circ} 53' 8''$ east;

Thence, along a line, drawn at a distance of two nautical miles from the boundary of Finnish continuous territorial waters to the point where this line intersects the boundary of Finnish territorial waters at the Islands of Narvi;

Thence, along the boundary of the southwestern, southern and eastern section of Finnish territorial waters at the Island of Narvi, to the point where this boundary intersects the meridian of longitude $28^{\circ} 00' 8''$ east;

Thence, along a line, drawn at a distance of two nautical miles from the boundary of Finnish continuous territorial waters, to a point situated in latitude $60^{\circ} 07' 2''$ north and longitude $28^{\circ} 51' 7''$ east;

Thence, in a straight line to the point of intersection of the boundaries of the territorial waters of Finland and the Union of Soviet Socialist Republics.

Around the islands belonging to Finland and situated outside the continuous territorial waters of the latter country, with the exception of Narvi—the customs zones around which have been described above—the outer boundary of the Finnish customs supervision zone follows the boundary of Finnish territorial waters except for that part of the sea situated to the west, south and east of the islands of Ruuskeri (Rödsjär), Lilla Tytärsaari.

The Union of Socialist Soviet Republics does and will raise no objections to the outer boundary of the Finnish customs supervision zone to the west, south and east of the three islands mentioned in the above paragraph, following lines traced as follows:

From a point situated in latitude $59^{\circ} 55' 3''$ north and longitude $26^{\circ} 42' 0''$ east to a point situated in latitude $59^{\circ} 47' 0''$ north and longitude $26^{\circ} 49' 5''$ east;

From a point situated in latitude $59^{\circ} 44' 2''$ north and longitude $27^{\circ} 00' 0''$ east to a point situated in latitude $59^{\circ} 47' 3''$ north and longitude $27^{\circ} 15' 0''$ east.

On its part, Finland does and will raise no objections to the outer boundaries of the customs supervision zones of the Union of Soviet Socialist Republics being traced as follows, it being understood that these zones do not include the Finnish territorial waters north-east of Seiskari and south of Lavansaari Islands:

In that part of the Gulf of Finland between the Seivästö (Styrsudd) Banks and Seiskari Island;

From the point of intersection of the boundaries of the territorial waters of the Union of Soviet Socialist Republics and Finland, in a straight line, to a point situated in latitude $60^{\circ} 07' 2''$ north and longitude $28^{\circ} 51' 7''$ east;

Thence northwards, along the outer boundary of the Finnish Customs supervision zone, to a point situated in latitude $60^{\circ} 09' 7''$ north and longitude $28^{\circ} 48' 7''$ east;

Thence in a straight line to a point situated in latitude $60^{\circ} 04' 4''$ north and longitude $28^{\circ} 28' 6''$ east;

In the section of the Gulf of Finland, between Lavansaari Island and the parallel of latitude $59^{\circ} 40' 0''$ north, along a line running at a distance of two nautical miles from the boundary of the territorial waters of the Union of Soviet Socialist Republics, from a point situated in latitude $59^{\circ} 54' 9''$ north and longitude $27^{\circ} 48' 2''$ east to a point situated in latitude $59^{\circ} 40' 0''$ north and longitude $27^{\circ} 46' 8''$ east.

Note: All longitudes are reckoned from Greenwich.

Article 2. The boundaries referred to in article 1 are marked on the Russian maritime charts nos. 1476 and 1492 annexed to the present Convention, in blue in the case of Finland and in red in the case of the Union of Soviet Socialist Republics.

Should there be any divergences between the text and the charts, the text shall be regarded as authentic.

Article 3. The contracting parties agree that a vessel engaged in smuggling in the zones defined in article 1 of the present Convention, or suspected of being so engaged, may be pursued and stopped by the coast-guard vessel of the country to which the customs zone in question belongs, even beyond the limits of such zone.

Such pursuit and detention, however, may not be effected in the territorial waters and in the customs zones of the other contracting party.

The commander of the vessel which has ceased pursuit, in virtue of paragraph 2 of this article, shall in such case draw up a statement, signed by himself and by two members of the crew, giving full details of all the circumstances of the case. This statement shall be sent through the diplomatic channel to the competent authorities of the other contracting party, who shall take the steps required by the circumstances.

Note: The expression "coast-guard vessel" shall be taken to mean any vessel whether large or small, employed to suppress smuggling under the laws and regulations of the country whose flag it flies.

Article 4. Neither contracting party shall make objections to the application by the other party of its laws, ordinances and regulations to vessels, goods and persons arrested under the terms of the present Convention by the coast-guard vessels of the latter party.

Article 5. With a view to reciprocally facilitating the suppression of smuggling, the Finnish customs authorities and the frontier authorities of the Union of Soviet Socialist Republics shall communicate direct to one another any information likely to be useful to the other contracting party.

These communications shall be addressed: in the case of the Union of Soviet Socialist Republics, to the Head of the Frontier Defence Depart-

ment, Leningrad Military District, Leningrad, and, in the case of Finland, to the Customs Department, Helsingfors.

Article 6. The contracting parties agree that questions which may arise in the practical application of the present Convention shall be discussed, when necessary, at special conferences.

- (ii) *Final Protocol to the Convention regarding customs supervision in the Gulf of Finland, 13 April 1929. "League of Nations Treaty Series", vol. 96, pp. 99, 113. Translation by the Secretariat of the League of Nations*

On proceeding this day to sign the Convention between the Finnish Republic and the Union of Soviet Socialist Republics regarding Customs Supervision in the Gulf of Finland, the Plenipotentiaries of both contracting parties have agreed as follows:

(1) It is understood that enforcement of the right of customs supervision provided for by the aforesaid Convention may not prevent or impede (a) fishing outside territorial waters, (b) legitimate navigation, more particularly between the islands belonging to Finland situated east of the 27th meridian, as well as between these islands and the Finnish mainland, and (c) the navigation rights enjoyed by each of the contracting parties in the territorial waters of the other contracting party.

(2) In case one of the contracting parties establishes, in agreement with any third State or States whatsoever, customs zones of smaller extent, reckoned from the shore, than the zones described in article 1 of the aforesaid Convention, such smaller zones shall *ipso facto* be established in the case of its relations with the other contracting party.

- (iii) *Protocol to the Convention regarding customs supervision in the Gulf of Finland, 13 April 1929. "League of Nations Treaty Series", vol. 96, pp. 100, 114. Translation by the Secretariat of the League of Nations*

The undersigned, duly authorized to this effect by the Government of the Finnish Republic and the Government of the Union of Soviet Socialist Republics, respectively, have this day agreed as follows:

Article 1. The Convention, concluded on 28 July 1923, at Helsingfors, between Finland and the Union of Soviet Socialist Republics, regarding the maintenance of order in the parts of the Gulf of Finland situated outside territorial waters, the upkeep of maritime installations and the pilotage service in the Gulf, shall be deemed to have been amended by the Convention concluded this day between Finland and the Union of Soviet Socialist Republics regarding customs supervision in the Gulf of Finland, in the sense that Finland and the Union of Soviet Socialist Republics, respectively, shall in their customs supervision zones, as provided for in the above Convention, also exercise the control of navigation assigned by the above-mentioned Convention to the other contracting party, which party hereby renounces such right in the above-mentioned customs zones.

In pursuance of the foregoing, Finland also agrees to renounce her right to supervise the suppression of the contraband trade in alcohol in the customs supervision zone of the Union of Soviet Socialist Republics near the Seivästö (Styrsudd) Banks, situated north of the northern limit of the Main Channel, which supervision shall henceforth be exercised by

the Union of Soviet Socialist Republics as stipulated, *inter alia*, in paragraph 1 of the Agreement concluded on 19 August 1925, at Helsingfors, between Estonia, Finland and the Union of Soviet Socialist Republics, under which the supervision zones of Finland and the Union of Soviet Socialist Republics for the suppression of the contraband trade in alcohol include the parts of the Gulf of Finland in which these States respectively exercise control of navigation.

12. Finland — United Kingdom

(a) CONVENTION CONCERNING THE ILLICIT IMPORTATION OF ALCOHOLIC LIQUORS INTO FINLAND, 13 OCTOBER 1933. "LEAGUE OF NATIONS TREATY SERIES", VOL. 142, P. 187

Article 1. (1) The high contracting parties declare that it is their firm intention to uphold the principle:

(a) That three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters; and

(b) That, in the absence of an agreement between them to this effect, neither of them can exercise jurisdiction over the vessels of the other outside the limits of his territorial waters, except in the course of a hot and continuous pursuit of a vessel duly and lawfully commenced within territorial waters and continued into the open sea.

(2) The provisions of subparagraph (b) of paragraph (1) of this article shall in no way be deemed to prejudice the question of the exercise of belligerent or neutral rights in time of war.

Article 2. (1) His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty), agrees that he will raise no objection if the Finnish authorities outside the territorial waters of Finland, but within the limits specified below:

(a) Board any of his vessels, as hereinafter defined, in order that inquiries may be addressed to those on board and examination made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavouring to import or have imported alcoholic liquors into Finnish territory in violation of the laws there in force;

(b) Search the vessel, if the inquiries and examination have shown a reasonable ground for suspicion that such import is being attempted or has taken place; or

(c) Seize the vessel and escort it into a port of Finland for adjudication in accordance with the laws of Finland relating to the import of alcoholic liquors, if the inquiries, examination and search afford a reasonable cause for belief that the vessel has been employed to commit or in an attempt to commit an offence against the said laws, provided none of the measures referred to in this paragraph shall be taken against any vessel, unless a decision to that effect has in conformity with the Finnish law of the 9th May 1932, regarding the prevention of liquor smuggling from the open sea, been previously taken by the Finnish Council of Ministers in respect of any such vessel and unless the name of that vessel has been notified to His Majesty's Diplomatic Representative at Helsingfors as being that of a suspected vessel.

(2) The vessels to which the provisions of the preceding paragraph apply are private vessels (*a*) whose net register tonnage does not exceed 500 tons, (*b*) not owned, chartered or employed by the Government, or any department of the Government, of any part of His Majesty's dominions or of any territory under his protection or any territory in respect of which His Majesty exercises a mandate, and (*c*) registered in the United Kingdom of Great Britain and Northern Ireland, in Newfoundland or in any of His Majesty's Colonies or in any territory under His Majesty's protection or in any mandated territory in respect of which the mandate is exercised by his Government in the United Kingdom, or registered under British law in a foreign country where His Majesty exercises extraterritorial rights.

(3) The limits referred to in paragraph (1) of this article are such distance in the Gulf of Bothnia or the Gulf of Finland from the coast of Finland (including the Aaland and all other Finnish islands) as can be traversed in one hour (*a*) by the vessel in question, or (*b*) where the alcoholic liquors have been or are intended to be conveyed to Finnish territory by some other vessel, by such other vessel.

Article 3. (1) No action shall be taken under the present Convention against any vessel or any person nor shall any such vessel or any person be liable to any penalty or forfeiture under the laws of Finland in respect of alcoholic liquors carried in vessels which are (*a*) listed as ship's stores or belong to persons travelling or employed on such vessels and do not exceed the quantities reasonably required for the voyage, and are duly declared in conformity with the customs laws of Finland, or (*b*) are cargo destined for a port situated outside Finland and are kept under seal continuously while the vessel is within Finnish territorial waters or ports, or (*c*) are cargo destined for importation into Finland in accordance with the laws and regulations in force.

(2) The penalties in respect of the illicit importation of alcoholic liquors imposed in Finland on vessels or on persons connected with such vessels shall be inflicted in such manner as only to affect the actual persons guilty. No vessels shall—directly or indirectly—be made security for the payment of any fines or expenses on account of alcoholic liquors unlawfully imported by one or more of the crew or other persons on board which are of an insignificant quantity, in all the circumstances of the case, provided that the owner or master of the vessels are themselves not guilty of illicit importations and cannot be regarded as having been negligent in exercising the necessary supervision in this matter, having regard to the quantity of cargo on board and other circumstances.

Article 4. (1) The Government of the Republic of Finland will pay full compensation for any loss or damage caused by an interference by the Finnish authorities, purporting to act in connexion with the suppression of illicit imports of alcoholic liquors into Finland, with any vessel registered in any of the territories referred to in article 2 (2) (*c*) above, which is not justified by or is contrary to the preceding provisions of this Convention or is an unreasonable exercise of the powers granted by this Convention, including all cases where it is established that the vessel in fact had not imported and had not engaged in an attempt to import liquor illegally into Finland.

(2) Any claim under the preceding paragraph shall, if His Majesty so requests, be referred for decision to a single arbitrator to be selected by agreement between the high contracting parties, or in default of agreement to be nominated by the President of the Permanent Court of International Justice.

(3) It shall not be necessary that the individuals concerned shall have had recourse to any remedies open to them in the courts of Finland before His Majesty presents any claim under the preceding paragraph.

Note. At the time of signing of this Convention, the Finnish plenipotentiary declared that "nothing in the present Convention affects the rights of the Finnish Government under treaties, engagements or understandings with other Powers". *League of Nations Treaty Series*, vol. 142, p. 194.

Certain difficulties having arisen regarding the interpretation of article 2 of this Convention, the following understanding concerning the meaning and effect of the provisions in question was arrived at between the two Governments and was embodied in an exchange of notes on 12 March 1936 (*League of Nations Treaty Series*, vol. 164, p. 408):

"(1) The boarding, search or seizure of a vessel under sub-paragraphs (*a*), (*b*) and (*c*) respectively of article 2 (1) of the Anglo-Finnish Convention of the 13th October, 1933, relative to the suppression of illicit importation of alcoholic liquors into Finland is in no case permissible unless the vessel is at the time of such boarding, search or seizure within the limits specified in article 2(3) of the Convention. In particular, the fact that there is a reasonable cause for belief that the vessel has been employed, to commit, or in an attempt to commit, an offence against the Finnish laws relating to the import of alcoholic liquors into Finnish territory does not justify boarding, search or seizure except within the above-mentioned limits.

"(2) Where proof that a vessel was within the limits referred to in the preceding paragraph depends on the speed of some other vessel which conveyed or intended to convey the alcoholic liquors from the vessel boarded, searched or seized to Finnish territory, no action under article 2(1) of the Convention can be regarded as justified unless both (*a*) the identity of such other vessel is specified and her speed definitely ascertained and established as sufficient to enable her to traverse in one hour the distance between the first-mentioned vessel and the coast of Finland (including the Aaland and all other Finnish islands), and (*b*) such other vessel can be affirmatively shown to have conveyed or to have been intending to convey alcoholic liquors from the vessel boarded, searched or seized to Finnish territory on the actual occasion when the boarding, search or seizure took place. It follows, in regard to the latter requirement, that neither suspicion nor amounting to proof that such was the action or intention of the other vessel, nor proof of connexion between the two vessels on some other occasion is sufficient."

13. France — Mexico

(a) TREATY OF AMITY, COMMERCE AND NAVIGATION, 27 NOVEMBER 1886. MARTENS, "NOUVEAU RECUEIL GÉNÉRAL DES TRAITÉS", 2ND SERIES, VOL. 15, P. 844. TRANSLATION FROM H. G. CROCKER, "THE EXTENT OF THE MARGINAL SEA" (WASHINGTON, 1919), P. 526

Article 15 ...The contracting parties agree to consider as the limit of territorial sovereignty on their respective coasts a distance of twenty kilometres from the line of lowest tide.

At all times this rule shall be applicable only for exercising customs control, for executing customs ordinances, and for the regulations against

contraband, and shall never be applied, on the other hand, in all other questions of international maritime law. It is likewise understood that each of the contracting parties will apply said extent of the limit of sovereignty to the vessels of the other contracting party only provided that said contracting party acts likewise toward vessels of other nations with which it has made treaties of commerce and navigation.

14. Germany — Mexico

- (a) TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION, 5 DECEMBER 1882. TRANSLATION FROM "BRITISH AND FOREIGN STATE PAPERS", VOL. 73, P. 711.

Article VIII. ...The two contracting parties agree to consider as the limit of maritime jurisdiction on their coasts, the distance of three sea leagues, reckoned from low-water mark. Nevertheless, this stipulation shall not have effect except as regards the coast-guard and custom-house service, and the measures for preventing contraband trade. As regards all other questions of international law it shall have no application. It is, however, to be understood that the aforesaid extension of maritime jurisdiction shall not be made applicable by one of the contracting parties as against the vessels of the other, unless that party shall treat in the same manner the vessels of all other nations with which it may have treaties of commerce and navigation.

15. Iran — Union of Soviet Socialist Republics

- (a) TREATY OF ESTABLISHMENT, COMMERCE AND NAVIGATION, 27 AUGUST 1935. "LEAGUE OF NATIONS TREATY SERIES", VOL. 176, P. 299. TRANSLATION BY THE SECRETARIAT OF THE LEAGUE OF NATIONS

Article XV. (1) Merchant vessels flying the flag of one of the contracting parties in the Caspian Sea shall be treated, when entering, lying in or leaving the ports of the other party, in all respects like national vessels of the latter party.

(2) They shall pay only such harbour dues as are prescribed by law for national vessels, under the same conditions and subject to the same exceptions.

Nevertheless, in levying the said dues, the following shall not be regarded as imported or exported goods, and shall not be taken into account:

(a) Passengers' luggage not included in the cargo: luggage shall be understood to include, in addition to small hand packages, all articles the conveyance of which is covered by a luggage receipt;

(b) Fuel, provisions for the crew and passengers and ship's equipment and stores sufficient for the duration of the voyage, unless they are unloaded in the port for the purpose of being left there;

(c) Cargoes unloaded on account of damage sustained or during other stops made in port for some exceptional reason, provided they are re-loaded on to the vessel for conveyance to the port of destination;

(d) Cargoes transhipped to other vessels for the continuance of their transport by sea;

(e) Cargoes transported in vessels of less than three and a half tons' burden.

(3) The coasting trade shall be reserved to national vessels. It is agreed, however, that each of the contracting parties shall grant to vessels flying the flag of the other party the right to engage in coasting trade for the transport of passengers and cargo in the Caspian Sea.

(4) Notwithstanding the foregoing provisions, each of the contracting parties reserves to vessels flying its own flag the right to fish in its coastal waters up to a limit of ten nautical miles, and also retains the right to grant preferential advantages in respect of the importation of fish caught by the crews of vessels flying its flag.

(5) In seas other than the Caspian Sea, vessels flying the flag of one of the contracting parties shall in the territorial waters and ports of the other party enjoy, as regards conditions of navigation, the same rights and advantages as are accorded to vessels flying the flag of the nation which is the most favoured in this respect.

Note. The Final Protocol to this Treaty provides that "the provisions of section 4 of article XV shall in no wise effect either the provisions of the Agreement regarding the Exploitation of the Fisheries on the Southern Shore of the Caspian Sea, signed between the contracting parties on 1 October 1927, or, in consequence, the activities of the Iranryba Company. *League of Nations Treaty Series*, vol. 176, p. 323. For the text of the 1927 Agreement, see *idem*, vol. 112, p. 297.

16. Mexico — Netherlands

- (a) TREATY OF COMMERCE AND NAVIGATION, 22 SEPTEMBER 1897. MARTENS, "NOUVEAU RECUEIL GÉNÉRAL DE TRAITÉS", 2ND SERIES, VOL. 33, P. 186. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 6. The high contracting parties agree to consider, as a limit of their territorial waters on their respective coasts, the distance of twenty kilometres reckoned from the line of low-water mark. Nevertheless this stipulation shall have no effect, except in what may relate to the observance and application of the custom-house regulations and the measures for preventing smuggling, and can in no way be extended to other questions of international maritime law.

17. Mexico — Norway and Sweden

- (a) TREATY OF AMITY, COMMERCE AND NAVIGATION, 29 JULY 1885, AS MODIFIED BY PROTOCOL OF 15 DECEMBER 1885. MARTENS, "NOUVEAU RECUEIL GÉNÉRAL DES TRAITÉS", 2ND SERIES, VOL. 13, P. 684. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article VII. ...The two contracting parties agree to consider as the limit of territorial seas on their respective coasts for the purpose of applying customs regulations and measures necessary for the prevention of smuggling, the distance of three marine leagues reckoned from low-water mark. It is understood, however, that with respect to other questions of

international maritime law, this extension of territorial seas shall not be applied by one of the contracting parties to the vessels of the other, unless that party shall apply it equally to vessels of other nations with which she has concluded treaties of commerce and navigation.

18. Mexico — United Kingdom

- (a) TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION, 27 NOVEMBER 1888. "BRITISH AND FOREIGN STATE PAPERS", VOL. 79, P. 29

Article IV ...The two Contracting Parties agree to consider as a limit of their territorial waters on their respective coasts, the distance of three marine leagues, reckoned from the line of low-water mark. Nevertheless, this stipulation shall have no effect, excepting in what may relate to the observance and application of the custom-house regulations and the measures for preventing smuggling, and cannot be extended to other questions of civil or criminal jurisdiction, or of international maritime law.

19. Sweden — United States of America

- (a) CONVENTION FOR THE PREVENTION OF SMUGGLING OF INTOXICATING LIQUORS, 22 MAY 1924. "U.S. TREATY SERIES", NO. 698; "TREATIES, CONVENTIONS, ETC., BETWEEN THE UNITED STATES OF AMERICA AND OTHER POWERS", VOL. 4, P. 4647; "LEAGUE OF NATIONS TREATY SERIES", VOL. 29, P. 421

Article I. The high contracting parties respectively retain their rights and claims, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdictions.

Article II. (1) His Majesty agrees that he will raise no objection to the boarding of private vessels under the Swedish flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offence against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions, than can be traversed in one hour by the vessel suspected of endeavoring to commit the offence. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or

possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

Article III. No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Swedish vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

Article IV. Any claim by a Swedish vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by article II of this Treaty or on the ground that it has not been given the benefit of article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the Pacific Settlement of International Disputes, concluded at The Hague, 18 October 1907. The Arbitral Tribunal shall be constituted in accordance with article 87 (chapter IV) and with article 59 (chapter III) of the said Convention. The proceedings shall be regulated by so much of chapter IV of the said Convention and of chapter III thereof (special regard being had for articles 70 and 74, but excepting articles 53 and 54) as the Tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the Tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the Tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of five per cent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

Note. Provisions similar to articles 1 and 2 of this Convention are contained in Conventions concluded by the United States with Norway, 24 May 1924 (*League of Nations Treaty Series*, vol. 26, p. 44), Denmark, 29 May 1924 (*idem*, vol. 27, p. 361), Italy, 3 June 1924 (*U.S. Treaty Series*, no. 702), France, 30 June 1924 (*League of Nations Treaty Series*, vol. 61, p. 415). Belgium, 9 December 1925 (*idem*, vol. 72, p. 171), Spain, 10 February 1926 (*idem*, vol. 67, p. 131), Greece, 25 April 1928 (*idem*, vol. 91, p. 231), Chile, 27 May 1930 (*idem*, vol. 133, p. 141), Poland, 19 June 1930 (*idem*, vol. 108, p. 323).

20. Union of Soviet Socialist Republics — United Kingdom

- (a) AGREEMENT FOR THE REGULATION OF THE FISHERIES IN WATERS CONTIGUOUS TO THE NORTHERN COASTS OF THE TERRITORY OF THE UNION OF SOVIET SOCIALIST REPUBLICS, 22 MAY 1930. "LEAGUE OF NATIONS TREATY SERIES", VOL. 102, P. 103

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics, being mutually desirous to conclude as soon as possible a formal Convention for the regulation of the fisheries in waters contiguous to the northern coasts of the territory of the Union of Soviet Socialist Republics, have meanwhile decided to conclude the following temporary Agreement to serve as a *modus vivendi* pending the conclusion of a formal Convention:

Article 1. (1) The Government of the Union of Soviet Socialist Republics agree that fishing boats registered at the ports of the United Kingdom may fish at a distance of from three to twelve geographical miles from low water mark along the northern coasts of the Union of Soviet Socialist Republics and the islands dependent thereon, and will permit such boats to navigate and anchor in all waters contiguous to the northern coasts of the Union of Soviet Socialist Republics.

(2) As regards bays, the distance of three miles shall be measured from a straight line drawn across the bay in the part nearest the entrance, at the first point where the width does not exceed ten miles.

(3) As regards the White Sea, fishing operations by fishing boats registered at the ports of the United Kingdom may be carried on to the north of latitude 68° 10' north, outside a distance of three miles from the land.

(4) The waters to which this temporary Agreement applies shall be those lying between the meridians of 32° and 48° of east longitude.

Article 2. Nothing in this temporary Agreement shall be deemed to prejudice the views held by either contracting Government as to the limits in international law of territorial waters.

21. United Kingdom — United States of America

- (a) CONVENTION FOR THE PREVENTION OF SMUGGLING OF INTOXICATING LIQUORS, 23 JANUARY 1924. "U.S. TREATY SERIES", NO. 685; "TREATIES, CONVENTIONS, ETC., BETWEEN THE UNITED STATES OF AMERICA AND OTHER POWERS", VOL. 4, P. 4225; "LEAGUE OF NATIONS TREATY SERIES", VOL. 27, P. 182

Article I. The high contracting parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters.

Article II. (1) His Britannic Majesty agrees that he will raise no objection to the boarding of private vessels under the British flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board

are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be instituted:

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offence against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offence. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

Article III. No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board British vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

Article IV. Any claim by a British vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by article II of this Treaty or on the ground that it has not been given the benefit of article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Claims Commission established under the provisions of the Agreement for the Settlement of Outstanding Pecuniary Claims signed at Washington the 18th August, 1910, but the claim shall not, before submission to the tribunal, require to be included in a schedule of claims confirmed in the manner therein provided.

Note. Provisions similar to articles 1 and 2 of this Convention are contained in Conventions concluded by the United States with Germany, 19 May 1924, (*League of Nations Treaty Series*, vol. 41, p. 271), Panama, 6 June 1924 (*idem*, vol. 138, p. 397; modified, 14 March 1932, *idem*, vol. 138, p. 407), Netherlands, 21 August 1924 (*idem*, vol. 33, p. 434), Cuba, 4 March 1926 (*idem*, vol. 61, p. 369), and Japan, 31 May 1928 (*idem*, vol. 101, p. 63).