

Chapter III

LEGAL REGIME CONCERNING WARSHIPS IN THE TERRITORIAL SEA

Belgique

RÈGLEMENT DU 30 DÉCEMBRE 1923 CONCERNANT L'ADMISSION DES BÂTIMENTS DE GUERRE ÉTRANGERS DANS LES EAUX ET PORTS DU ROYAUME, ¹ MODIFIÉ PAR ARRÊTÉ ROYAL DU 28 OCTOBRE 1936 ²

Dispositions générales relatives au temps de paix

Article 1^{er}. Le terme « bâtiment de guerre » doit être considéré comme s'appliquant non seulement à tous les bâtiments de guerre désignés comme tels au sens admis de ce terme, mais également aux navires auxiliaires de toutes sortes.

Article 2. En temps de paix, les bâtiments de guerre appartenant à des Puissances étrangères reconnues par la Belgique peuvent entrer librement dans les ports belges de la mer du Nord et mouiller dans la partie des eaux territoriales situées à moins de trois milles marins de la côte, pourvu que le nombre de ces bâtiments portant le même pavillon, en y comprenant ceux qui se trouveraient déjà dans cette zone ou dans un port, ne soit pas supérieur à trois.

Sauf dans les cas prévus à l'article 5, les visites doivent toujours être précédées d'une notification. Cette notification doit être transmise par la voie diplomatique habituelle, de façon à parvenir, si les circonstances le permettent, au moins sept jours avant la date de la visite projetée.

Article 3. Les bâtiments de guerre étrangers ne peuvent entrer dans les eaux belges de l'Escaut, mouiller en rade d'Anvers, ou pénétrer dans les eaux intérieures du Royaume sans avoir obtenu l'autorisation du Ministre des affaires étrangères.

Si elle n'a pas été obtenue préalablement par la voie diplomatique, cette autorisation sera demandée par l'entremise du service du pilotage belge des bouches de l'Escaut, qui transmettra la décision au commandant du navire.

Article 4. Les bâtiments de guerre étrangers, à moins d'une autorisation spéciale du Gouvernement, ne peuvent séjourner pendant plus de quinze jours dans les eaux territoriales et ports belges.

Article 5. La défense de faire entrer ou mouiller librement plus de trois bâtiments de guerre portant le même pavillon dans la zone fixée par l'article

¹ *British and Foreign State Papers*, 1923, vol. CXVIII, p. 43 et suiv.

² *Moniteur belge* du 8 janvier 1937, p. 110.

2, ainsi que les dispositions de l'article 3 et du § 1^{er} de l'article 4, ne s'appliquent pas:

1) Aux bâtiments de guerre dont l'admission a été autorisée par la voie diplomatique;

2) Aux navires à bord desquels se trouve soit un chef d'Etat, soit un prince d'une dynastie régnante, soit un agent diplomatique accrédité auprès du Roi ou du Gouvernement;

3) Aux bâtiments de guerre qui sont contraints de relâcher pour cause d'avaries, de gros temps ou autres causes de force majeure;

4) Aux navires chargés de la surveillance des pêcheries de la mer du Nord, conformément à la Convention des pêcheries de la mer du Nord. Ces gardépêche sont tenus d'exhiber, à l'approche des eaux territoriales, le signe distinctif qui leur a été attribué par la Convention internationale.

Article 6. Les bâtiments de guerre étrangers ne sont pas soumis à l'obligation de prendre un pilote pour naviguer dans les eaux belges, mais ils doivent se conformer à tous autres règlements relatifs au mouillage et à la navigation dans les eaux belges.

Il est interdit aux bâtiments de guerre étrangers, se trouvant dans les eaux belges, de faire des relevés de terrains, des sondages, des exercices de débarquement ou de tir, ainsi que de faire, sans autorisation, aucun travail sous-marin exécuté avec ou sans scaphandrier.

Les sous-marins étrangers ne pourront, en aucun cas, s'immerger dans les eaux territoriales ou entrer immergés dans les eaux territoriales.

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Les embarcations qui circuleront dans les ports et les eaux territoriales ne pourront être armées.

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Aucun bâtiment de guerre étranger ne pourra mettre à exécution une sentence de mort dans les eaux territoriales.

Article 7. Les commandants de bâtiments de guerre étrangers sont tenus d'observer les lois et les règlements concernant la police, la santé publique et les impôts et taxes, à moins d'exceptions établies par des conventions particulières ou par des usages internationaux.

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Article 9. Dans le cas où un bâtiment de guerre étranger ne se conformerait pas aux règles édictées par le présent arrêté, l'administration de la marine ou l'autorité militaire locale attirera d'abord l'attention de l'officier commandant sur la contravention commise et l'invitera formellement à observer les règlements.

Si cette dernière démarche échoue l'autorité militaire territoriale pourra inviter le bâtiment de guerre étranger à quitter immédiatement le port ou les eaux territoriales.

Dispositions diverses

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Article 11. Les dispositions qui précèdent ne s'appliquent pas en temps de guerre ou de mobilisation, ou lorsque la crainte d'une guerre, le respect

de la neutralité, ou toute autre considération dont le Gouvernement belge sera seul juge, l'obligerait d'en suspendre les effets.

Note. Voir également le Règlement relatif aux pavillons, honneurs et visites en usage dans la marine belge, modifié par l'arrêté royal du 12 mai 1938 (*Moniteur belge*, 30 juin 1938, p. 3687).

Brazil

REGULATIONS GOVERNING VISITS BY FOREIGN WARSHIPS TO BRAZILIAN PORTS AND TERRITORIAL WATERS IN TIME OF PEACE, ANNEXED TO DECREE N° 24063 OF 29 MARCH 1934¹

Article 1. Visits by foreign warships to ports or the territorial waters of the United States of Brazil in time of peace shall be regarded as:

- (1) Official; or
- (2) Non-official.

A visit shall be considered official if specifically designated as such by the foreign Government concerned in the relevant communication addressed to the Brazilian Government through the diplomatic channel, or if made at the invitation of the Brazilian Government. Such a visit shall be governed by an official programme in which all matters relating to the entry, stay and departure of the visiting ships with regard to Brazilian waters shall be set out in detail.

A visit shall be considered non-official if not specifically designated as official in the relevant communication addressed by the foreign Government concerned to the Brazilian Government. Such a visit shall involve only the exchange of salutes required by international maritime ceremonial and the protocol visits.

(1) A warship putting in at a Brazilian port by reason of *force majeure* shall not be considered to be visiting unless the accredited diplomatic mission in Brazil of the country to which the ship belongs declares in a regular communication that the ship is on a non-official visit. In any event, the international maritime ceremonial shall be observed and the official protocol visits exchanged, and any visits made by the commanding officer of the foreign ship shall be reciprocated.

(2) If a foreign warship which is en route to another country and has on board a foreign chief of State or his representatives puts in at a Brazilian port, the Brazilian Government, on being notified of these circumstances through the diplomatic channel, shall arrange for such courtesies to be paid to the visitors as the unexpected nature of the visit permits.

Article 2. Advance notice of a non-official visit shall be given to the Brazilian Government by the State to which the visiting ships belong and shall specify the calls which the ships propose to make at Brazilian ports.

(1) The notice shall be given not less than seven days before the date of arrival of the ships at the first Brazilian port, and shall specify:

- (a) The number of visiting warships;
- (b) The name and class of each ship;

¹ *Diário Oficial*, 5 April 1934, p. 6461. Translation by the Secretariat of the United Nations.

(c) The name and rank of the commanding officer of each ship, if possible;

(d) The probable dates of arrival and departure of the ships in the case of each Brazilian port;

(e) The number and types of the aircraft, if any, carried on board.

(2) If aircraft intended to carry out flights over the Brazilian land domain and territorial waters are carried on board, the notice shall state this fact and also specify:

1. The purpose, the points of departure and arrival and the route of the flight in Brazilian territory;

2. The number, type and identification marks of the aircraft;

3. The points in Brazilian territory at which the aircraft desire to land;

4. The number and ranks of the crew members of each aircraft, including the name of the commanding officer.

(3) A request for authority to carry out a flight as aforesaid may also be made after the ships carrying the aircraft arrive in a Brazilian port, and in such case the procedure prescribed by article 12 of these regulations shall be observed.

(4) Notice shall not be required if:

(a) A foreign chief of State, a member of a ruling dynasty or an ambassador or special envoy to the Brazilian Government is travelling on board the visiting warship;

(b) The entry into a Brazilian port is due to damage, stress of weather or other emergency.

Article 3. Not more than three warships of the same nationality may be admitted to the same Brazilian port at one time; no warship so admitted may remain longer than three weeks, that is to say twenty-one days, in the same Brazilian port; and every warship shall wear its national flag from the time of its entry into Brazilian territorial waters.

(1) If one or more warships of any nationality whatsoever are compelled by damage or some other emergency to enter the same Brazilian port, no restriction shall be placed on their number until the emergency which compelled their entry has ceased, but the commanding officers of the ships so entering shall arrange for the necessary repairs to their ships to be effected immediately and with the greatest possible speed, having regard to the provisions of these regulations.

(2) Apart from the circumstances provided for in the preceding paragraph, no more than three warships of the same nationality may be admitted to the same Brazilian port or remain there beyond three weeks, that is to say twenty-one days, unless the Government of the country to which the visiting warships belong applies to the Brazilian Government, through the diplomatic channel, for a special authorization and specifies in the application the number of warships intending to enter the port and the intended duration of their stay.

(3) During their stay in Brazilian ports and territorial waters, foreign warships shall be subject to the present regulations and shall comply with the Brazilian sanitary and port regulations.

(4) In the event of an offence against the present regulations or the other regulations referred to in the preceding paragraph, the commanding officer of the Brazilian Navy most senior in rank or length of service who is present in the port or, if senior in rank or length of service to the aforesaid

commanding officer, the harbour-master of the Brazilian port at which the offence occurred shall draw the attention of the visiting party to the said offence. If the offender does not duly heed the officer who draws attention to the offence, that officer shall then bring the facts to the knowledge of the Ministry of Marine through the authority immediately superior to him and shall await instructions concerning the procedure to be adopted with respect to the offender.

Article 4. The entry, stay and departure of belligerent warships with regard to Brazilian ports and territorial waters shall not be subject to these regulations but shall be governed by special provisions.

Article 5. For the purposes of these regulations, the term "warship" means:

(a) A ship which is an actual combat unit of the armed forces of the nation whose flag it wears;

(b) An auxiliary ship which although not a combat ship, is intended exclusively for naval service, is a unit of the Navy, and is manned by a naval crew and under the command of officers and a commanding officer in the active service of the Navy of the nation to which it belongs;

(c) An auxiliary ship, which, although adapted to naval service, was not built exclusively for that purpose, is a unit of the Navy and is under the command of an officer of the Navy of the nation to which it belongs.

Sole paragraph. A ship which formerly belonged to the merchant marine but has been adapted for naval service shall, in respect of Brazilian ports and territorial waters, be regarded as a warship by the Brazilian Government only if the nation to which the ship belongs notifies the Brazilian Government of the ship's new status and declares that in such status the ship will be under the command of an officer of its Navy and will no longer engage in trading operations.

Article 6. A foreign warship which while in a Brazilian port engages in trading operations without being authorized to do so by the Brazilian Government shall forfeit the privileges which it would enjoy in the special status of a warship and shall be subject to all the obligations to which merchant ships are normally subject under the relevant regulations.

Article 7. In no case may a foreign submarine enter a Brazilian port or Brazilian territorial waters while submerged, nor may it submerge when in such a port or such waters.

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Article 12. Aircraft belonging to foreign warships present in Brazilian ports or territorial waters may not fly over Brazilian land or waters unless authorized to do so.

(1) For the purposes of these regulations, the term "aircraft" means any apparatus capable of rising and moving about in the air; the term "military aircraft" means any aircraft which, in addition, meets the specifications laid down by the military organization of the country to which it belongs and is commanded by a duly-qualified military flying officer.

(2) If a request for the authorization referred to in this article has not already been made in pursuance of article 2, paragraphs (2) and (3), of these regulations, it shall be addressed to the Ministry of Marine and shall contain the particulars called for in the aforesaid article 2, paragraph (2), items 1 to 4.

(3) Except in case of *force majeure*, the route taken by an aircraft may not be altered except under a new authorization issued in pursuance of a new request.

(4) Aircraft authorized to fly over the Brazilian land domain and territorial waters may not fly over or land in a prohibited area as designated in the relevant Brazilian regulations. Such areas shall be specified in the flight authorizations. In no case shall such aircraft act in contravention of the laws and regulations in force.

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Article 15. Foreign warships in Brazilian territorial waters, whether at sea or at their anchorages, may use wireless telegraphy equipment without special authorization on condition that the transmission is limited to frequencies below 125 Kc/s (2400 metres) or above 21,500 Kc/s (13.92 metres) and is effected only during the following hours:

Greenwich mean time: from 12 midnight to 1 a.m.; from 3 a.m. to 4 a.m.; from 8 p.m. to 9 p.m.; from 11 p.m. to 12 midnight.

Rio de Janeiro mean time: from 3 a.m. to 4 a.m.; from 6 a.m. to 7 a.m.; from 11 p.m. to 12 midnight; from 1 a.m. to 2 a.m.

Sole paragraph. Aircraft in the territorial air space and at sea may similarly use wireless equipment during the same hours and at the same frequencies.

Article 16. Special authorization shall be required for the use of wireless telegraphy equipment by foreign warships:

(a) When anchored or moored in Brazilian naval ports or ports of analogous status;

(b) At hours and frequencies other than those prescribed in the preceding article.

Similar authorization shall be required in the same circumstances for foreign military aircraft.

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Bulgaria

DECREE OF 10 OCTOBER 1951 CONCERNING THE TERRITORIAL AND INLAND WATERS OF THE PEOPLE'S REPUBLIC OF BULGARIA, SECTIONS 9-13 AND 15 (*supra*, CHAPTER II, SECTION A, UNDER BULGARIA (a))

Chile

POLITICAL CONSTITUTION OF 18 SEPTEMBER 1925¹

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Article 44. No decision may be taken, except pursuant to a statutory authorization:

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10. To allow the entry of foreign troops into the territory of the Republic, with a limitation on the duration of their stay therein.

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Note. See also: Customs Ordinance of 22 July 1953, article 31 (*supra*, Chapter II, Section A, under Chile (b)).

¹ Text of Code provided by the Permanent Mission of Chile to the United Nations. Translation by the Secretariat of the United Nations.

China

PROVISIONAL MEASURES GOVERNING THE ENTRY OF FOREIGN WARSHIPS INTO CHINESE TERRITORIAL SEA AND PORTS, AMENDED AND ADOPTED ON 19 OCTOBER 1946 ¹

Article 1. If a foreign warship intends to enter the Chinese territorial sea and ports, the embassy or legation of the country to which such warship belongs shall address a communication to the Ministry of Foreign Affairs at least ten days before the scheduled date of arrival, requesting the Ministry's permission and specifying the following particulars: type, name and designation of the unit to which the ship belongs; purpose of the visit; whether or not aircraft are carried; the place where the ship is expected to put in and anchor; probable date of arrival and duration of stay.

Article 2. If a foreign warship comes to China for the purpose of paying a visit, permission may be given if normal order has been restored in the place of proposed visit, and withheld if normal order has not yet been restored.

Article 3. Permission may be given to a foreign warship which comes to China on a mission of temporary nature, such as the removal of the resident nationals of the ship's country or the shipment and delivery of medical and relief supplies.

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Article 9. The Ministry of National Defence shall instruct all its subordinate authorities and request all local authorities concerned to see to it that, if owing to distress or damage a foreign warship is compelled to discontinue navigation, or puts in a Chinese port for want of provisions and fresh water in consequence of unforeseen circumstances, the said ship shall be permitted to enter the port in accordance with the principles of international law, and be asked to leave such port as soon as the reasons for its entry have been substantially removed. In this case, the local authorities concerned shall nevertheless keep the ship under surveillance and report to the superior authorities as prescribed.

Article 10. After permission has been granted to a foreign State to send a specified number of its warships to visit China for a specific mission, the Ministry of Foreign Affairs shall not admit any change in the purpose of the visit or increase in the number of the vessels involved, unless the change or increase is justified by special circumstances.

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Colombia

DECREE CONCERNING THE ADMISSION OF FOREIGN WARSHIPS INTO TERRITORIAL WATERS, 27 AUGUST 1859 ²

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Article 1. Maritime ports and waters and navigable rivers which touch the territory of more than one state, or which pass through the territory

¹ Text of Measures provided by the Permanent Mission of China to the United Nations. Translation by the Secretariat of the United Nations.

² Deák & Jessup, *Neutrality Laws, Regulations and Treaties*, vol. 1, p. 402.

of the Confederation to that of an adjacent nation, may not be occupied by warships or by vessels armed for war, whether such vessels belong to the government or to the authorities of a state, or to companies or individual persons; and the said ports and rivers shall not be used as the scene of military operations in conflicts which may arise between the states.

Article 2. The government, company or individual whose warships or vessels armed for war enter the above-mentioned ports and rivers contrary to the provisions of the preceding article; which cause said ports and rivers to become the scene of military operations; which capture or detain a merchant vessel as it enters, leaves or navigates these waters, and which in any way obstruct or impede free navigation, the freedom of foreign trade or of trade between the states, except in cases provided for by law, will be considered guilty of violating Article 15 of the constitution and Article 1 of the law of May 24, 1856; and the central government shall make use of the public forces in order to restore and maintain the freedom of navigation and of trade in said ports and rivers.

Costa Rica

DECREE No. XIV OF 23 FEBRUARY 1884, CONCERNING THE GOVERNMENT AND CONTROL OF PORTS ¹

Article 170. Warships and privateers belonging to nations friendly to the Republic which are engaged in an armed struggle and with regard to which it has declared itself neutral shall not be permitted to enter and remain in the ports of the Republic for more than forty-eight hours.

Article 171. In case of bad weather the period fixed in the foregoing article shall be prolonged until the danger has passed; and in cases in which the entrance has been occasioned by absolute lack of provisions or by damage, the departure shall not be obligatory until twenty-four hours after the process of supply or repairs has been concluded.

Article 172. The [quantity of] provisions which, in the circumstances described in the previous article, a warship or privateer shall be permitted to acquire, shall not exceed the quantity sufficient to reach the nearest port of its nation.

Article 173. Exemptions from the time allowances (*lapsos*) established by articles 170 and 171 shall be permitted only in case there are in the same port, river, roadstead or place of anchorage, one or more vessels which are enemies of the others anchored at the same place.

Article 174. In the circumstances described in the foregoing article, the harbor-master (*capitán del puerto*) shall notify the commandant of the warship or privateer which is to depart first that he may not hover in waters of the Republic and that he also will not be permitted to return to the place from which he sailed before [the expiration of] three days, except in case of bad weather or necessity for making repairs.

Article 175. Warships and privateers shall observe the following regulations within the territorial waters of the Republic:

¹ Deák and Jessup, *Neutrality Laws, Regulations and Treaties*, vol. I, pp. 440 *et seq.*

1. [They shall] keep the peace with all the ships anchored in the port, even with war vessels or privateers of their adversary;
2. [They shall] not increase their crews, nor engage recruits even among their own nationals.
3. [They shall] not increase the number of their guns nor replace them by others of larger caliber, nor take on portable arms or munitions of war.
4. [They shall] not obstruct in the ports or any other territorial waters of the Republic, the departure or entrance of their enemies nor solicit information concerning the latter, or vessels of their own nation, from neutrals.
5. [They shall] not put to sea in order to pursue any vessel signalled by the lookout of the port.
6. [They shall] not leave [any] port, roadstead, island or cape of the Republic, until twenty-four hours after the departure of any ship, even though the said ship be neutral.
7. [They shall not] make use of force or cunning to rescue prisoners from citizens who are in the place where such prisoners are located, or to liberate the prisoners of their nation.
8. [They shall not] sell the prizes they have taken nor take any step in that direction, so long as the proper courts of the Republic do not declare them good prizes.
9. [They shall not] signal with rockets, electric lights, or in any other manner, to ships of their nation which are outside Costa Rican waters in order to notify them of the sailing of their adversaries; this prohibition shall be extended to their consuls and their nationals resident in the locality.

Article 176. Notwithstanding the provisions of paragraphs 2 and 3 of article 175, and in recognition of the principle of exterritoriality, the vessels to which they refer shall be permitted, when placed alongside each other (*unidas de bordo*), to tranship from one to the other, the seamen, arms and munitions which they may need.

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Denmark

- (a) ORDER NO. 356 OF 25 JULY 1951 RESPECTING THE ADMISSION OF FOREIGN WARSHIPS AND MILITARY AIRCRAFT TO DANISH TERRITORY IN TIME OF PEACE¹

I. *General Provisions*

Article 1. Except as otherwise agreed with a foreign State, the following provisions respecting the admission of foreign warships and military aircraft to Danish territory shall apply in time of peace, by which is meant that both Denmark and the foreign State to which the vessel or aircraft belongs may be considered to be at peace.

Otherwise than in time of peace, the situation shall be governed by such provisions as may be called for.

The present provisions shall also apply to such vessels owned or used by a foreign State as are used as training or pleasure craft but do not wear a naval flag.

¹ *Lovtidende A*, 1951, pp. 959 *et seq.* Translation by the Secretariat of the Nations.

In connexion with joint defence exercises the Ministry of Defence shall, on each particular occasion and according to the nature and purpose of the exercises, make provisions respecting the admission to Danish territory of the foreign warships and military aircraft taking part in the exercises.

Article 2. For the purposes of this Order, the term "Danish territory" means the Danish land domain and Danish waters, together with the air space above the said domain and waters.

For the purposes of this Order, the term "Danish waters" means Danish territorial waters, consisting of inner and outer territorial waters.

Article 3. For the purposes of this Order, the term "Danish inner territorial waters" means Danish harbours, harbour entrances, roadsteads, bays and inlets and those parts of Danish territorial waters which are situated within and between Danish islands, islets and reefs (rock formations) not permanently covered by the sea; provided that in the Great Belt and the Sound, only Danish harbours, harbour entrances, roadsteads, bays and inlets and the areas in the Great Belt and the Sound specifically enumerated in the second paragraph of this article and in article 4 shall be deemed to be Danish inner territorial waters.

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II. *Provisions respecting the admission of foreign warships to Danish waters in time of peace*

Article 5. Foreign warships may pass through or remain in Danish waters, subject to the exceptions and limitations set out in the following articles.

Article 6. If the duration of the passage through or stay in Danish waters exceeds two whole days, prior notice through the diplomatic channel shall be required.

Such notice and the notice referred to in articles 7 and 8 should be given not less than eight days before the desired passage or stay is to take place.

Article 7. Foreign warships may pass through to remain in inner territorial waters and the Danish territorial waters in the Little Belt only if notice to that effect has been given in advance through the diplomatic channel.

In the case of fishery patrol ships which are owned by a State with which Denmark has concluded a fishery treaty and are engaged in supervising fishing in the waters adjacent to the Faroe Islands, a yearly notification through the diplomatic channel shall be sufficient for admission to Danish inner territorial waters in the Faroe Islands.

Article 8. A foreign warship may call at or pass through the ports and port areas of Frederikshavn and Elsinore or the port and roadstead of Copenhagen if permission to do so has been obtained in advance through the diplomatic channel or, where only passage through Hollaenderdyb and Drogden is concerned, if notice has been given in advance through the diplomatic channel.

Article 9. Notice and permission as referred to in articles 6, 7 and 8 shall not be required in the case of:

(a) Vessels which are owned by a State with which Denmark has concluded a fishery treaty and are engaged in supervising fishing, so far as

ports and anchorages on the west coast of Jutland and the port of the Scaw are concerned;

(b) Vessels in distress.

Article 10. The inner territorial waters specified in article 4 shall be closed to foreign warships, and permission to remain in or pass through them shall generally be given only for a vessel in distress.

Article 11. If more than three foreign warships of the same nationality intend to stay in Danish waters within the same naval command at the same time, or if the stay of foreign warships, in whatever number, in Danish waters is intended to continue beyond four days, permission shall be obtained in advance through the diplomatic channel.

Article 12. Foreign warships shall not, in Danish waters, be permitted to undertake surveying or to engage in military exercises such as artillery firing, the firing of rocket weapons or torpedoes, minelaying, minesweeping, the generating of artificial smoke or fog, exercises with armed vessels or the disembarkation of armed forces.

Foreign submarines in Danish waters shall navigate on the surface and fly the naval flag.

III. *Provisions respecting the admission of foreign military aircraft to Danish territory in time of peace*

Article 13. Foreign military aircraft shall not be admitted to Danish territory unless permission has previously been obtained through the diplomatic channel, except in the case of:

(a) Aircraft carried on board a warship staying in or passing through Danish waters;

(b) Aircraft in distress.

Cf. article 15, first to third paragraphs.

Article 14. If it is intended to undertake flights with aircraft carried on board a warship while the warship is staying in or passing through Danish waters, the permission referred to in article 13 shall be required and the application for such permission shall contain the particulars specified in article 16.

Article 15. The permission referred to in article 13 shall not for the time being be required in respect of the passage of foreign military aircraft without unnecessary delay through Danish outer territorial waters in the Great Belt or the Sound or the air space above the said waters.

Such aircraft shall, however, seek radio communication with the Copenhagen Air Traffic Control Centre—OYCH not later than immediately before their entry into Danish territory in the Great Belt or the Sound, and shall obey all the instructions given by the Centre in respect of the said passage.

In addition, such passage shall in the Great Belt take place along or above the centre-line of the outer territorial waters, and in the Sound at the greatest possible distance from the Danish coast.

The permission referred to in article 13 shall be required for passage through the Copenhagen roadstead, which is part of the inner territorial waters, or the air space above the said roadstead, and the application for such permission shall contain the particulars specified in article 16.

Article 17. In addition, foreign military aircraft in Danish territory shall do their utmost, even when in distress, to abide by regulations relating to areas declared closed to overflying or landing, and shall comply with all other regulations in force relating to the protection of the public and of aviation from danger and inconvenience (cf. articles 15 and 16).

Permanently-installed armament without ammunition and photographic apparatus without films or plates may be carried on board.

Foreign military aircraft shall not in Danish territory be permitted to engage in military exercises.

(b) LAW NO. 297 OF 1 SEPTEMBER 1939 PROHIBITING ENTRY OF BELLIGERENT WARSHIPS INTO DANISH HARBOURS OR TERRITORIAL WATERS¹

Article 1. Pursuant to the Royal Decree No. 209 of 31 May 1938² containing certain regulations relating to the entry of belligerent warships into Danish ports and territorial waters, belligerent warships and aircraft are forbidden, in accordance with Article 2, Section 4, of the said law, to enter Danish territory or territorial waters [as] in time of peace, in the following areas:

Isefjorden and the entrances thereto.

(Bounded on the north by the line Korshage–Spødsbjerg Fyr.)

Limfjorden and the entrances thereto.

(Bounded on the West by the line Tyrborøn Kirke–Aager Baake; on the east by the line Nordmands Hage–Egense Hage.)

The territorial waters of Smaaland together with the following entrances.

Agersøund and Omøund (bounded on the west by the line Korsør Kirke–Omø Fyr.)

The waters between Omø and Lolland (bounded on the west by the line Omø Fyr–Onse Vig Havu.)

Guldborgsund (bounded on the south by the line Hyllekrog Fyr–Gjedser Fyr.)

Grønsund (bounded on the east by the following lines: parallel through Hestehoved Fyr, meridian 12°14'5" E.)

Bøgestrømmen (bounded on the north-east by the following lines: parallel through Roneklint Bagfyr, meridian through Ulvshale Nordpynt.)

Als Sund

(Bounded on the south by the line Klinting Hoved north of Vemmingbund.)

Als Fjord

(Bounded on the north by the line Nordborg Fyr–Varnaes Hoved.)

Waters south to Fyen at the following entrances.

Waters between Langeland and Fyen (bounded on the north by the line Hov Fyr.)

Waters between Langeland and Aerø (bounded on the south-west by the lines of Ristinge Kirkelatitude and a meridian through Marstal Kirke.)

Waters between Aerø and Lyø and the waters between Lykand Fyen (bounded on the west by the line Skjöldnaes Fyr–Horenaes.)

¹ Deák and Jessup, *A Collection of Neutrality Laws, Regulations and Treaties*, Denmark, p. 537 (4).

² See *infra*, Chapter V, under Denmark.

- (c) LAW No. 298 OF 2 SEPTEMBER 1939 PROHIBITING DANISH SUBJECTS TO TAKE SERVICE ON BELLIGERENT VESSELS ¹

Article 2. Pilots licensed under Danish law shall be bound by the provisions of Royal Decree No. 209, of 31 May 1938,² with respect to conducting of belligerent vessels through Danish territorial waters under the provisions of said act relating to the pilotage of such vessels.

The usual Danish pilotage, sanitary, revenue, harbor, traffic and police regulations are made applicable to such conditions.

Dominican Republic

HARBOUR AND COASTAL POLICE ACT No. 3003 OF 1951, ARTICLE 4 (*supra*, CHAPTER II, SECTION A, UNDER DOMINICAN REPUBLIC (c))

Ecuador

MARITIME POLICE CODE, PROMULGATED BY DECREE No. 765 OF 9 APRIL 1944, ARTICLE 392 (*supra*, CHAPTER II, SECTION A, UNDER ECUADOR)

El Salvador

NAVIGATION AND MARITIME ACT OF 27 OCTOBER 1933, ARTICLES 217, 241 (*supra*, CHAPTER II, SECTION A, UNDER EL SALVADOR (a)).

France

- (a) DÉCRET DU 21 MAI 1913 PORTANT RÈGLEMENT, POUR LE TEMPS DE PAIX, DES VISITES DES BÂTIMENTS DE GUERRE ÉTRANGERS DANS LES MOUILLAGES ET PORTS DU LITTORAL FRANÇAIS ET DES PAYS DE PROTECTORAT ³

Article 1^{er}. Le terme « bâtiment de guerre » doit être considéré comme s'appliquant non seulement à tous les bâtiments désignés comme tels au sens admis de ce terme, mais également aux navires auxiliaires de toutes sortes.

Article 2. Pour l'application du présent règlement:

1) Le littoral métropolitain est réparti en secteurs dont les limites sont les suivantes:

Secteur de la Manche: de la frontière belge à la pointe de Primel;

Secteur de l'Atlantique: de la pointe de Primel à la frontière espagnole;

Secteur de la Méditerranée: de la frontière espagnole à la frontière italienne (la Corse est comprise dans ce secteur).

2) La Tunisie, l'Algérie et le protectorat marocain forment un secteur unique.

Article 3. En temps de paix, les bâtiments de guerre étrangers sont autorisés d'une manière permanente à visiter les ports français et des pays de protectorat, à mouiller dans les eaux territoriales à une distance inférieure

¹ Deák and Jessup, *A Collection of Neutrality Laws, Regulations and Treaties*, Denmark, p. 537 (1).

² See *infra*, Chapter V, under Denmark.

³ *British and Foreign State Papers*, vol. 107, p. 765 et suiv.

à 6 milles de la laisse de basse mer, sous la réserve que le nombre de ces bâtiments, portant le même pavillon, ne soit pas supérieur à trois par secteur.

Il sera tenu compte des bâtiments qui se trouveraient déjà dans un secteur pour la détermination du nombre des bâtiments pouvant y être simultanément admis.

La notification d'une visite en projet doit, toutefois, être toujours transmise par la voie diplomatique habituelle, de façon à parvenir, si les circonstances le permettent, au moins sept jours avant la date de la visite projetée.

Les bâtiments de guerre étrangers ne peuvent séjourner pendant plus de quinze jours dans les ports et eaux territoriales. Ils sont tenus de prendre le large dans les six heures s'ils y sont invités par les autorités maritimes ou par les commandants d'armes, même dans le cas où le terme fixé pour leur séjour ne serait pas expiré.

Article 4. Une autorisation spéciale du Gouvernement de la République, obtenue par la voie diplomatique habituelle, est nécessaire tant pour la prolongation de la durée de séjour que pour l'admission d'un nombre de navires supérieur à celui spécifié à l'article 3.

Article 5. Les prescriptions des articles 3 et 4 ne concernent pas:

a) Les bâtiments de guerre et navires à bord desquels sont embarqués des chefs d'États, des membres de dynasties régnantes ou leurs suites, des agents diplomatiques accrédités auprès du Gouvernement de la République;

b) Les bâtiments de guerre qui sont contraints de relâcher pour cause d'avaries, de gros temps ou autres causes imprévues;

c) Les navires chargés de la surveillance des pêcheries conformément aux Conventions relatives à ces pêcheries.

Article 8. Les bâtiments de guerre étrangers qui relâchent dans un port ou dans les eaux territoriales sont tenus de respecter les lois fiscales et les lois et règlement sur la police sanitaire.

Ils sont tenus également de déférer à tous les règlements du port, règlements auxquels sont assujettis les bâtiments de la marine nationale.

Dans ce but, l'autorité maritime locale fournira au commandant toutes les informations nécessaires sur les règlements du port.

Il est interdit aux bâtiments de guerre étrangers se trouvant dans les eaux territoriales de faire des relevés de terrain et des sondages, ou d'y faire, sans en avoir obtenu l'autorisation, des exercices de débarquement ou de tir.

Aucun travail sous-marin, exécuté avec ou sans scaphandrier, ne pourra être effectué sans que l'autorité maritime en ait été avisée préalablement.

Les hommes de l'équipage et les hommes de troupe devront être sans armes lorsqu'ils descendront à terre. Les officiers et les sous-officiers pourront porter les armes blanches qui font partie de leur uniforme.

Le nombre des permissionnaires qui pourront descendre à terre, les heures de descente et de rentrée à bord seront fixés par entente avec l'autorité civile locale et le commandant d'armes.

Les embarcations qui circuleront dans les ports et les eaux territoriales ne pourront être armées.

Aucun bâtiment de guerre étranger ne pourra mettre à exécution une sentence de mort dans les eaux territoriales.

Si des honneurs funèbres doivent être rendus à terre et que le commandant désire faire accompagner le cortège par un détachement en armes, il devra en demander l'autorisation au commandant d'armes.

Article 9. Les conditions d'accès et de séjour des bâtiments de guerre étrangers belligérants demeurent réglées conformément aux prescriptions du décret du 18 octobre 1912, tout en restant subordonnées aux formalités de la notification ou de l'autorisation préalables, spécifiées aux articles 3 et 4 du présent décret, hors les cas de force majeure prévus au paragraphe *b* de l'article 5.

Article 10. Dans le cas où un bâtiment de guerre étranger ne se conformerait pas aux règles édictées par le présent décret, l'autorité maritime ou militaire locale attirera d'abord l'attention de l'officier commandant sur la contravention commise et l'invitera formellement à observer les règlements.

Si cette démarche échoue, l'autorité qualifiée, préfet maritime, commandant de la marine ou commandant d'armes, pourra inviter le bâtiment de guerre étranger à quitter immédiatement le port où les eaux territoriales.

- (*b*) DÉCRET DU 29 SEPTEMBRE 1929 PORTANT RÈGLEMENT, POUR LE TEMPS DE PAIX, DES CONDITIONS D'ACCÈS ET DE SÉJOUR DES BÂTIMENTS DE GUERRE ÉTRANGERS DANS LES MOUILLAGES ET PORTS DU LITTORAL DE LA FRANCE ET DES PAYS PLACÉS SOUS LE PROTECTORAT OU LE MANDAT FRANÇAIS ¹

Article 1^{er}. — Sous réserve des dispositions du présent décret, les bâtiments de guerre des puissances étrangères en paix avec la France sont, à titre permanent, admis à mouiller dans les ports compris dans les secteurs maritimes ci-après déterminés, ainsi que dans les eaux territoriales à moins de six milles de la laisse de basse mer :

a) Littoral de la France :

Secteur de la Manche, comprenant le littoral depuis la frontière de Belgique jusqu'à Brest ;

Secteur de l'océan Atlantique, comprenant le littoral, inclus les îles, depuis Brest jusqu'à la frontière d'Espagne ;

Secteur de la Méditerranée, comprenant le littoral, inclus les îles et la Corse, depuis la frontière d'Espagne jusqu'à la frontière d'Italie ;

b) Secteur de l'Afrique du Nord, comprenant le littoral de l'Algérie et de la Tunisie, ainsi que du Maroc, tant sur la Méditerranée que sur l'océan Atlantique, la zone espagnole et celle de Tanger non comprise ;

c) Secteur du Levant comprenant le littoral des territoires de la Syrie et du Grand-Liban, placés sous le mandat de la France.

Dans un même secteur, le nombre des bâtiments de guerre étrangers de même pavillon ne pourra, à moins d'une autorisation spéciale, être supérieure à trois.

Article 3. — Toute visite d'un bâtiment de guerre étranger dans les eaux ou ports compris dans un des secteurs maritimes spécifiés à l'article 1^{er} devra avoir été notifiée, par la voie diplomatique, au ministre des affaires étrangères, à Paris, au moins sept jours avant l'arrivée du bâtiment en visite, sauf les cas de force majeure.

La notification mentionnera si le bâtiment en visite est porteur d'aéronefs.

¹ *Journal officiel* n° 230 du 1^{er} octobre 1929, p. 11123.

Article 4. — Les sous-marins ne pourront pénétrer dans les eaux territoriales qu'en surface. Il leur est interdit d'y effectuer des plongées.

Article 5. — Les dispositions du présent décret ne sont applicables aux aéronefs militaires ou navals que s'ils sont portés ou remorqués par un bâtiment de guerre; ces aéronefs ne doivent pas quitter les eaux territoriales par la voie des airs sans avoir obtenu l'autorisation de l'autorité navale compétente.

Article 6. — Les bâtiments de guerre étrangers de même pavillon ne peuvent, à moins d'une autorisation spéciale du Gouvernement de la République, séjourner plus de quinze jours dans un des secteurs spécifiés à l'article 1^{er}.

Ils sont tenus de prendre le large dans les six heures qui suivent toute invitation qui leur serait adressée à cette fin par les autorités navales militaires ou civiles compétentes.

Article 7. — Les dispositions des articles 1^{er} et 6 ne sont pas applicables aux bâtiments de guerre étrangers ci-après :

a) Bâtiments à bord desquels sont embarqués des chefs d'Etat, des membres de dynasties régnantes ou leurs suites, ou des agents diplomatiques accrédités auprès du Gouvernement de la République;

b) Bâtiments en relâche forcée pour cause d'avaries, gros temps ou autres cas de force majeure;

c) Bâtiments garde-pêche agissant en conformité des conventions internationales relatives à la pêche.

. . .

Article 10. — Dans les eaux territoriales et ports des différents secteurs spécifiés à l'article 1^{er}, les bâtiments de guerre étrangers sont tenus de s'abstenir de faire des relevés ou sondages et de procéder, à moins d'autorisation spéciale, à tous exercices militaires (corps de débarquement, tirs, lancements de torpilles, mouillages de mines, etc.).

Ils doivent respecter les lois fiscales françaises et se conformer aux mesures de police sanitaire ainsi qu'aux règlements de port auxquels sont assujettis les bâtiments de la marine nationale et dont il appartiendra à l'autorité visée à l'article 8 de les informer.

. . .

Article 11. — Aucun bâtiment de guerre étranger admis dans les ports et eaux territoriales des secteurs visés à l'article 1^{er} ne pourra y mettre à exécution une sentence de mort.

Article 12. — En cas de guerre entre des puissances étrangères, la France étant neutre, les conditions d'accès et de séjour des bâtiments de guerre belligérants sont réglés par les prescriptions des décrets des 18 et 26 octobre 1912; toutefois les formalités de notification ou d'autorisation préalables prévues dans les articles 3 et 10 du présent décret sont applicables.

Article 13. — Dans le cas où un bâtiment de guerre étranger ne se conformerait pas aux prescriptions du présent décret, l'autorité navale ou militaire locale devra tout d'abord attirer l'attention de l'officier commandant sur la contravention commise et l'inviter à observer ou faire observer lesdites prescriptions. Si cette démarche reste sans résultat, ladite autorité pourra inviter le bâtiment à reprendre la mer dans les conditions prévues à l'article 6, alinéa 2.

. . .

(c) RÉGLEMENTATION DU SÉJOUR DES BÂTIMENTS DE GUERRE ÉTRANGERS
DANS LES PORTS ET EAUX TERRITORIALES DES COLONIES, 1^{er} JUIN 1930 ¹

Article 1^{er}. — Sous réserve des dispositions du présent décret, les bâtiments de guerre des puissances étrangères en paix avec la France sont, à titre permanent, admis à mouiller dans les ports compris dans les secteurs maritimes ci-après déterminés, ainsi que dans les eaux territoriales à moins de six milles de la laisse de basse-mer, du littoral des colonies, pays de protectorat et territoires sous mandat de la France relevant du ministère des colonies :

- a) Secteur de l'Indochine et des Etablissements français de l'Inde;
- b) Secteur de Madagascar, dépendances et îles rattachées et de la Réunion;
- c) Secteur de l'Afrique occidentale française et du Togo;
- d) Secteur de l'Afrique équatoriale française et du Cameroun;
- e) Secteur des Antilles et de la Guyane;
- f) Secteur de Saint-Pierre et Miquelon;
- g) Secteur des Etablissements français de l'Océanie;
- h) Secteur de la Nouvelle-Calédonie et dépendances;
- i) Secteur de la Côte française des Somalis.

Dans un même secteur, le nombre des bâtiments de guerre étrangers, de même pavillon, ne pourra, à moins d'une autorisation spéciale, être supérieur à trois pour les quatre premiers secteurs indiqués ci-dessus et à deux pour les cinq autres secteurs.

Article 3. — Toute visite d'un bâtiment de guerre étranger dans les eaux ou ports compris dans un des secteurs maritimes spécifiés à l'article 1^{er} devra avoir été notifiée par la voie diplomatique au ministère des affaires étrangères, à Paris, au moins quinze jours avant l'arrivée du bâtiment en visite, sauf les cas de force majeure.

La notification mentionnera si le bâtiment en visite est porteur d'aéronefs.

Le ministère des affaires étrangères avisera sans délai de cette notification le ministre des colonies chargé de prévenir de cette visite le gouverneur général, gouverneur ou commissaire de la République placé à la tête du territoire dont dépend le port ou les eaux territoriales visés.

Note. Les dispositions des articles 4-7, 10-13 de cette réglementation sont identiques à celles des articles correspondants du décret du 29 septembre 1929 mentionné plus haut (Chapitre III, France (b)).

Voir également: décret du 1^{er} octobre 1934, article 2 (*supra*, Chapitre II, Section A, France (a)) ainsi que le Code des douanes du 8 décembre 1948, articles 63 et 276 (*supra*, Chapitre II, Section A, France (c)).

Germany (Federal Republic)

REGULATIONS ² OF 1 AUGUST 1925 FOR THE ADMISSION AND TREATMENT OF
FOREIGN WARSHIPS ³ IN GERMAN COASTAL PORTS AND WATERS

Article 1. Warships of foreign powers require no special authorization to enter fortified or unfortified German ports and estuaries. Due notice of

¹ *Ibid.*, n° 134 du 6 juin 1930, p. 6280.

² *Reichsministerialblatt*, 53, No. 47, 11 September 1925. Translation by the Secretariat of the United Nations.

³ The term "warships" in the following regulations includes all foreign vessels, auxiliary vessels and transport vessels entitled to fly the naval ensign.

the impending visit through the diplomatic channel is, however, required.¹

Failing such notice, foreign warships may not cross the outer fortification line or remain in roadsteads, ports or estuaries, except in the cases specified in article 2.

For the use of the Kaiser Wilhelm Canal, see article 3.

The number of warships belonging to a single foreign State, which may remain in a fortified or unfortified port, etc., at one and the same time is normally limited to three. Visits may not exceed a period of fourteen days. Authorization for exceptions must be obtained through the diplomatic channel.

Submarines may not pass through German territorial waters submerged.

Article 2. The foregoing provisions do not apply to:

(a) Ships on which chiefs of States, members of ruling dynasties or diplomatic representatives accredited to the German Reich are carried;

(b) Ships which are forced to put into German ports for urgent navigational reasons;

(c) Vessels engaged in fisheries control under the terms of the North Sea Fisheries Convention and whose names have been communicated to the German Government through the diplomatic channel.

Article 3. Foreign warships may pass through the Kaiser Wilhelm Canal without special authorization. Due advance notice through the diplomatic channel is, however, expected as an act of international courtesy.

. . .

Article 6. Foreign warships are not required to take on a pilot in entering roadsteads and berths. Within the fortification line or boundary of a German port they are, however, subject to the police regulations of that port.

In the event of a foreign warship infringing the port police regulations, the matter shall be brought to the attention of the ship's command, and the need for strict compliance with these regulations emphasized. If this action has no effect, the foreign warship may be called upon to leave the port immediately.

. . .

A request to leave the port immediately shall also be made, if, without being obliged to do so for urgent navigational reasons, a foreign warship or squadron continues on its course or prolongs its stay after being notified by an officer on the instructions of the German shore commander that permission cannot be granted to cross the fortification line or harbour boundary or to remain further in the port or roadstead.

Article 8. In ports in which a naval unit is stationed or a naval administration office is located, the senior naval commander shall despatch an officer to greet incoming foreign warships. In unfortified ports, the port captain or harbour master is entitled to accompany the officer sent to pay the call.

The officer shall officially notify the commander of the foreign vessel whether it may enter the roadstead or harbour and the length of time it may remain there. He or the port captain or harbour master accompanying him

¹ If the foreign warships are carrying aircraft on board, the notice must contain an indication to this effect.

shall assign an anchorage or berth to the commander of the incoming vessel or squadron and shall notify him of the relevant provisions of port police regulations. The officer shall also ascertain the name and rank of the ship or squadron commander, the name of the ship, its port of departure, the purpose of the visit, the length of stay intended and the state of health of the crew. If the foreign ship's commander notifies the welcoming officer of his intention to remain in the roadstead or to enter the port, the latter shall offer to escort an officer who will be sent to report to the German naval commander of the port.

. . .

Article 10. If, as an exception, a foreign warship enters a port at night, an officer to welcome it shall be despatched only on the following morning, but as soon as possible after the colours are hoisted. The ship may then anchor where it wishes or, if it has taken on a pilot, in accordance with his instructions; it must, however, change the anchorage as soon as it is asked to do so.

Article 11. If the officer despatched to greet a foreign warship, which arrives by day, boards the vessel only when it is already anchored or moored, the prescribed greetings, notifications and inquiries shall, nevertheless, also be made and the anchorage chosen approved retrospectively or a different anchorage assigned.

. . .

Guatemala

DECREE No. 2393 OF 17 JUNE 1940¹

. . .

Article 1. Belligerent submarines may not enter or remain in the harbours, roadsteads or territorial waters of the Republic.

The aforesaid territorial waters shall be deemed to include the expanse of the sea extending for twelve nautical miles from the coast and measured from the low-water mark. The historic bay of Amatique shall be deemed to be included in the territorial waters of the Republic.

. . .

Honduras

DECREE No. 191 OF 9 APRIL 1935, ARTICLES 54-60, 63, 65-68
(*supra*, CHAPTER II, SECTION A UNDER HONDURAS (*b*))

Iran

LOI DU 24 TIR 1313 (19 JUILLET 1934) RELATIVE À LA LIMITE DES EAUX
TERRITORIALES ET À LA ZONE DE SUPERVISION ET DE CONTRÔLE,
ARTICLES 4-8 (*supra*, CHAPITRE I, IRAN (*a*))

¹ Text of Decree provided by the Permanent Mission of Guatemala to the United Nations. Translation by the Secretariat of the United Nations.

Italy

(a) ROYAL DECREE No. 2423 OF 24 AUGUST 1933¹

Rules governing the grant of permission to foreign warships in time of peace to anchor in the ports and anchorages of the Kingdom, the Aegean possessions and the colonies.

Article 1. This Decree concerns the arrival in time of peace of warships belonging to non-belligerent States in national ports and anchorages and the ports and anchorages situated in the Aegean possessions and the colonies.

Article 2. By "warships" is meant not only every vessel designated as such in the accepted sense of the term, but also every vessel of any kind whatsoever flying a war flag and assigned to the service of a State.

Article 3. Foreign warships are always authorized in time of peace to visit national ports and the ports situated in the Aegean possessions and the colonies and to anchor in territorial waters within six miles of the low-water line on condition that the number of vessels belonging to one and the same State does not exceed three in any sector into which the coasts of the Kingdom, the Aegean possessions and the colonies are divided for the purposes of this Decree.

Notice that such a visit is contemplated shall, however, be given in every case through the customary diplomatic channel so that, circumstances permitting, the said notice will be received not less than seven days before the contemplated visit begins.

The vessels aforesaid shall not remain in port or in the territorial waters longer than eight days. They shall in any case put to sea within six hours of receiving notice on being invited by the maritime authority to leave even if the duration of the stay as above mentioned has not been completed.

In the event of the arrival of a foreign naval force, the number of vessels comprising which exceeds that specified in the first paragraph of this article, the maritime authority shall forthwith bring the aforesaid provisions to the attention of the officer in command of such forces in order that he may remove such vessels as exceed the prescribed number.

Article 4. The limits laid down in the preceding article with regard to the maximum number of foreign warships and length of stay shall not be exceeded except in a case of enforced stay subject nevertheless to formal permission to be requested from His Majesty's Government through the diplomatic channel.

Article 5. The provisions of the preceding articles shall not apply to:

(a) Warships on which heads of States, members of reigning dynasties and their suite, or diplomatic agents accredited to His Majesty's Government are present;

(b) Warships compelled by damage, bad weather or any other unforeseen cause to put into port;

(c) Warships engaged in patrol operations in waters where such operations are permitted by His Majesty's Government in accordance with agreements.

¹ *Gazzetta Ufficiale*, 22 May 1934, no. 120. Translation by the Secretariat of the United Nations.

Article 6. For the purposes of this Decree, the coasts of the Kingdom, the Aegean possessions and the colonies shall be divided into seven sectors as follows:

- (1) Adriatic sector, from the frontier to Santa Maria di Leuca, including Zara and the Adriatic islands belonging to Italy;
- (2) Ionian sector, from Santa Maria di Leuca to Scilla on the peninsula, and from Capo Peloro towards the eastern and southern coasts of Sicily up to Capo Lilibeo;
- (3) Tyrrhenian sector, from the frontier to Capo Peloro and Scilla with the northern coast of Sicily up to Capo Lilibeo and with all the Tyrrhenian and Sicilian Italian islands;
- (4) Aegean sector;
- (5) Sector comprising Tripolitania and Cyrenaica;
- (6) Sector comprising Eritrea;
- (7) Sector comprising Somaliland.

Article 7. A foreign warship entering a port or roadstead that is situated in the Kingdom, an Aegean possession or a colony and is not a port area, coastal fortress or naval base or the seat of a naval command shall be assigned an anchorage by the maritime authority.

If the vessel is already anchored, the authority may permit it to remain where it is or, if of the opinion that the vessel impedes navigation or the services of the port, may assign another anchorage.

The maritime or port officer responsible for the formalities customarily exercised by the naval or port authority shall, after the sanitary regulations have been complied with, deliver to the officer in command of the vessel a copy of the attached model bill of health setting forth the particulars requested and receiving it back duly completed and signed. He shall also deliver to the said officer for his information a copy of the present Decree.

If *pratique* is not given, the aforementioned official shall confine himself to delivering a copy of the Decree to the officer in command of the vessel or naval force, and the said officer shall, having due regard for such necessary precautions as may be prescribed, send a medical officer or other representative to the local health office in order to furnish the information required to complete the bill of health and to be notified of the sanitary measures to which the vessel or vessels must submit.

Article 8. When proceeding to, or departing from, an anchorage within the limits of a port area, coastal fortress or naval base, a foreign warship shall, if so requested by the local naval authority, accept the guidance of an official or other representative duly despatched by the said authority, and shall comply with the instructions given by him as regards the course to be followed in entering and leaving the anchorage assigned. This service shall be free of charge and shall not entail any liability on the part of His Majesty's Government or any agency thereof for damages which the vessel may sustain, and it shall be entirely independent of any ordinary pilotage service that may be requested by the vessel itself through the prescribed signals or be offered by local pilots or, under special local conditions, be compulsory.

For the purposes of this article, the following shall be deemed to be port areas, coastal fortresses and naval bases:

Port areas: La Spezia, La Maddalena, Taranto, Brindisi, Venice and Pola;
Coastal fortresses: Messina;
Naval bases: Porto Lago (Lero), Tobruk.

A port area, coastal fortress or naval base as aforesaid and any foreign warship entering an anchorage situated therein shall, if the vessel is able to do so, exchange a gun salute.

The aforementioned obligation shall also apply to the anchorages of Naples, Zara, Tripoli and Massawa, and to any other anchorage of the State, an Aegean possession or a colony in which there is present a vessel of the Royal Navy able to return the salute.

In every port area, coastal fortress and naval base, the national flag shall be flown from eight o'clock in the morning until sundown. The national flag shall be temporarily flown outside the prescribed hours if its colours can be distinguished or a warship is in sight or in motion, and shall always be so flown when a warship in sight has its flag unfurled.

Article 9. Foreign warships may, in the interest of national defence, be prohibited from passing through or remaining in the territorial waters of such particular areas as may from time to time be designated.

Such prohibition, whether temporary or permanent, shall be made public through the means employed for the dissemination of hydrographic information relating to navigation. Semaphores, signal stations and national warships situated in the vicinity of such areas shall employ the international Code of Signals to communicate the said prohibition to foreign warships passing nearby.

Article 10. Foreign warships anchoring in a port or in territorial waters shall comply with customs, police and sanitary laws and regulations.

They shall also comply with all local regulations to which vessels of the Royal Navy are subject. To facilitate such compliance, the local maritime authority shall furnish the officer in charge of the foreign warships with all necessary information.

Article 11. Foreign warships and aircraft accompanying the same shall not, while they are present in the waters of a port area, coastal fortress or naval base of the Kingdom, an Aegean possession or a colony or in an anchorage situated in the vicinity thereof, make use of their wireless equipment unless permission to do so has been obtained from the officer in command of the said area, fortress, base or port, such permission being conditional upon communication to the said officer of particulars of the type of wireless system, the wave-length to be employed in transmission, and the hours during which the equipment is to be used.

Article 12. Foreign warships and aircraft accompanying the same shall, when present in any port of the Kingdom, an Aegean possession or a colony not adjacent to a port area, coastal fortress or naval base, comply with the following provisions:

(a) The 600-metre wave-length shall not be used for any kind of transmission other than distress signals or replies thereto;

(b) There shall be no interference with signals of national wireless stations, whether mobile or fixed, and no interference with or interruption of wireless broadcasts;

(c) Transmissions shall be suspended at the request of any naval authority, the port authority or any fixed national wireless station;

(d) Prolonged signalling with equipment that does not transmit with an unmodulated continuous wave shall be avoided;

(e) If any unit of the Royal Navy is in port, the officer in charge thereof shall be consulted beforehand.

Article 13. Foreign warships present in territorial waters shall not chart land areas or conduct sounding operations, and shall not, without authorization, engage in landing drills, firing practice, the launching of torpedoes or the laying of mines.

No work may be performed under water unless previous notice thereof is given to the maritime authority or a representative thereof.

Article 14. No aircraft carried on board, or escorted or towed by, a foreign warship shall fly over or rise above territorial waters without special authorization.

Article 15. Submarines permitted to anchor in a port shall remain on the surface for the entire duration of their stay and shall not, without authorization, engage in diving practice. They shall, upon arrival or departure and as long as they remain in territorial waters, proceed at all times on the surface.

Article 16. Foreign warships shall not land armed members of their crews, or of military units carried on board, for purposes of drill, patrol or guard duty or funerals or for any other reason unless authorization to do so has previously been requested of the local military authority or, if there is no such authority, of the port authority.

The number of persons permitted to go ashore and other details and also the hours for going ashore and returning on board shall be agreed upon between the officer in command of the foreign vessel or vessels and the local civil and military authorities, account being taken of any warships of other nations that may be present.

Ship's boats operating in ports or territorial waters shall not be armed. No death sentence may be carried out in territorial waters.

Article 17. If in a case of armed conflict between other States, the Italian State is neutral, the relevant maritime conventions, laws and regulations shall be observed in respect of ports and territorial waters.

Article 18. The local naval authority or, in default thereof, the port authority or, in the last resort, the military authority shall ensure that the provisions of this Decree are complied with.

The authority aforesaid shall request a foreign warship, in the case of a contravention or refusal, to comply strictly with the provisions of this Decree. If an offence is persisted in or instructions are not obeyed, the local maritime authority, after sending a formal protest to the officer in command of the foreign warship, shall forthwith notify the facts by telegraph to the competent headquarters of the naval district or the autonomous military command within whose jurisdiction the foreign warship is situated and to the Ministry of Marine, and, if the authority giving notice of the case is a military authority, to the Army Corps headquarters and the Ministry of War.

In the Aegean possessions and the colonies, the aforementioned facts shall be notified forthwith to the competent Governor, who in turn shall inform the central authority.

. . .

(b) ROYAL DECREE NO. 595 OF 6 JUNE 1940¹

Arrival and stay in time of war of Italian merchant vessels and of neutral warships and merchant vessels in the territorial waters of the Kingdom of Italy and Albania, the Empire, the colonies and possessions.

Article 1. It shall not be lawful for an Italian merchant vessel or for any neutral warship or merchant vessel to enter the territorial waters of the Kingdom of Italy and Albania or of the Empire, or of the colonies or possessions, in time of war unless authorized to do so in conformity with the following articles. The territorial waters are therefore to be regarded as closed to navigation.

Article 2. The following areas are declared dangerous to shipping:

(a) Home waters:

A belt twelve miles wide along the coast of the mainland and along the coast of the following islands: Sicily, Sardinia, Elba, Gorgona, Marittimo, San Pietro, S. Antioco, Asinara, Pantelleria, Lussino, Cherso;

(b) Albanian waters:

A belt twelve miles wide along the coast from the Yugoslav frontier to the Greek frontier and along the coast of the island of Saseno;

(c) North African waters:

A belt twelve miles wide along the coast from the Tunisian frontier to the Egyptian frontier;

(d) Aegean waters:

A belt twelve miles wide surrounding the coast of the Dodecanese Islands up to the limits of the Turkish territorial waters;

(e) Waters of Italian East Africa—Indian Ocean:

A belt twelve miles wide along the coast from the Kenya frontier to the British Somaliland frontier;

Red Sea:

A belt twelve miles wide along the islands and the coast from the Sudan frontier up to a point twelve miles east of the Fatma Island lighthouse.

From that point up to Ras Dumeira the belt is six miles wide.

Article 3. Italian merchant vessels and neutral vessels authorized to enter a port in the Kingdom of Italy and Albania or in the Empire, or in a colony or possession, shall take into account the particulars of which they receive advance notice from one of the Italian traffic offices set up in foreign and Italian ports.

Article 4. Suitable swept channels and approach areas have been established for the purpose of enabling vessels to cross dangerous areas and areas closed to navigation.

All vessels using swept channels must employ the services of a pilot.

Article 5. A vessel proceeding to a port in the Kingdom of Italy and Albania or in the Empire, or in a colony or possession, must approach the swept channels in daytime, keeping within the approach areas, and must fly the national flag and the appropriate signals prescribed by the International Code of Signals for identification and for indicating a request for a pilot. Every vessel which is about to enter a port as aforesaid shall be identified by a naval craft or, visually, by a semaphore station.

¹ *Ibid.*, 20 June 1940. Translated by the Secretariat of the United Nations.

Article 6. After a vessel which is about to enter one of the ports referred to in article 5 has been identified and authorized to enter the territorial waters, it shall follow the course of the pilot vessel and hold itself ready to comply without hesitation with any orders given by the pilot or transmitted by vessels of the Royal Navy or by semaphore stations. It shall anchor at the place assigned to it and shall not make contact with land until it has been instructed to do so. While in port it shall comply promptly with any instructions subsequently received from the port or military authorities.

Before leaving port, it shall in every case obtain the authorization and comply with the instructions of the authorities aforesaid.

Article 7. During the approach to the anchorage the use of radio equipment is prohibited. The movement of ship's boats and crew shall be governed by regulations made by the port or military authorities.

Article 8. The military authorities have full powers to allow or to disallow a request for permission to navigate in prohibited and dangerous areas between any one port and another in the Kingdom or in the colonies. If such navigation is permitted, it shall conform to such regulations as will from time to time be made by the said authorities.

Article 9. In the event of mobilization, the following provisions may be applied with respect to foreign warships and merchant vessels:

If circumstances so require, naval commands may direct foreign warships and foreign merchant vessels anchored in territorial waters to put to sea;

Vessels receiving such a direction must depart not later than twelve hours from the time when the said direction is delivered to them on board;

The naval command shall arrange for the said vessels to be piloted to the limits of the dangerous areas and, subject to military requirements in the port, for such of the said vessels as are unable to put out to sea within the prescribed time limit to be towed to whatever other point the said command may assign to them.

Article 10. Any vessel which contravenes the provisions of this Decree shall be liable to such military measures as the circumstances may require.

Liban

DÉCRET DU 29 SEPTEMBRE 1929 DU PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE
PORTANT RÈGLEMENT, POUR LE TEMPS DE PAIX, DES CONDITIONS D'ACCÈS
ET DE SÉJOUR DES BÂTIMENTS DE GUERRE ÉTRANGERS DANS LES MOUIL-
LAGES ET PORTS DU LITTORAL DE LA FRANCE ET DES PAYS PLACÉS SOUS
LE PROTECTORAT OU LE MANDAT FRANÇAIS ¹

Netherlands

- (a) ROYAL DECREE OF 30 OCTOBER 1909 TO ENACT NEW REGULATIONS CONCERNING THE ADMISSION OF WARSHIPS OF FOREIGN POWERS TO THE TERRITORIAL WATERS AND INLAND WATERWAYS OF THE NETHERLANDS ²

Article 2. (1) Subject to the provisions of article 4 concerning prior permission to enter the channels specified therein and to navigate the inland

¹ Décret en vigueur au Liban. Voir *supra*, Chapitre III, France (b).

² *Staatsblad van het Koninkrijk der Nederlanden*, 1909, No. 351. Translation by the Secretariat of the United Nations.

waterways of the Kingdom, warships of foreign Powers may enter the territorial waters and inland waterways of the Netherlands from the sea, provided that they proceed by the shortest route (under observance of the provisions of article 3) to the roads or port lying nearest to sea for the purpose of anchoring there, and provided that their number, including those flying the same flag which are already present in Netherlands territory, does not exceed three.

(2) The provisions of paragraph (1) shall be without prejudice to free passage through territorial waters, so far as this is recognized in international law.

Article 3. (1) When navigating the channels and inland waterways of the Kingdom, the warships of foreign Powers and their boats shall not be permitted to depart from the prescribed routes which are used by pilots of the Kingdom for navigation.

(2) Bearings and soundings may be taken only in so far as they are required for the purposes of safe navigation.

(3) In order to ensure strict observance of this provision, we reserve the right to have the ship escorted by an officer of the Royal Navy or an official of the pilot service.

Article 4. (1) It shall not be lawful for warships of foreign Powers, without the permission of Our Minister of Marine to enter the under-mentioned sea channels or, without such permission, to navigate the inland waterways of the Kingdom.

(2) The sea channels referred to above are those of:

Terschelling,
Texel,
Ijmuiden,
Hook of Holland,
Goeree.

(3) The expression "inland waterways of the Kingdom" means all navigable waters lying to landward of the sea channels of the Kingdom.

Article 5. (1) In special cases, We may authorize exceptions to the provisions of article 2 relating to the number of warships.

Article 6. (1) Warships of foreign Powers may not remain more than fourteen consecutive days within the territory of the Kingdom.

(2) Unless permission is granted by Our Minister of Marine, a particular warship may not, after its departure, re-enter a sea channel of the Kingdom for thirty days.

Article 7. (1) The restrictive provisions of articles 2, 4 and 6 do not apply:

(2) (a) To a warship which, as indicated by the standard or flag flown, is carrying a reigning monarch, a member of a ruling royal house, the president of a republic, the head of the embassy of a foreign Power in the Netherlands or the head of a mission of a foreign Power proceeding to the Netherlands, or to the warships which form its escort;

(3) (b) To cruisers exercising the superintendence of the North Sea fisheries on behalf of the Powers bound by the Convention of 6 May 1882 (*Staatsblad* 1884, No. 40);

(4) (c) To warships of foreign Powers which are engaged exclusively on religious, scientific or humanitarian missions;

(5) (d) To warships of foreign Powers in case of emergency, peril of the sea or damage. When, in the judgement of Our Minister of Marine, the emergency ceases to exist, the provisions of articles 2, 4 and 8 shall forthwith become fully operative.

(6) The exceptions to the restrictive provisions of items (a) to (c) inclusive are applicable only to the Powers which observe the same practice with respect to Netherlands warships.

Article 8. (1) The permission mentioned in article 4, unless obtained through the diplomatic channel, shall be applied for in the manner specified below.

(2) (a) If the permission is to relate to sea channels, application shall be made:

In the case of the Terschelling channel, through the Commissioner of Pilots at Terschelling;

In the case of the Texel or Goeree channel, through the Director and Naval Commander at Willemsoord or at Hellevoetsluis, as the case may be;

In the case of the IJmuiden channel or the Hook of Holland channel, through the Commander of the warship stationed there, or if there is no such Commander, through the Commander of the local military establishment.

(3) (b) If the permission is to relate to inland waterways, application shall be made:

In the sea channels mentioned in article 4, through the authorities specified above under (a);

In the other sea channels, through the Commander of the warship stationed there.

(4) If no warship is stationed in the particular locality, permission shall be applied for through the harbour-master, or, if there is no harbour-master, through the Commissioner of Pilots, or, if there is no such Commissioner, through the burgomaster.

Article 10. (1) Warships of foreign Powers may not engage in hydrographic or surveying activities within the sea channels and territorial waters, or, generally, within the boundaries, of the Kingdom, nor may they carry out any exercises involving landings nor, unless permission is granted by Our Minister of Marine, any firing, torpedo or mining exercises.

(2) Members of the crew may only land if unarmed; this provision shall not apply to officers and non-commissioned officers wearing swords or daggers as part of their uniform.

(3) The ship's boats may only proceed in these waters if unarmed.

(4) If, for the purpose of holding a funeral ceremony on land, it is desired to make an exception to the prohibition mentioned in paragraph (2) of this article, an application for permission must be made to Our Minister of Marine through the authorities mentioned in article 8.

(5) No death sentences may be executed on board warships of foreign Powers within the sea channels and territorial waters of the Kingdom.

Article 11. (1) Warships of foreign Powers are obliged to comply with the police, health and fiscal legislation and regulations in force which apply to warships of the Royal Navy and to observe all port regulations which apply to warships of the Royal Navy.

Article 12. (1) Warships of foreign Powers present within the territory of the Kingdom which contravene the above provisions may be directed to leave; if necessary, force may be used for the purpose of compelling them to leave.

Article 14. (1) These provisions apply in peace time and to the warships of foreign Powers which are not involved in a war.

(2) We reserve the right, in time of war or threat of war, or for the purpose of safeguarding neutrality, and in any other exceptional circumstances, to restrict or to prohibit the admission of warships of foreign Powers to the territorial waters and inland waterways of the Netherlands.

(3) Warships of foreign Powers present in the territorial waters or inland waterways of the Netherlands by virtue of this Decree shall in any event be obliged to put to sea within six hours, if called upon to do so by Our Minister of Marine or his representative.

Our Ministers of Marine, War, Foreign Affairs and Justice shall be responsible for giving effect to this Decree, which shall be published in the *Staatsblad* and a copy of which shall be transmitted to the Council of State.

(b) ROYAL DECREE OF 29 APRIL 1931 GOVERNING THE ADMISSION OF FOREIGN MILITARY AIRCRAFT TO NETHERLANDS TERRITORY,¹ AS AMENDED²

Article 1. In this Decree the following terms shall have the meanings respectively assigned to them:

(a) *foreign military aircraft*: all aircraft of foreign nationality which are under the command of a member of the armed forces of foreign nationality who has been designated by the competent authority for this purpose.

(b) *Netherlands territory*: the land territory of the Kingdom of the Netherlands in Europe, including the territorial waters and the air-space above the said territory.

(c) *Our Minister*: Our Minister of War and Our Minister of Marine, each insofar as he is concerned.

Article 2. 1. The entry or operation of foreign military aircraft into or in Netherlands territory without the permission of Our Minister shall be unlawful.

2. This permission shall also be necessary for the purpose of securing exemption from the provisions of article 6, first paragraph, of the Air Navigation Act (*Luchtvaartwet*) governing the distinguishing marks to be borne by aircraft.

Article 5. 1. It shall be unlawful to carry in foreign military aircraft:

(a) Weapons, in so far as they do not, in the judgment of Our Minister, form part of the equipment of the aircraft;

¹ *Ibid.*, 1931, No. 179. Translation by the Secretariat of the United Nations.

² By Royal Decree of 25 June 1951 (*ibid.*, 1951, No. 248), and Royal Decree of 12 November 1952 (*ibid.*, 1952, No. 556).

- (b) Munitions, bombs, torpedoes or other projectiles;
- (c) Photographic apparatus.

2. It shall be unlawful to use parachutes for the purpose of leaving foreign military aircraft.

3. Our Minister may grant exemption from the provision laid down in the preceding paragraphs.

Article 6. 1. The officer commanding a foreign military aircraft landing in Netherlands territory shall be required, when presented with a form of questionnaire by a civil or military authority to be designated by Our Minister, to answer the questions contained therein truthfully.

2. The form referred to in paragraph 1 shall be prepared by Our Minister.

Article 7. A foreign military aircraft flying over Netherlands territory shall conform to the procedure prescribed in this country for landing at the nearest airfield, as soon as it receives a signal instructing it to make such a landing.

Article 8. The provisions of articles 2, 4, 5, paragraph 2, and 7 shall not be applicable to foreign military aircraft in the case of *force majeure*; the question whether *force majeure* was present shall be settled by Our Minister.

Article 9. 1. A foreign military aircraft which, after obtaining the permission referred to in article 2, makes a landing within Netherlands territory shall, so far as they are applicable, enjoy the same privileges as are granted to foreign warships by Our Decree of 30 October 1909 (*Staatsblad* No. 351), as subsequently amended.

2. The privileges referred to in the foregoing paragraph shall not be enjoyed by foreign military aircraft which have landed within Netherlands territory by reason of the circumstances described in article 8 or which have received orders to land by signals or otherwise.

Article 10. Foreign military aircraft shall be required to obey the existing police, fiscal and health regulations and to comply with all the local rules applicable to Netherlands military aircraft.

Article 11. 1. Officers commanding foreign military aircraft who, while in Netherlands territory, contravene any of the provisions of this Decree, may be directed by Our Minister, or by his representative, to leave together with the aircraft under their command and the crew thereof; if necessary, force shall be used for the purpose of obliging them to leave.

2. In time of war or threat of war, or for the purpose of safeguarding neutrality, and in any other exceptional circumstances, We reserve the right to limit the presence of foreign military aircraft admitted to Netherlands territory by virtue of this Decree.

3. In every case foreign military aircraft shall be required to leave Netherlands territory by a prescribed route within two hours after receiving a request to that effect from Our Minister or his representative.

. . .

- (c) DECREE OF 2 JUNE 1931 CONTAINING NEW PROVISIONS REGARDING ACCESS TO NETHERLANDS TERRITORY OF FOREIGN WARSHIPS WITH STATIONARY AIRCRAFT CARRIED ON BOARD,¹ AS AMENDED BY DECREE OF 13 SEPTEMBER 1946²

. . .

Article 1. In this Decree: "Netherlands territory" means the territory of the Realm in *Europe*, including the territorial waters and the overlying air space.

. . .

Article 3. (1) Subject to the provisions of the second paragraph hereof, a warship of a foreign Power, with stationary aircraft carried on board, may enter Netherlands territory from the sea without previous permission, on condition that it does so by proceeding along the shortest route and in compliance with the provisions of Article 4 for the purpose of reaching the harbour or roadstead situated nearest to the sea in order to anchor there, and that the number of warships of the same nationality present in Netherlands territory, including those already there, does not exceed three.

No foreign military aircraft, whether or not attached to a warship, may at any time fly over or navigate in Netherlands territory without previous permission. Reference is made in this regard to the Decree relating to access of foreign military aircraft.

(2) Previous permission (as referred to in Article 8) must be obtained from Our Minister of Defence to enter the following estuaries or navigate in inland waters situated within Netherlands territory, *viz.*:

Terschelling,

Texel,

Ijmuiden,

Hoek van Holland.

(3) The inland waters of the Netherlands shall include all waters situated within the limit of the territorial waters and in particular all rivers, canals, lakes and other bodies of water situated within the boundaries of the Realm.

(4) The limitation on number referred to in paragraph (1) hereof shall not prevent free passage of warships through territorial waters in accordance with international law.

Article 4. (1) When navigating in estuaries and inland waters situated within Netherlands territory, a foreign warship and its boats shall not go outside the buoyed fairways used by the Royal pilots for navigation.

(2) No bearings shall be taken or soundings made except those necessary for safe navigation.

. . .

Article 6. (1) A warship of a foreign Power shall not remain in Netherlands territory longer than fourteen consecutive days.

In special cases permission to remain for a period longer than that stated in the preceding part of this paragraph may be granted by Our Minister of Defence.

¹ *Staatsblad*, 1931, No. 237. Translation by the Secretariat of the United Nations.

² *Ibid.*, 1946, No. G 253.

(2) A warship may not re-enter an estuary situated within Netherlands territory within thirty days after its departure unless permitted by Our Minister of Defence to do so.

Article 7. (1) The restrictive provisions of Articles 3 and 6 shall not apply to:

(a) A warship which, as indicated by the ensign or flag flown, carried on board a reigning monarch, a member of a reigning dynasty, the president of a republic, the head of the embassy in the Netherlands of a foreign power or the head of a foreign mission *en route* to the Netherlands; or to accompanying warships or to stationary aircraft carried on board:

(b) Cruisers policing North Sea fishing by the Powers to which the Treaty of 6 May 1882 (*Staatsblad* 1884, No. 40) applies;

(c) Foreign warships used exclusively for religious, scientific or humanitarian purposes;

(d) Foreign warships in distress, in danger at sea or damaged; but when, in the opinion of Our Minister of Defence, these circumstances have ceased to exist, the provisions of Articles 3 and 6 shall again become effective.

(2) The exceptions made by sub-paragraphs (a-c) to the restrictive provisions shall apply only to those Powers which accord the same treatment to Netherlands warships.

. . . .

Article 11. (1) Subject to the restrictions specified in the second paragraph, foreign warships, with stationary aircraft carried on board, may while in Netherlands territory use their radio apparatus on condition that they comply with the General Regulations of the International Radiotelegraph Convention concluded at Washington in 1927.

Article 12. Foreign warships shall respect the police, sanitary and fiscal laws and regulations in force and comply with all port regulations in so far, in all cases, as warships of the Royal Navy are required to do so.

Article 13. (1) Foreign warships shall not within Netherlands territory make hydrographic or topographic surveys, conduct landing drills or, without permission from Our Minister of Defence, engage in firing practice or in exercises entailing the use of torpedoes, searchlights or mines; and submarines shall not navigate under water.

(2) Aircraft forming part of the equipment of a warship shall not take to the air unless permitted by Our Minister of Defence to do so, and of such permission is granted, the said aircraft shall while in flight comply with the provisions of the Decree respecting the access of foreign military aircraft.

Our Minister of Defence may in any particular case impose restrictions or prohibitions in addition to the aforesaid provisions.

(3) Ship's boats shall be unarmed when in use.

. . . .

(6) No death sentence may be carried out on board a foreign warship within Netherlands territory.

Article 14. If a foreign warship (or its aircraft) sojourning within Netherlands territory contravenes any of the aforesaid provisions, it may be ordered by or on behalf of Our Minister of Defence to depart and may, if necessary, be compelled by force to do so.

Article 15. (1) These provisions shall apply in time of peace to warships, with stationary aircraft carried on board, of foreign Powers not at war.

. . .

(3) Foreign warships, and their aircraft, sojourning within Netherlands territory as provided in this Decree shall in every case put to sea within six hours after being requested by or on behalf of Our Minister of Defence to do so.

Note. Act No. 91 of 15 April 1891 and Decree No. 317 of 28 August 1926 (*supra*, Chapter II, Section A, under Netherlands (*c*) and (*d*)) are also applicable to warships. See also: Pilots Act No. 93 of 20 August 1859, article 9(*a*) (*supra*, Chapter II, Section A, under Netherlands (*b*)).

Surinam

(*a*) ROYAL DECREE OF 1 MARCH 1937 TO MAKE NEW REGULATIONS RESPECTING THE ADMISSION OF WARSHIPS OF FOREIGN POWERS WITH STATIONARY AIRCRAFT CARRIED ON BOARD TO THE TERRITORY OF THE NETHERLANDS INDIES, SURINAM AND CURAÇAO ¹

. . .

Article 1. In this Decree:

(*a*) The expression "territory of the Netherlands East Indies, Surinam and Curaçao" means the land territories of the Netherlands Indies, Surinam and Curaçao, together with the territorial waters and the super-incumbent air-space;

(*b*) The expression "internal waters" means all waters lying to landward of the limits of the territorial sea of the Netherlands Indies, Surinam and Curaçao, including specifically all rivers, canals, lakes and pools inside the boundaries of the Netherlands Indies, Surinam and Curaçao;

(*c*) The expression "Governor" means, in the case of the Netherlands East Indies, the Governor-General, and in the case of Surinam and Curaçao, the Governor of the Territory concerned.

. . .

Article 3. (1) Save as otherwise provided in paragraph 3 hereof, it shall be lawful for a warship of a foreign Power, with stationary aircraft carried on board, to enter without previous permission the territory of the Netherlands Indies, Surinam and Curaçao from the sea, provided that its purpose in so entering is to gain access, by the shortest route and in conformity with the provisions of article 4 hereof, to the harbour or anchorage nearest the sea as specified in the Schedule annexed to this Decree ² in order to anchor therein, and provided that the number of warships, including any warships under the same flag already present within the territory concerned, does not exceed three.

(2) The harbours and anchorages specified in the Schedule referred to in paragraph 1 may be visited without previous permission, provided that notice of the intended visit is given to the Governor in time for the notifica-

¹ *Staatsblad van Nederlandsch-Indië* (1937), No. 188; *Nederlandsch Staatsblad* (1937), No. 944; *Gouvernementsblad* (1937), No. 27. Translation by the Secretariat of the United Nations.

² Schedule not reproduced.

tion to reach him not less than seven days before the date of the intended visit.

The notification must state:

1. The number and names of the warships;
2. The names and ranks of their commanding officers;
3. The dates of arrival and departure;
4. The harbours and anchorages to be visited.

(3) A foreign warship wishing to enter a channel giving access to a harbour or anchorage other than those specified in the Schedule referred to in paragraph 1 hereof, or to navigate in the internal waters of the territory of the Netherlands Indies, Surinam and Curaçao otherwise than in conformity with paragraph 1 hereof, must obtain previous permission from the Governor, which may be requested through the diplomatic channel.

(4) The limitation of the number of warships referred to in paragraph 1 shall not affect the free passage of warships through territorial waters, so far as such passage is recognized under international law.

(5) Previous permission shall in every case be required for flights by foreign military aircraft over the territory of the Netherlands Indies, Surinam and Curaçao, whether such aircraft belong to warships or not. Regulations concerning this subject are contained in the Decree respecting the admission of foreign military aircraft.

Article 4. (1) It shall be unlawful for a warship of a foreign power or its boats navigating in the channels and internal waters of the territory of the Netherlands Indies, Surinam or Curaçao to go outside the buoyed fairways.

(2) The taking of bearings and soundings shall not be permitted unless they are essential to safe navigation.

(3) The Governor may ensure strict observance of this provision by ordering that the vessel be accompanied by an officer of the Royal Navy or by a government official appointed by or on behalf of the Governor.

Article 5. In special cases, the Governor may permit exceptions to the provision of article 3 respecting the number of warships.

Article 6. (1) The time during which a warship of a foreign Power may be present within the territory of the Netherlands Indies, Surinam or Curaçao shall not exceed fourteen consecutive days.

In special cases, the Governor may grant permission for a longer stay than that prescribed in the foregoing sub-paragraph.

(2) It shall be unlawful, save with the Governor's permission, for one and the same warship to re-enter any of the channels of the same territory within thirty days after its departure therefrom.

Article 7. (1) The restrictive provisions of articles 3 and 6 shall not apply:

(a) To a warship which, as indicated by the standard or flag flown by it, is carrying a reigning sovereign or the president of a republic nor to any warships with stationary aircraft carried on board escorting such warship;

(b) To a warship of a foreign Power in cases of emergency, danger at sea, or damage to the vessel; as soon as such circumstances have, in the opinion of the Governor, ceased to exist, the provisions of articles 3 and 6 shall resume their effect.

(2) The exceptions made by sub-paragraph (a) above to the restrictive provisions shall apply only with respect to Powers which accord similar treatment to Netherlands warships.

Article 8. The permission referred to in article 3 (3) may, in an emergency, be requested through a consular official recognized by the Government or from a local or military authority to be designated by the Governor.

Article 9. The local authority referred to in article 8 shall arrange to provide the commanding officer of a foreign warship with a copy of these Regulations and a form to be prepared by the Governor containing a number of questions, which form shall be completed to the best of the commanding officer's knowledge and belief and returned to the authority which issued it for transmission to the Commander-in-Chief of the Navy, in the Netherlands Indies, or to the Chief State Counsel (*Procureur-Generaal*), in Surinam and Curaçao.

Article 10. (1) A warship of a foreign Power with stationary aircraft carried on board which is present in the territory of the Netherlands Indies, Surinam and Curaçao may, save as otherwise provided in paragraph 2 of this article, make use of its radio equipment, provided that it complies with the International Telecommunication Convention concluded at Madrid in 1932 and the General Radiocommunication Regulations annexed thereto.

(2) A warship of a foreign Power with stationary aircraft carried on board which is present in any harbour or anchorage in the Netherlands Indies, Surinam and Curaçao shall not make use of its radio equipment unless it has received permission to do so from the local naval authority or, where there is no naval authority, from the local harbourmaster.

The provision in paragraph 1 respecting the International Telecommunication Convention and the General Radiocommunication Regulations annexed thereto shall also apply to this paragraph.

(3) The authorities mentioned in paragraph 2 shall also have power to withdraw a permission granted by them if such withdrawal is considered necessary.

Article 11. A warship of a foreign Power shall be under a duty to observe the police, health and fiscal laws and regulations in force and to comply with all harbour regulations in so far as warships of the Royal Navy are bound by the same laws and regulations.

Article 12. (1) It shall be unlawful for a warship of a foreign Power present in the territory of the Netherlands Indies, Surinam and Curaçao to carry out hydrographical or topographical surveys, conduct landing drills or, without permission from the Governor, hold firing, torpedo, searchlight, smokescreen or mine exercises, and for a submarine to proceed submerged.

(2) It shall be unlawful, except with the Governor's permission, for the aircraft forming part of the equipment of a warship to make flights; if such permission is granted, they shall be required when making flights to comply with the regulations contained in the Decree respecting the admission of foreign military aircraft.

In addition to the foregoing provisions, the Governor may make further restrictive or prohibitory regulations in any particular case.

(3) Ship's boats shall not be used unless they are unarmed.

(4) The ship's company shall not land unless they are unarmed; this provision shall not apply to officers and petty officers in respect of any sword or dagger which forms part of their uniform. With a view to maintaining

public order on shore, advance arrangements must be made with the local authorities referred to in article 8 concerning the number of men that may be permitted to land at the same time.

(5) If it is desired that an exception be made, for the purposes of funeral ceremonies on shore, to the prohibitory provision of paragraph 4 of this article, application for permission must be made to the Governor through the authorities referred to in article 8.

Article 13. If a warship of a foreign Power present within the territory of the Netherlands Indies, Surinam and Curaçao, or any of its aircraft, contravenes any of the foregoing provisions, it may be directed by or on behalf of the Governor to leave and may, if necessary, be compelled by force to do so.

Article 14. (1) These provisions shall apply in time of peace to warships, with stationary aircraft carried on board, of foreign Powers not in a state of war.

(2) Her Majesty's Government reserves the right, in time of war or danger of war, or for the maintenance of neutrality, and in any other special circumstances, to restrict or to prohibit the admission of warships of foreign Powers to the territory of the Netherlands Indies, Surinam and Curaçao, and to withdraw or refuse, in whole or in part, permission to make use of radio equipment.

(3) A warship of a foreign Power with stationary aircraft carried on board which is present in pursuance of this Decree in the territory of the Netherlands Indies, Surinam or Curaçao shall in any case be under a duty to put to sea within six hours after receiving a request by or on behalf of the Governor to do so.

. . .

- (b) ROYAL DECREE OF 26 JUNE 1935 CONTAINING PROVISIONS CONCERNING THE ADMISSION OF FOREIGN MILITARY AIRCRAFT TO THE TERRITORY OF THE NETHERLANDS INDIES, SURINAM AND CURAÇAO ¹

. . .

Article 1. For the purposes of these general administrative regulations:

(a) The expression *foreign military aircraft* means all aircraft of foreign nationality under the command of a member of the armed forces of foreign nationality who has been designated by the competent authority for this purpose;

(b) The expression *territory of the Netherlands Indies, Surinam and Curaçao* means the land territory of the *Netherlands Indies, Surinam and Curaçao*, the territorial sea and the air space above the said territory and sea;

(c) The term *Governor* means, in the *Netherlands Indies*, the Governor-General, and, in *Surinam* and *Curaçao*, the Governor of the Territory concerned.

Article 2. (1) It shall be unlawful for the commanders of foreign military aircraft and the aircraft under their command to be present in the territory of the *Netherlands Indies, Surinam and Curaçao* without the permission of the Governor.

¹ *Staatsblad van het Koninkrijk der Nederlanden* (1935), No. 361. Translation by the Secretariat of the United Nations.

(2) As a general rule the maximum number of such aircraft, including any military aircraft of the same nationality already admitted to the territory concerned, shall not exceed six.

Article 3. (1) In case of *force majeure* application for the permission referred to in article 2 may be made through consular officials recognized by the Government or through such local civilian or military authorities as the Governor shall designate.

(2) Such application shall state:

1. The number, type and markings of the aircraft;
2. If the aircraft are equipped with radio, their radio call-signs;
3. Armament;
4. The number and status of the persons on board;
5. The route proposed to be followed by each aircraft;
6. The airfields or airports, permission to land at which is sought;
7. The expected time of arrival and departure.

Article 4. It shall be unlawful for the commanders of foreign military aircraft in the territory of *the Netherlands Indies, Surinam and Curaçao* to depart from the route authorized by the Governor.

Article 5. (1) It shall be unlawful to carry arms which in the Governor's judgment do not form part of the equipment of the aircraft; ammunition other than signal and starting cartridges; bombs, torpedoes or other projectiles; poisonous gases; or photographic apparatus in working order.

(2) It shall be unlawful to use parachutes for the purpose of leaving foreign military aircraft except in an emergency.

(3) Exemption may be granted by us on behalf of the Governor from the prohibition with respect to arms and ammunition provided they are intended for self-defence, and from the prohibition with respect to the photographic apparatus referred to in paragraph (1).

Article 6. Foreign military aircraft shall, while in the territory of the *Netherlands Indies, Surinam and Curaçao*, be under a duty to comply with the provisions of the General Radiocommunication Regulations annexed to the International Telecommunication Convention of Madrid, 1932.

(2) It shall be unlawful for foreign military aircraft which have landed in the territory of *the Netherlands Indies, Surinam and Curaçao* to use their radio equipment without the permission of such local civilian or military authorities as the Governor shall designate.

Article 7. Without prejudice to the provisions of article 8, foreign military aircraft shall be subject in the territory of *the Netherlands Indies, Surinam and Curaçao* to all general and local orders, regulations and bye-laws in force in the Territory concerned.

Article 8. (1) Foreign military aircraft which land in the territory of *the Netherlands Indies, Surinam and Curaçao* after having obtained the permission referred to in article 2 shall, in so far as these are applicable, enjoy the same privileges as are accorded to foreign warships.

(2) Foreign military aircraft which, in the Governor's judgment, have landed in the territory referred to in the preceding paragraph for reasons of *force majeure* or have received orders to do so by signal or other means shall not enjoy the privileges referred to in the said paragraph.

Article 9. When one or more foreign military aircraft have landed in the territory of *the Netherlands Indies, Surinam and Curaçao*, the local authorities referred to in article 3 shall present to the commander a questionnaire, in such form as the Governor shall determine, for completion to the best of his knowledge.

Article 10. While in the territory of *the Netherlands Indies, Surinam and Curaçao*, foreign military aircraft may not carry out any flights outside the authorized route unless special permission therefor has been granted by or on behalf of the Governor. Application for such permission may be made through the senior military or naval authorities or, in their absence, the senior civilian authority in the locality, the application to state such of the particulars enumerated in article 3 as may be necessary.

Article 11. In case of *force majeure* the Governor may, in his discretion, waive compliance with the provisions of articles 2 and 4 and the provisions in force in the Territory concerned relating to immediate landing on the nearest airfield or at the nearest airport in response to the prescribed signal.

Article 12. If the commander of any foreign military aircraft present in the territory of *the Netherlands Indies, Surinam and Curaçao* contravenes any of the preceding provisions he may be required by or on behalf of the Governor to leave the said territory, together with the aircraft under his command and the crews thereof, by a route specified for the purpose; if necessary, force may be used for the purpose of obliging them to leave.

Article 13. The commanders of foreign military aircraft present in the territory of *the Netherlands Indies, Surinam and Curaçao* by virtue of the preceding provisions shall be under a duty to leave the territory concerned, together with the aircraft under their command and the crews thereof and by such route as shall be specified for the purpose, within two hours after receiving a request to that effect from or on behalf of the Governor.

Article 14. In time of war or threat of war, or for the purpose of safeguarding neutrality, and in any other exceptional circumstances, we reserve the right to restrict or wholly to prohibit the admission of foreign military aircraft to the territory of *the Netherlands Indies, Surinam and Curaçao* and to withdraw, wholly or in part, permission for the use of radio equipment.

Netherlands Antilles

Note. The provisions of Royal Decree of 1 March 1937 and those of Royal Decree of 26 June 1935 (both mentioned above under Surinam (a) and (b)) are also applicable in the Netherlands Antilles (*Publicatieblad*, 1937, No. 38 and *Nederlandsch-Indisch Staatsblad*, 1935, No. 409, respectively).

Netherlands New Guinea

Note. The two Royal Decrees mentioned above under Surinam (a) and (b) and the Netherlands Antilles (Note) also apply to the Netherlands New Guinea (Royal Decree of 1 March 1937 published in: *Nederlandsch-Indisch Staatsblad*, 1937, No. 188; Government Decree of 18 September 1937 (*ibid.*, 1937, No. 535) contains provisions for the implementation of this Royal Decree).

Articles 9, 10 and 16 of the Territorial Sea and Maritime Districts Decree, 1939 (*supra*, Chapter II, Section A, under Netherlands New Guinea (a)), also apply to warships and military aircraft.

Nicaragua

GENERAL REGULATIONS CONCERNING CUSTOMS AND PORTS, 15 NOVEMBER 1886, ARTICLES 8, 102 AND 115 (*supra*, CHAPTER II, SECTION A, UNDER NICARAGUA)

Norway

- (a) REGULATIONS FOR THE ADMITTANCE OF FOREIGN WARSHIPS AND MILITARY AIRCRAFT INTO NORWEGIAN TERRITORY DURING TIMES OF PEACE, ESTABLISHED BY ROYAL DECREE OF 19 JANUARY 1951¹

Preliminary provisions

Article 1. These regulations for the admittance to, and stay in, Norwegian territory of foreign warships and military aircraft are only applicable when both Norway and the foreign power to which the craft belongs are in a state of peace.

Regulations for the admittance of foreign warships and military aircraft into Norwegian territory associated with joint defence exercises, will be established by the Ministry of Defence according to the nature and object of the exercise in each individual case.

Article 2. By warship and military aircraft is meant in these regulations any ship (also auxiliary vessels) or aircraft which belongs to the forces (under military command) of a country whose government is recognised by Norway. Likewise any other ship or aircraft which is demanding immunity as a warship or a military aircraft.

Article 3. In these regulations Norwegian territory stands for all Norwegian land and sea territory and the air above it.

Article 4. In these regulations Norwegian interior waters stands for Norwegian ports, entrances to ports, bays and fjords as well as such areas of Norwegian waters as are situated between Norwegian islands, islets, and rocks, which are not constantly submerged, or situated between these and the mainland.

Article 5. The boundaries of Norwegian war-port areas are established by a separate Royal decree.

Regulations for warships

Article 6. With the exceptions established by article 7 foreign warships are only admitted to Norwegian territory after having procured permission to do so through diplomatic channels.

Article 7. From the rule in article 6 are excepted:

a. Ships which only undertake innocent passage through the outer waters (territorial sea, *mer territoriale*). Stopping or anchoring may not take place, unless it is absolutely necessary for the safety of the ship.

b. Ships which are appointed and equipped for fishery inspection duties only and which do not call at or pass through war-port areas. Notice with information as demanded in article 17 and information concerning the

¹ Text of Regulations provided by the Permanent Mission of Norway to the United Nations.

area where inspection is carried out must, however, always be submitted through diplomatic channels not later than 7 days before the intended call takes place.

For visits lasting more than 14 days, and for calls at a Norwegian port or in interior waters with less than 30 days interval, permission must be procured pursuant to the principal rule in article 6, cf. articles 8 and 18.

c. Ships which are obviously in distress. Such a ship shall as soon as practicable and in the quickest possible way report the arrival either to the naval, police, or harbour authorities. If such request evidently could not have been sent immediately, it must be forwarded later through diplomatic channels.

Article 8. Generally not more than 3 warships, as a maximum, belonging to the same foreign Power ought to be given permission to stay simultaneously within each of the following 2 sections of the coast:

The frontier between Norway and Sweden—the county boundary line between N. Trøndelag and Nordland counties (N. Lat. 65°10').—The county boundary line between N. Trøndelag and Nordland counties—Grense Jacobselv.

Foreign warships having left a Norwegian port or anchorage ought, generally, not to be allowed to re-enter Norwegian interior waters within a shorter period than 30 days. These regulations are also applicable to warships which are used for fishery inspection duties, cf. article 7*b*, second paragraph.

Article 9. Submarines belonging to foreign Powers shall in Norwegian maritime areas always be fully on the surface so that the whole conning tower and the deck with ordinary freeboard is above the surface. They shall always have their national colours hoisted when they are not lying moored or at anchor in the port of call, permitted to them.

Foreign submarines navigating submerged in Norwegian waters may be compelled by force to come to the surface.

Regulations for military aircraft

Article 12. Foreign military aircraft are permitted to call at or pass over Norwegian territory only after having procured permission through diplomatic channels.

Article 13. From the rule in article 12 military aircraft is excepted:

a. Which is carried on board a warship during permitted stay in Norwegian territory (see, however, article 15), or

b. Which is in distress. Aircraft which has made a forced landing on Norwegian territory shall as quickly as possible report this to the nearest police authority which at once is to inform the nearest salvage centre and military air-port.

Article 14. Military aircraft having obtained permission to call at or pass over Norwegian territory shall:

a. Comply with international regulations in force for civilian aeronautics and special regulations which, as regards the safety of flying, have been authorised for flying over and landing on Norwegian territory.

b. Not without admittance procured beforehand fly over, or land in, areas on which Norwegian authorities have proclaimed prohibition against flying, and they shall comply with other regulations in force as well,

c. Not carry ammunition, bombs, rockets, photographic plates, or film without having procured permission in advance.

d. Submit to what control Norwegian authorities might think necessary in order to ensure that the regulations are being complied with.

Article 15. If military aircraft which are carried on board foreign warships wish to fly over Norwegian territory, permission must be applied for through diplomatic channels.

Article 16. When a foreign military aircraft calls at a Norwegian port or airfield the captain of the craft shall comply with the regulations being issued by the proper authority as regards anchoring or mooring accommodation and other order and landing instructions.

General regulations

Article 18. Generally the stay of a foreign warship or military aircraft in a war-port area, ought not to be extended to more than 8 days, in the territory of the Kingdom otherwise 14 days.

These regulations apply also to warships serving as fishery inspection ships, cf. article 7 *b*, second paragraph.

Article 19. In or above Norwegian territory foreign warships and military aircraft are allowed to use their radio sets provided that they comply with:

a. The rules which are established in the International Telecommunication Convention in force with appurtenant Radio Regulations, the regulations for the aeronautic radio service being in force as established by the International Convention of Aeronautic Organisation (I.C.A.O.), and the special regulations for the use of radio sets in Norwegian territory in force at the time being.

b. The rules established for the use of radio stations on board the warships and military aircraft of foreign non-belligerent Powers when visiting Norwegian territory in times of peace (*vide* annex 2).

Foreign military aircraft being at a Norwegian airfield (seaplane port) must only make use of its radio installations to the extent necessary for communication with the local ground control.

Article 20. The crew of a foreign warship or military aircraft which is visiting Norwegian territory must not without special permission come into or near territory where battery, fortification, or other military works exist, or into territory which is fenced by military authority.

The same applies to persons who are carried on such warship or military aircraft without belonging to the crew of same.

Article 21. It is prohibited for anyone on a foreign warship or military aircraft to make maps or charts or sketches of the ports, fairways, airfields, seaplane bases, or other territory of the Kingdom.

Other measurements or soundings than such as are necessary for the safety of the ships or the aircraft must not be taken.

It is also prohibited to make charts, sketches, photos, or descriptions of Norwegian fortifications or constructions etc. belonging to these (*vide* the Act concerning secrets of national defence, dated 18 August 1914, article 3).

Article 22. Without special permission procured through diplomatic channels (cf. however, article 1, second paragraph) no foreign warship or military aircraft must on Norwegian territory undertake:

- a. Gunnery practice (except firing of salutes).
- b. Firing of torpedoes, firing of rifles, machine guns, or other weapons.
- c. Exercises involving the laying and sweeping of mines.
- d. Exercises with searchlights.
- e. The laying of artificial fog and smoke screens.
- f. The dropping of bombs and other objects of military nature.
- g. Other similar military exercises and manoeuvring in connection with warlike exercises.

Article 23. Armed forces must not be landed except on extraordinary occasions, and then only after permission procured from the military authority concerned.

Boats which belong to a foreign warship or military aircraft must in Norwegian waters not be armed or carry armed forces without having obtained permission beforehand according to the rules in the preceding paragraph.

Besides, the crew shall, when going ashore (is given leave or leaving its aircraft), be unarmed. Officers, petty officers, and midshipmen may, however, carry such arms as belong to their uniform.

Article 24. The captain of a foreign warship or military aircraft shall comply with the sanitary, customs, pilot, traffic, harbour, and order regulations issued by the authorities concerned. Moreover, on visiting war-port areas or military airfields the particular regulations issued by the local military commander shall be complied with.

Article 25. If the captain or the crew of a foreign warship or military aircraft does not comply with the rules issued, for the stay of the ships and the aircraft in Norwegian territory they will be made aware of it by the military authorities concerned at the place, or in the district of command, and enjoined to comply with the rules.

If there is no military authority at the place such request may be made directly from the local civilian authorities, provided the question is about infringement of the regulations mentioned in article 24, first period (cf. articles 11 and 16).

If the request is not being complied with the warships or military aircraft may, through the military authorities, be enjoined to leave Norwegian territory immediately or, at the latest, within 6 hours.

Foreign warships or military aircraft may also be enjoined at any time to leave Norwegian territory without any reason as stated in the preceding paragraph being at issue.

(b) ROYAL DECREE OF 11 JULY 1947¹

The following instructions are laid down for civil servants required to assist the naval authorities in coastal patrol operations:

1. It shall be the duty of master pilots, deputy master-pilots, pilots, harbour-masters, customs officers, firemen, police officers, bailiffs, managers of State telegraph offices and telephone exchanges and chief inspectors of fisheries, in time both of war and of peace, to assist the naval authorities in the performance of their coastal patrol functions and in their efforts to

¹ Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.

ensure compliance with the provisions for the time being in force concerning the admission of foreign warships to Norwegian ports and waters.

6. When a foreign warship arrives at a Norwegian open port where no Norwegian warship is present, the harbour-master, harbour officer or, in default of any such official, the responsible master pilot or deputy master-pilot shall inform the ship's master of the provisions governing the admission of the ship to Norwegian ports by supplying him with a copy of the relevant printed regulations.

This shall also be done by a pilot who boards a foreign warship for the purpose of piloting the same.

When a foreign warship in Norwegian waters requests a pilot, no pilotage shall be furnished unless the pilot is notified by the Norwegian authorities that the State to which the ship belongs has obtained permission for, or given notice of, the ship's arrival in accordance with the regulations in force. If there is reason to believe that the absence of such notification is due to communications difficulties, pilotage may be furnished to the nearest port at which there is a pilot station. This provision shall not apply in respect of a ship in distress.¹

If a foreign warship remains in a Norwegian port etc. beyond the permitted period, the competent naval authority shall be so informed as quickly as possible.

7. No person may, without special authorization, make, reproduce or publish any map or cartographic sketch of Norwegian ports or waters (territorial sea) or take any measurements or soundings other than those necessary for safe navigation in waters customarily used for navigation.

It shall likewise be unlawful to make, reproduce or publish any map, sketch, drawing, photograph or description of Norwegian fortifications, including ancillary structures and the like (see Defence Secrets Act of 18 August 1914, article 3).

Any contravention of these provisions shall be notified to the competent naval authority, together with all particulars which may be material to a judgement of the case.

(c) REGULATIONS GOVERNING THE BOUNDARIES OF WAR-PORT AREAS,
ESTABLISHED BY ROYAL DECREE OF 17 FEBRUARY 1950²

The following Norwegian waters are stipulated as war-port areas:

(a) The Oslofjord and the waters within the imaginary line drawn through:

Point XX of the frontier (a buoy) . . .	Lat. 58°56,5'N	Long. 10°55,4'E
Midtre Heiaflu	Lat. 58°56,8'N	Long. 10°53,4'E
The skerry at the South point of Ertholmen in Rauer	Lat. 58°58,6'N	Long. 10°14,1'E
The skerry south of Tvisteinen light . .	Lat. 58°56,1'N	Long. 9°56,6'E
Napa beacon	Lat. 58°56,8'N	Long. 9°52,9'E
South point of the mainland by Mauresund	Lat. 58°57,4'N	Long. 9°51,8'E

¹ This paragraph has been added by the Royal Decree of 3 June 1949.

² Text of Regulations provided by the Permanent Mission of Norway to the United Nations.

(b) Kristiansand and the waters within the imaginary line drawn through:

Årosveten	Lat. 58° 4,0'N	Long. 7°50,0'E
Songvår light	Lat. 58° 0,9'N	Long. 7°49,0'E
Lille Svarten	Lat. 58° 2,9'N	Long. 8° 1,4'E
Meholmskjær	Lat. 58° 5,6'N	Long. 8°11,9'E
Langbåskjær	Lat. 58° 6,4'N	Long. 8°15,4'E
East point of Krygholmen	Lat. 58° 7,2'N	Long. 8°14,4'E

(c) Stavanger and the waters within the imaginary line drawn through:

Tangerhaug beacon	Lat. 58°49,1'N	Long. 5°32,8'E
Feistein light	Lat. 58°49,5'N	Long. 5°30,5'E
Hangsøy beacon-tower	Lat. 58°52,7'N	Long. 5°26,3'E
Imsen beacon-tower	Lat. 59° 0,6'N	Long. 5°22,3'E
Klepp light	Lat. 59°10,2'N	Long. 5°23,0'E
Smørstakk light	Lat. 59°15,0'N	Long. 5°21,3'E
Krokenes	Lat. 59°16,0'N	Long. 5°21,3'E

(d) Bergen and the waters within the imaginary line drawn through:

Fonnes (The east side of Lygrefjord)	Lat. 60°48,5'N	Long. 4°57,0'E
Hellesøy light	Lat. 60°45,1'N	Long. 4°43,0'E
Lesle Odde	Lat. 60°41,5'N	Long. 4°42,0'E
Gangvarskjær	Lat. 60°38,4'N	Long. 4°43,2'E
Herboskjær	Lat. 60°18,8'N	Long. 4°53,5'E
Hufteskjær	Lat. 60°15,7'N	Long. 4°55,2'E
Marsteinen	Lat. 60° 7,9'N	Long. 5° 1,0'E
Salturholmen	Lat. 60° 4,9'N	Long. 5°18,0'E
Svarthelleren	Lat. 60° 5,0'N	Long. 5°22,4'E
Dalhovde	Lat. 60° 8,5'N	Long. 5°36,5'E

(e) The Trondheimsfjord and the waters within the imaginary line drawn through:

Bjugsnes	Lat. 63°46,3'N	Long. 9°34,0'E
West point of Storfosen	Lat. 63°40,0'N	Long. 9°22,5'E
Kongsvoll	Lat. 63°33,8'N	Long. 9°24,0'E

(f) The waters including Ofoten, Harstad and Tromsø within the imaginary line drawn through:

Nordøy (Otternakken)	Lat. 68°15,9'N	Long. 15°58,0'E
Skarvhausen light	Lat. 68°18,1'N	Long. 15°40,2'E
Andenes	Lat. 69°15,8'N	Long. 16°13,0'E
Måneset	Lat. 69°25,0'N	Long. 16°52,0'E
The coast of Senja to Kjølva	Lat. 69°36,0'N	Long. 17°30,0'E
Klokkerholmen	Lat. 69°57,0'N	Long. 18°43,0'E
The coast of Ringvassøy to Avloysinga	Lat. 70° 3,0'N	Long. 19°30,0'E
Klubben	Lat. 70° 6,0'N	Long. 19°42,0'E
The coast of Vannøy to Fakkekjeila	Lat. 70° 6,0'N	Long. 20° 8,0'E
Arnøy, west side	Lat. 70° 5,8'N	Long. 20°23,0'E
The coast of Arnøy to Singlen	Lat. 70° 3,0'N	Long. 20°48,0'E
Kvitneset	Lat. 70° 2,0'N	Long. 20°48,0'E
The coast of Kågen to Skognes	Lat. 69°57,5'N	Long. 20°58,5'E
Mikkelvik	Lat. 69°56,5'N	Long. 21° 0,5'E

(g) Vardø and the waters within the imaginary line drawn through:

Kistefjell	Lat. 70°24,3'N	Long. 30°59,5'E
Skagen beacon-tower	Lat. 70°24,3'N	Long. 31° 4,8'E
Reinøyskjær	Lat. 70°24,2'N	Long. 31° 7,7'E
Kålneset	Lat. 70°23,9'N	Long. 31° 0,3'E
Staurneset	Lat. 70°23,4'N	Long. 31°10,2'E
The north-east point of Hornøy	Lat. 70°23,2'N	Long. 31°10,5'E

and further due south until it meets a line drawn due east from the Dome (Lat. 70°20,0'N Long. 31°2,5'E).

Peru

- (a) REGULATIONS GOVERNING VISITING FOREIGN WARSHIPS AND MILITARY AIRCRAFT, ENACTED BY PRESIDENTIAL DECREE NO. 19 OF 25 JUNE 1946¹

THE PRESIDENT OF THE REPUBLIC,

CONSIDERING

That by virtue of the practice of nations and considerations of national security and protection on which the principles of sovereignty over territorial waters are based it is universally recognized that a State has specific rights to exercise control in the territorial belt; and

That it is necessary for the purpose of such control to enact provisions which regulate the passage, visits and presence of warships and Government vessels of foreign nations through or in the territorial waters and ports of Peru;

HEREBY DECREES AS FOLLOWS:

Article 1. (a) The local authorities are hereby empowered, in any case in which they consider it necessary to do so for reasons of security and national defence, to prohibit or restrict access to territorial waters by foreign warships or Government vessels and to designate specified limits for manoeuvres, gunnery practices and the flight of aircraft, the said restrictions to be set forth in instructions in writing which shall be delivered to the diplomatic representative of the country to which the ship in question belongs or to the commanding officer of the ship on its arrival.

(b) The local authorities shall likewise issue instructions concerning navigation, anchorages and the approaches thereto, compulsory pilotage and the protection of buoys and submarine cables.

Article 2. Consistent with its interpretation of the principle of freedom of the seas, the Peruvian Government hereby grants to warships, Government vessels and merchant ships the right of innocent passage through its territorial waters in the broadest terms in time of peace. This right is also granted to submarines, on the condition that they navigate on the surface.

Article 3. Every warship which enters a Peruvian port shall be subject to the health regulations in force in Peru concerning the production of bills of health, quarantine, medical inspection of ships, etc., and must observe the provisions of all agreements and international conventions which refer specifically to regulations respecting public health.

¹ Text of Regulations provided by the Ministry for Foreign Affairs of Peru.

Article 4. Military ports may be closed to warships, Government vessels or merchant ships for security reasons, and if declared closed as aforesaid notice of the declaration shall be given to the diplomatic representatives of the country which announces the arrival of any such ship.

For analogous reasons, the passage of any type of unit through Peruvian territorial waters may be prohibited.

Article 5. The entry of foreign warships into commercial ports shall be subject to such restrictions, affecting the number of ships and the duration of the visit, as the national authorities may prescribe.

Article 6. The absence of restrictions of the nature described in the preceding article shall be deemed to imply that the ports in Peruvian territory are open to visiting warships of any nation whatsoever.

Article 7. If a foreign warship, Government vessel or merchant ship seeks shelter from stress of weather or is compelled to take shelter owing to some damage, it may, without restriction and without prior notice, enter any port, cove, roadstead or estuary of the Pacific seaboard of Peru.

VISITS

Article 8. For the purposes of this Decree, the term "warship" means any ship which forms part of the armed forces of a State and which is manned by a crew subject to naval discipline and under the command of an officer in the active service of the Navy.

The provisions hereof shall also apply to hospital ships and to the ships of scientific or philanthropic expeditions which are under the command of an officer of the armed forces.

Article 9. In the absence of treaties, conventions or agreements, the ports of the Pacific seaboard shall be open to foreign warships, subject to the proviso that when entering and while present in the said ports, they observe strictly the conditions which govern this admission as stipulated in the reply from the Foreign Office to the communication announcing their visit.

Article 10. The admission of the ships referred to in article 8, second paragraph, shall be subject to reciprocity.

Article 11. Before a warship proceeds to a port of the Pacific seaboard, its visit should normally be announced to the Foreign Office by a communication from the diplomatic representatives of the country to which the warship belongs.

In some cases, if a ship or squadron is compelled by *force majeure* to put in at a Peruvian port, this communication may contain merely the notice given by the commanding officer.

Article 12. The communication referred to in the first paragraph of the preceding article shall be transmitted through the diplomatic channel not less than seven (7) days before the visit announced therein.

Article 13. A visit by a foreign warship to a Peruvian port and to Peruvian territorial waters in time of peace may be:

- either* (a) an official visit;
- or* (b) a non-official visit.

A visit shall be deemed to be an *official* visit if described as such in the relevant communication addressed to the Government of Peru, through the diplomatic channel, or if made at the invitation of the said Government.

A visit shall be deemed to be a *non-official* visit if expressly described as such in the relevant communication addressed to the Government of Peru, through the diplomatic channel.

Article 14. The communication to the Peruvian Government announcing a non-official visit by a warship or warships to Peruvian ports and waters shall mention the following particulars:

- (a) The number of visiting warships;
- (b) The name and class of each vessel;
- (c) The name and rank of the commanding officer of the force;
- (d) The approximate date of arrival.

Article 15. In any case in which not more than three foreign warships are concerned, admission to Peruvian ports shall not be conditional on a special permit; nevertheless, the communication referred to in article 11 should be transmitted in all cases.

Article 16. As a general rule, not more than three warships of the same nationality shall be present simultaneously in a military port, whether a fortified port or not; if that number is exceeded, a special permit is required.

Article 17. These provisions do not apply to the admission, presence or departure of belligerent warships to, in or from Peruvian ports and Peruvian territorial waters; the treatment of such ships will be governed by the rules of international law.

Article 18. Foreign warships may not engage in topographical or hydrographical operations in Peruvian territorial waters or in Peruvian ports unless they have obtained special authorization for this purpose.

Article 19. Merchandise or articles of commerce shall not be loaded or unloaded by foreign warships anchored in Peruvian ports or in Peruvian territorial waters unless the permission of the competent authorities has first been obtained.

Article 20. Units of troops in formation, whether armed or not, shall not be disembarked unless special authorization has first been obtained, which shall be requested through the diplomatic channel.

Article 21. The conditions respecting shore-leave and the number of men who may go ashore at any one time, the times at which they may do so, and the times of returning on board shall be settled by mutual agreement between the maritime authority of the port and the commanding officer of the ship.

Article 22. The disembarkation of patrols to supervise foreign personnel ashore shall not be permitted; nevertheless, if such patrols (which shall be unarmed) are necessary in view of the number of men going ashore and because the local police force is inadequate, then the commanding officer of the ship shall apply to the political authority of the Department or Province, through the maritime authority, for the necessary authorization and the particular conditions governing the disembarkation and operations of the patrols shall be laid down in this authorization.

Article 23. Foreign warships in Peruvian ports shall enjoy immunity in conformity with established international practice.

Article 24. The conditions attached to the admission of foreign warships to Peruvian ports and Peruvian waters shall be construed in a generous spirit.

Article 25. Offences committed by members of the crew of a warship, and any failure to observe the conditions governing admission, shall be dealt with through the ordinary diplomatic channel.

Article 26. In the case of a continuing offence the authorities may report the circumstances to the commanding officer, and if offences recur thereafter the ship may be required to leave the port.

Article 27. Government or private vessels in which monarchs, heads of State or high diplomatic representatives accredited to Peru are travelling and which are commanded by naval officers, shall receive the same privileged treatment as is accorded to warships.

Article 28. In conformity with the humanitarian rules of international law, the Government of Peru undertakes to respect the right of asylum on board warships enjoyed by persons who are accused of political offences and who apply for such asylum.

Persons who have taken asylum on warships for political reasons shall not be allowed to communicate with the shore or with political parties.

Article 29. Even though their jurisdiction does not extend to foreign warships, the local authorities shall render assistance to the commanding officer of any ship who requests assistance in the event of disorders or offences which have occurred or have been committed on board and which are capable of producing effects outside the ship.

Article 30. If disorders occur which endanger the peace and tranquillity of the port, the ship may be required to leave the port and the authorities may take steps to prevent acts of violence.

Article 31. In conformity with established international practices, the Government of Peru recognizes the exterritorial status of commanding officers, officers and members of the crew who are ashore in uniform, and also of officers in civilian dress who are engaged on some mission connected with the service of the ship.

Article 32. The local police authorities shall not assist in the capture of deserting members of the crew unless the diplomatic or consular representatives have requested their assistance.

In such cases the local authorities shall deliver the deserting members of the crew to the commanding officer of the vessel, and if the warship has weighed anchor they shall place the deserters at the disposal of the consul.

Visits of ships carrying aircraft

Article 33. If the visiting ship carries aircraft, the communication announcing the visit shall state this fact and give particulars of the number and type of aircraft.

Article 34. Flights by aircraft carried on foreign warships anchored in Peruvian ports or territorial waters shall not be permissible until the authority of the Ministry of Marine has been obtained. The application for this authority may be made in the communication referred to in article 14, or during the ship's presence in the port, through the competent maritime authority . . .

Article 35. Aircraft authorized to fly over Peruvian waters must observe the provisions of the Peruvian Aerial Navigation Act at present in force, the use of cameras being prohibited.

Article 36. Every foreign aircraft authorized to make flights must comply with the International Convention relating to the Regulation of Aerial Navigation, signed in Paris on 13 October 1919 and amended during the years 1928-1933.

Use of radio

Article 39. As a general rule, the use of wireless communications by foreign warships during their presence in ports and waters under Peruvian jurisdiction shall not be restricted; nevertheless, the State reserves the right to restrict or suspend the use of such communications if this action is considered advisable for reasons of national security or national interest.

(b) LETTRE EN DATE DU 8 AOÛT 1935 DE L'ÉTAT-MAJOR GÉNÉRAL DE LA MARINE AU MINISTÈRE DE LA MARINE ET DE L'AVIATION, ADRESSÉE AU MINISTRE DES AFFAIRES ÉTRANGÈRES ¹

Monsieur le Ministre des Affaires étrangères,

En réponse à votre lettre n° 229, à laquelle était jointe une copie de la note n° 47 du 13 juillet adressée à votre ministère par le ministre de la Grande-Bretagne, demandant des éclaircissements sur quelques paragraphes de notre règlement concernant l'escale et le séjour des navires et aéronefs militaires dans les ports et eaux territoriales du Pérou, j'ai l'avantage de porter à votre connaissance ce qui suit:

Section 9—alinéa 2

a) L'objet de l'alinéa 2 de la section 9 est de délimiter les baies par des lignes d'entrée bien définies, quand les baies ont une ouverture supérieure à 6 milles et inférieure à 20 milles.

Telle est l'opinion de l'État-Major général de la marine sur les eaux territoriales.

Section 3—alinéa a

b) Notre règlement dit: Le séjour des navires et des aéronefs de guerre étrangers est illimité (*unlimited*). Il paraît que ledit alinéa a été interprété inversement.

Note. See also: Port Authorities and National Mercantile Marine Regulations, 1 January 1952, articles 307-309, 314-323, 614 (*supra*, Chapter II, Section A, under Peru).

Philippines

EXECUTIVE ORDER NO. 153 OF 9 JULY 1948 ²

1. All foreign men-of-war when entering Philippine waters are required to fly the international flag of quarantine, drop their anchor at the quarantine anchorage and wait for the quarantine officer who shall perform the quarantine inspection.

However, upon proper representations of the officials of the foreign government, radio *pratique* may be granted. The Bureau of Quarantine

¹ Cour internationale de justice, *Affaire des pêcheries* (Royaume-Uni c. Norvège), vol. III, p. 708.

² Text of order provided by the Ministry of Foreign Affairs of Philippines.

should be informed through the fastest means possible of the details regarding the existence or non-existence of any infectious disease on board the vessels and the immunization status of the officers and crew. These details should be relayed to the Bureau of Quarantine by a radiogram signed by the medical officer of the vessel. In the event a radio *pratique* is granted, the vessel will be boarded soon after its docking, for procurement of quarantine data.

2. Government vessels coming from abroad are not subject to the provisions of the customs law. They are, however, subject to the quarantine laws and regulations of the Philippines.

Said vessels which are permitted to call at Manila may safely pass the north or south channel of Corregidor without the need of pilotage service. Upon arrival in Manila and after release by the quarantine authorities, they will be given pilotage service to place them in the anchorage that will be assigned to them by the Bureau of Customs.

3. The Philippine Naval Patrol will return salutes rendered by foreign men-of-war entering Manila Harbor. It is customary for saluting vessels to fire their salute at Lat. 14°34'25"N Long. 120°57'17" E at the entrance of the south breakwater.

The Headquarters, Philippine Naval Patrol, Dewey Boulevard, Manila, should be notified at least 48 hours in advance of the intention of foreign men-of-war to fire the National salute upon entering the Harbor of Manila.

Poland

ORDER OF THE PRESIDENT OF THE REPUBLIC CONCERNING THE SAFETY OF SEAGOING SHIPS, 24 NOVEMBER 1930, ARTICLE 52 (*supra*, CHAPTER II, SECTION A, UNDER POLAND (b)); DECREE OF 23 MARCH 1956, ARTICLE 25 (*supra*, CHAPTER II, SECTION A, UNDER POLAND (g))

Roumanie

DÉCRET No. 39 DU 28 JANVIER 1956, ARTICLE 8 (*supra*, CHAPITRE II, SECTION A, ROUMANIE (a))

Sweden

(a) ROYAL NOTICE No. 467 OF NOVEMBER 1925 ON ACCESS OF FOREIGN WARSHIPS AND MILITARY AIRCRAFT TO SWEDISH TERRITORY IN PEACETIME, AS AMENDED¹

CHAPTER I

Introductory provisions

Article 1. The provisions of the present Notice concerning access of foreign warships and military aircraft to Swedish territory shall apply in

¹ *Svensk Författningssamling*, 1925, No. 467. Text of Notice and Amendments thereto provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.

respect of periods when both Sweden and the foreign Power to which such warships or aircraft belong are at peace.

In other circumstances, the situation shall be governed by special provisions.

Article 2. For the purposes of this Notice, the term "Swedish territory" means all Swedish land and water, including the air space thereover.

Swedish territory shall extend seawards for a distance of four nautical miles, or 7,408 metres, from the territory of the Kingdom or from lines representing the seaward boundary of inner territorial waters (see article 1 of the Customs Decree of 7 October 1927 and the Royal Letter of 4 May 1934 concerning the establishment of the boundaries of the Swedish Customs territory, together with the relevant charts).

Article 3. (1) The waters referred to in article 2 shall comprise inner and outer territorial waters.

(2) For the purposes of this Notice, the term "Swedish inner territorial waters" means:

- (a) Swedish lakes, watercourses and canals;
- (b) Swedish harbours, harbour entrances and bays; and
- (c) That portion of Swedish territorial waters situated inshore of and between Swedish islands, islets and drying rocks; provided that in the Sound, north of the latitude of Klagshamn light, only Swedish harbours and harbour entrances shall be regarded as Swedish inner territorial waters.

CHAPTER II

Warships

Article 7. Save as otherwise provided by diplomatic agreement, not more than three warships of a foreign Power may remain at the same time, within the same naval district, at a Swedish naval port or in Swedish inner territorial waters not belonging to a naval port.

Article 8. (1) When a foreign warship is proceeding within a Swedish naval port or within Swedish inner territorial waters not belonging to a naval port, the commanding officer shall not follow any course other than a pilot's fairway set out in the current schedule of pilot's fairways, and, except as otherwise provided, he shall have recourse to the services of a duly licensed Swedish pilot.

(2) Unless there are compelling reasons to the contrary, a foreign submarine shall remain on the surface while in Swedish territorial waters and shall at all times fly its national ensign.

- (b) ROYAL NOTICE No. 468 OF 21 NOVEMBER 1925 CONCERNING THE REPORTING OF MOVEMENTS OF FOREIGN VESSELS OFF THE COASTS OF THE KINGDOM, AND THE PILOTAGE OF FOREIGN WARSHIPS IN SWEDISH TERRITORIAL WATERS, AS AMENDED ¹

Article 1. When a foreign warship, other than a Danish warship in the Sound, is sighted off the coasts of the Kingdom, or anchors in or departs

¹ *Ibid.*, 1925, No. 468. Text of Notice and Amendments thereto provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.

from Swedish territory, the competent pilot-station superintendent (senior pilot) or lighthouse-keeper or a customs coastguard or the commanding officer of a customs maritime patrol vessel shall report such fact by telegraph or telephone to the competent chief of naval district in accordance with the regulations made by the Pilotage Board or, as the case may be, by the General Customs Administration, in consultation with the Commander-in-Chief of the Navy. If any other foreign vessel or craft is observed and its course or its method of manoeuvring or some other circumstance gives reason to suspect that it is engaged in some unlawful activity directed against the Kingdom or the inhabitants thereof, a report shall also be made as aforesaid. When such a report is received, it shall be forwarded without delay through the chief of naval district to the Commander-in-Chief of the Navy, who shall inform the Head of the Ministry of Defence and the Commander-in-Chief of the Armed Forces if there appears to be reason to do so.

Nevertheless, during such time as the naval coastguard is wholly or partly mobilized or organized and a detachment of that coastguard has been mobilized or organized at a pilot or lighthouse station, responsibility for reporting as aforesaid shall devolve upon the competent naval personnel.

Article 2. Pilotage and lighthouse staff and the staff of the customs coastguard shall ensure that the provisions concerning warships of Royal Notice No. 467 of 21 November 1925 on access of foreign warships and military aircraft to Swedish territory in peacetime are strictly complied with, and shall, as prescribed in article 1 of the present Notice, report every offence against the said provisions as well as any observations concerning other foreign vessels or craft as provided in article 1. Any reports as referred to in article 6, paragraph (3), of the first-mentioned Notice which are received by the said staff shall be forwarded without delay to the competent chief of naval district.

Article 3. When due permission has been received for a foreign warship to visit a Swedish naval port, or Swedish inner territorial waters not belonging to a naval port, notice to that effect shall be given through the Orders Office of the Defence Command to the competent superintendent of pilotage for communication to the senior pilots and pilot-station superintendents under his jurisdiction.

Article 4. A licensed pilot may not pilot a foreign warship into a Swedish naval port or into Swedish inner territorial waters not belonging to a naval port unless permission has been granted as provided in article 3.

The foregoing provision shall not, however, apply in the case of a vessel entitled without such permission to enter a naval port or territorial waters as aforesaid.

Article 5. A foreign warship may be conducted by a licensed pilot in Swedish territorial waters only through a pilot's fairway.

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(c) ROYAL NOTICE NO. 627 OF 21 OCTOBER 1928¹

His Majesty is pleased to order that the provisions of article 6, article 8 paragraph 1 and chapter IV of Notice No. 467 of 21 November 1925 relating to the access of foreign warships and military aircraft to Swedish territory in peacetime, and the provisions of article 2, article 3, article 4 and

¹ *Ibid.*, 1938, No. 627. Text of Notice provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.

article 5 of Notice No. 468 of 21 November 1925 on the reporting of the movements of foreign warships off the coast of the Realm and the pilotage thereof in Swedish territorial waters, shall also apply to a vessel owned or operated by a foreign Power, used as a training ship or pleasure craft and not flying a naval flag, whether the Power to which the vessel belongs is at peace or not.

(d) ROYAL NOTICE No. 66 OF 27 FEBRUARY 1953 CONCERNING ACCESS OF FOREIGN MILITARY AIRCRAFT TO SWEDISH TERRITORY ¹

Notwithstanding the provisions of article 11 of Notice No. 467 of 21 November 1925 on access of foreign warships and military aircraft to Swedish territory in peacetime, a foreign military aircraft, if used for civil aviation purposes and not carrying firearms or explosives, may, after receiving permission to do so from the Aviation Board in consultation with the Defence Chief of Staff, fly over, land in and depart from Swedish territory, subject to compliance with the conditions and regulations laid down in connexion with the grant of such permission.

Union of South Africa

PUBLIC HEALTH ACT No. 36 OF 1919, SECTION 70
(*supra*, CHAPTER II, SECTION A, UNDER UNION OF SOUTH AFRICA (a))

Union of Soviet Socialist Republics

(a) PROVISIONAL RULES OF 28 MARCH 1931 FOR FOREIGN WARSHIPS VISITING USSR WATERS ²

Article 1. Foreign warships shall be permitted to stay at USSR ports with the authorization of the organs of the USSR Government.

Article 2. As a general rule, not more than three warships of any one State shall be permitted to stay at any one time in the same USSR port, and the maximum length of stay for each ship shall be ten days.

Article 3. Authorization for the entry of foreign warships shall be requested in good time through the diplomatic channel, the following particulars being communicated: the number, class and names of the ships, the port which it is proposed to visit, the purpose of the visit, the length of stay, the rank and name of the commander (flag officer) and the number and type of aircraft on board, if any.

Article 4. The provisions of articles 2 and 3 shall not apply to:

- (a) Warships carrying heads of State and warships escorting them;
- (b) Warships carrying heads of diplomatic missions accredited to the USSR Government, arriving at ports open to foreign merchant ships.

Article 5. On receipt of due authorization (in accordance with the provisions of articles 1 and 3), and in the cases specified in article 4, the

¹ *Ibid.*, 1953, No. 66. Text of Notice provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.

² Published in Hydrographic Department Circular No. 114 of 20 March 1931. Text provided by the Permanent Mission of the USSR to the United Nations. Translation by the Secretariat of the United Nations.

exact time of arrival of the warship shall be notified through the diplomatic channel not later than seven days before its arrival at the port of destination.

Article 6. The provisions of articles 1, 2, 3 and 5 shall not apply to warships calling at USSR ports by reason of weather conditions or damage to the ship (storms, accidents).

Such ships should proceed where possible to a port open to foreign merchant ships.

Article 7. Foreign warships bound for USSR ports shall announce themselves and their time of arrival at destination to the port authorities by radiotelegraphy on entering USSR waters.

Article 8. While in USSR waters, foreign warships, on being hailed by ships of the naval forces of the Workers' and Peasants' Red Army or of the frontier guard, shall reply by radiotelegraphy or other available means of communication, stating the name of the ship, the purpose of its entry and the proposed length of stay.

Article 9. In USSR ports declared to be salute ports and in places where there are ships of the naval forces of the Workers' and Peasants' Red Army, salutes shall be given in accordance with existing international rules and customs.

Note. A list of salute ports is published in the Hydrographic Department circulars.

Article 10. Submarines may navigate through or stay in USSR waters only provided that they remain on the surface.

Article 11. When visiting USSR ports, foreign warships must take on board USSR pilots in the ports indicated in Hydrographic Department circulars.

Article 12. A list of waters closed to foreign warships for reasons of State security or safety of navigation shall be published in Hydrographic Department circulars.

Article 13. On entering a USSR port, a foreign warship shall be boarded by a representative (the chief liaison officer) of the senior naval commander.

On boarding the warship, the representative of the senior naval commander shall be furnished, on the orders of the commander of the foreign warship, with the information indicated in the appended list (annex to article 13), and shall make known the rules and directions specifically applicable to foreign warships to be observed by the warship, its boats and its crew.

The bill of health, together with particulars of the sanitary conditions of the warship, shall be delivered to the representative of the sanitary authority when he boards the ship.

Note 1. In ports where there is no senior naval commander and no person designated to act as his deputy in connexion with the reception of foreign warships, the rights and duties of such commander, as set forth in this article and in articles 14 to 21, shall be carried out by the garrison commander or by the senior officer of the local frontier guard unit.

Note 2. The senior naval commander shall communicate with the commander of the foreign warship either in person or through his representative and shall in like manner acquaint the commander of the foreign warship with the relevant regulations and rules relating to customs forma-

lities, frontier defence and sanitary protection, navigation, radiotelegraphy and aircraft flights, and with such port, shore and other rules as are specifically applicable to the warship.

Article 14. The berth to be assigned to a foreign warship shall be determined by the senior naval commander and shall be communicated to the commander of the warship by the representative of the senior naval commander on boarding the warship.

If the representative of the senior naval commander fails to appear, the commander of the foreign warship shall himself select a temporary anchorage, with the guidance of the relevant sailing directions and local port rules or of the pilot, if there is a pilot on board. The senior naval commander shall confirm the selection or shall indicate another berth, together with any subsequent changes that may be necessary, to the commander of the foreign warship.

Article 15. Unarmed boats of foreign warships may move within the precincts of the port in accordance with the port rules and the senior naval commander's directions.

Article 16. Crews of foreign warships may be given shore leave, by agreement with the senior naval commander, who shall be informed of the number of men to be given leave, the duration of the leave and the time of return to the ship, and in accordance with the port rules.

Article 17. When ashore, members of the crews of foreign warships shall conform to the rules relating to the wearing of uniforms and the carrying of weapons by members of foreign armed services in the territory of the USSR.

Article 18. Persons not members of the crew of a foreign warship shall be permitted to board the warship or to go ashore from the warship in the manner prescribed by the senior naval commander, by agreement with the commander of the warship and subject to compliance with the applicable passport and customs formalities.

Note: Special regulations shall apply to diplomatic and consular representatives of the country to which the visiting foreign warship belongs.

Article 19. When visiting USSR ports, foreign warships and their crews may not engage in the following activities, in addition to those forbidden by other laws and rules:

- (a) Surveys and explorations, as also measurements and soundings, other than those necessary for the safe navigation of the ship through a fairway open to navigation by all ships, or for its safe anchorage at its designated berth in the port;
- (b) The photographic or other pictorial recording, drawing or sketching or the preparation of descriptions of any area of a port or of fortifications and all military and other installations;
- (c) Movement of armed boats and boat training with armed crews, including landings;
- (d) Searchlight training;
- (e) Firing of guns (in the case of salutes), torpedoes, rifles and pistols;
- (i) Mine-laying exercises;
- (g) Exercises in the use of chemical weapons and the laying of smoke screens;
- (h) Underwater explosions of any kind;
- (i) Flights by aircraft; release of balloons, flying of kites etc.

Authorization to engage in the above-mentioned activities in individual cases shall be requested through the diplomatic channel.

Article 20. Upon a request made in advance by the commander of a foreign warship, the senior naval commander may authorize:

- (a) The carrying out of roadstead exercises within the precincts of the port and in USSR waters contiguous to the port;
- (b) The landing of armed or unarmed detachments in formation for patrolling purposes or for participation in parades or funeral ceremonies;
- (c) The execution of underwater repairs;
- (d) The use of radio equipment.

Article 21. Any breach of the established rules by a foreign warship or by members of its crew shall be drawn to the attention of the commander of the warship by the senior naval commander or, in the absence of such and of any officer acting as his deputy, as set forth in note 1 to article 13, by the commander of a ship of the naval forces of the Workers' and Peasants' Red Army or of the frontier guard, who shall simultaneously report the matter to his superior officer. If the warship fails to heed this warning, it may be invited by the competent authorities to leave USSR waters.

In exceptional circumstances, a foreign warship may at any time be invited to leave USSR waters within a specified period.

Annex to article 13

List of particulars to be furnished by foreign warships:

1. Nationality (flag) and class (type).
2. Name of ship (ships).
3. Rank and name (of commanders, flag officer).
4. Number (roll) of officers.
5. Number of crew.
6. Purpose of (reason for) the visit (this applies only to ships entitled to seek refuge).
7. Ship's last port of call.
8. Duration of stay:
 - (a) Arrival;
 - (b) Departure.
9. Principal characteristics of the ship:
 - (a) Displacement (in the case of submarines, surfaced and submerged displacement, and in the case of ships visiting the port for trade purposes, particulars of the ship's gross and net capacity);
 - (b) Length;
 - (c) Beam;
 - (d) Draught.
10. Armament:
 - (a) Guns;
 - (b) Torpedo-tubes;
 - (c) Mine-laying equipment (only in the case of ships entitled to seek refuge).
11. Aircraft carried (number, type).

and shall advise them as to the possibility, from the sanitary point of view, of unimpeded communication with the shore.

4. Where an arriving foreign ship (article 1) is carrying any person suffering from one of the diseases referred to in article 1 of the Order concerning the sanitary protection of the frontiers of the USSR, the captain shall not permit disembarkation, except in the service of the ship; however, any sick persons on board may, at the captain's request, be transferred to shore hospitals, provided that the treatment of persons suffering from the disease in question is permissible in the port under the pertinent rules.

5. Similarly, even where a foreign ship (article 1) is not carrying any sick person referred to in article 4 on arrival at a USSR port, the captain shall not permit any person on board to disembark, except in the service of the ship, if during the voyage to the USSR port any case of one of the diseases referred to in article 1 of the Order concerning the sanitary protection of the frontiers of the USSR has occurred, and the observation period prescribed in the rules made pursuant to this Order has not expired.

6. Where the port sanitary authority sees fit, article 5 may also be applied to foreign ships (article 1) on which no case of one of the diseases referred to in article 1 of the Order concerning the sanitary protection of the frontiers of the USSR has occurred during the voyage to the port ("healthy ships"), but which come from a port infected with cholera or plague and held communication in such port with the shore, if the prescribed observation period has not yet expired.

7. Where a foreign ship (article 1) has, or during the voyage to the port has had, any cases of one of the diseases referred to in article 1 of the Order concerning the sanitary protection of the frontiers of the USSR, the ship's captain shall, if he so desires, be given all possible help in the application of the necessary sanitary measures by the agencies responsible for the sanitary protection of the frontiers of the USSR.

8. Before the departure of a foreign ship (article 1) from a USSR port, and not earlier than twenty-four hours before the ship leaves port, the agencies responsible for the sanitary protection of the frontiers of the USSR shall, if requested by the ship's captain, endorse the ship's bill of health, and shall also issue a certificate concerning the sanitary condition of the port at the time of the ship's departure. Where the ship has been subjected to sanitary measures pursuant to article 7, the captain shall, if he so desires, be furnished with a certificate to that effect.

9. Arrangements for the application of articles 2 to 8 of this Order in USSR ports to foreign warships or ships treated as such shall be made by agreement between the command or administration of the port and the captains of such ships.

10. Before leaving for foreign waters, the captain of a ship (see note to article 1) of the naval forces of the Workers' and Peasants' Red Army shall be required to obtain a bill of health or other corresponding documents for presentation to the sanitary authorities at foreign ports.

11. When visiting foreign ports, ships of the naval forces of the Workers' and Peasants' Red Army shall comply with the local sanitary rules for foreign warships and ships treated as such, and shall take all necessary measures for the prevention of disease among the crew.

12. Before leaving a foreign port, the captain of a ship of the naval forces of the Workers' and Peasants' Red Army shall ensure that the ship's bill of health is endorsed by the port sanitary authorities or that he is furnished with the appropriate certificate concerning the sanitary measures applied to the ship and the sanitary condition of the port.

13. The captain of a ship of the naval forces of the Workers' and Peasants' Red Army which is engaged in navigation between USSR ports alone shall be required on leaving or calling at a port infected with one of the diseases specified in article 1 of the Order concerning the sanitary protection of the frontiers of the USSR, where the ship has held communication with the shore, to furnish a written statement to that effect, signed by himself and by the ship's doctor, to the sanitary authority of the port of arrival, with particulars of the measures taken to protect the ship against infection and of the sanitary condition of the ship.

Note. See also: Customs Code of 19 December 1928, articles 57 and 59 (*supra*, Chapter II, Section A, under USSR (*m*)); Regulation of 15 June 1927, article 24 (*supra*, Chapter II, section A, under USSR (*a*)); Act No. 431 of 24 July 1928, articles 1, 9 (*supra*, Chapter II, section A, under USSR (*b*)).

Yugoslavia

REGULATION CONCERNING THE ENTRY, NAVIGATION AND STAY OF FOREIGN WARSHIPS IN THE TERRITORIAL SEA AND INLAND SEA AREAS OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA ¹

Article 1. For the purposes of this Regulation, the term "warship" includes a man-of-war of any class and any ship which flies the naval ensign or is registered as a unit of the naval forces of any State.

For the purposes of this Regulation, the terms "territorial sea" and "inland sea areas" shall be construed in conformity with the definitions contained in articles 2 to 7 of the Act concerning the coastal waters of the Federal People's Republic of Yugoslavia.

Article 2. Foreign warships shall have the right of innocent passage through the territorial sea of the Federal People's Republic of Yugoslavia.

The passage of a warship shall not be deemed innocent if such warship uses the territorial sea of the Federal People's Republic of Yugoslavia in furtherance of any adventure which may threaten the security, material interests or public health of the Federal People's Republic of Yugoslavia or the safety of shipping in the maritime zone concerned.

Not more than three foreign warships flying the same flag may pass through the territorial sea of the Federal People's Republic of Yugoslavia at any one time, save where special authorization has been obtained from the Yugoslav Government.

. . .

Article 10. Foreign submarines passing through the territorial sea shall navigate on the surface throughout the duration of their passage.

. . .

¹ Text provided by the Secretariat of State for Foreign Affairs of the Federal Republic of Yugoslavia. Translation by the Secretariat of the United Nations.

Article 17. Without prejudice to any further restrictions imposed by the legislation of the Federal People's Republic of Yugoslavia or by international regulation, foreign warships staying in or passing through the territorial sea shall not be permitted:

- (a) To carry out any geodetic or hydrographic research;
- (b) To photograph, sketch, draw or survey the coast or any feature thereon;
- (c) To fire any artillery weapon or torpedo or to discharge any other missile;
- (d) To carry out searchlight drill;
- (e) To launch any armed boat or organize any drill with boats carrying an armed crew, to land armed detachments or in any way to manoeuvre with any assault craft or submarine;
- (f) To launch any ship-borne or auxiliary aircraft or to fly any balloon;
- (g) To lay mines or carry out mine-laying exercises;
- (h) To take any action which may cause a submarine explosion;
- (i) To carry out any chemical experiment;
- (j) To execute the death penalty.

In exceptional circumstances, after a request has been duly presented through the diplomatic channel, the authorities of the Federal People's Republic of Yugoslavia may grant a special authorization in respect of any of the activities listed hereabove.

The naval or military authorities of the Federal People's Republic of Yugoslavia may, on the request of the commander of a foreign warship, authorize any of the following:

- (a) Boat exercises (rowing, sailing and the like), within the limits of a harbour or anchorage;
- (b) The landing of armed men and equipment in connexion with a parade or funeral ceremony;
- (c) Work to be carried out below the water line on a specified ship.

Article 18. Before using any wireless, telegraph, or telephone equipment, foreign warships staying in the territorial sea of the Federal People's Republic of Yugoslavia shall request the permission of the competent naval or military authorities and disclose the system, wave-length and schedule of the wireless communications which they propose to transmit.

Any foreign warship which, for some justifiable reason, is unable to request permission in the manner prescribed in the preceding paragraph shall:

- (a) Observe the prohibition against transmitting on any wave-length exceeding 600 metres except when compelled by circumstances to send a marine distress signal or to reply to such a signal;
- (b) Refrain from interfering with the communications of any scheduled mobile wireless station;
- (c) Discontinue the sending of messages on any transmitting apparatus not adapted to continuous wave transmission;
- (d) Cease all transmission on the demand of any Yugoslav naval or military authority or any Yugoslav wireless station.

Article 19. In the event of the outbreak of an armed conflict in which the Federal People's Republic of Yugoslavia is neutral its territorial sea shall be governed by Yugoslav legislation and by the rules and principles of international law relating to neutrality.

Article 21. The Government of the Federal People's Republic of Yugoslavia may, when the national interest so requires, prohibit warships belonging to any specified State or States from passing through or staying in the territorial sea. Such prohibition shall be published in the Official Gazette and shall be communicated through the diplomatic channel to the Government of any State concerned.

Article 22. The provisions of this Regulation shall be valid only when the Federal People's Republic of Yugoslavia is not at war and shall apply only to the warships of a State which is not at war with any other State at the time when its ships enter the territorial sea or inland sea areas of the Federal People's Republic of Yugoslavia.

Article 23. The enforcement of this Regulation shall be the responsibility of the naval or military authorities; in harbours where there is no naval or military establishment, this responsibility shall be vested in the harbour authorities.

Note. See also: Act of 1 December 1948 concerning the coastal waters of the Federal People's Republic of Yugoslavia, article 13 (*supra*, Chapter II, Section A, under Yugoslavia (a)); and Customs Act of 12 October 1948, as amended, article 12 (*supra*, Chapter II, Section A, under Yugoslavia (b)).
