

United Nations Legislative Series

LAWS AND REGULATIONS
on the
REGIME OF THE HIGH SEAS

Volume I

- 1. Continental Shelf*
- 2. Contiguous Zones*
- 3. Supervision of Foreign Vessels on the High Seas*



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INTRODUCTION

This volume, prepared by the Division for the Development and Codification of International Law of the Legal Department of the Secretariat of the United Nations, inaugurates the *United Nations Legislative Series*, a systematic collection of those national legislative texts which deal with matters of international concern and constitute evidence of the practice of States in the field of international law. The purpose of this series is to fill a gap in international documentation by gathering together materials which are at present widely scattered and often difficult of access. The preparation of such a collection has been advocated by many official and unofficial bodies, and was recommended recently by the International Law Commission in its report of 29 July 1950 (*General Assembly, Official Records: Fifth Session, Supplement No. 12*, p. 10).

The content of this volume concerns the régime of the high seas, one of the three topics selected by the International Law Commission for early codification. In view of the diversity and vastness of national legislation in this field, it proved necessary to limit this volume to laws and regulations relating to three subjects of special importance: continental shelf, contiguous zones, and supervision of foreign vessels on the high seas under special treaty provisions. It is hoped that this volume will be followed by other volumes on the régime of the high seas and on subjects in other fields of international law.

In collecting the materials for this volume, a broad definition of the term "legislation" has been adopted. In the collection, not only laws and legislative decrees but also regulations, orders, declarations and proclamations of general importance have been included. In addition, relevant international agreements have been included, together with national laws issued for their execution. Editorial notes provide supplementary information about prior laws and subsequent developments. Additional instruments, received by the Secretariat after the completion of the manuscript, have been placed in the Annex to this volume.

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PART I. CONTINENTAL SHELF

CHAPTER 1. NATIONAL LEGISLATION

1. Argentina

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Whereas in Document No. 179,659-42 the Department of Mines, Geology and Hydrogeology, a department of the Ministry of Agriculture, recommended that decrees which established zones of mineral reserves and which were enacted more than fifteen years ago, should be repealed; and

Whereas the reserves in question were in each case related to special circumstances which do not exist at the present time; and

Whereas it is a measure of sound administration to revise and regulate the question of the reserves so established so as to avoid unnecessary delays in the granting of applications for mining rights in the zones in question, and at the same time to contemplate present and future needs,

Now therefore, the President of the Argentine Nation

Decrees :

Article 1. The Decrees of 1 May 1924, 1 July 1925 and 1 April 1927 which, respectively, established mineral reserves in a zone of the National Territory of Neuquén, the Territories of Chaco and Formosa and a small area in Puerto Madryn are hereby repealed.

Article 2. Pending the enactment of special legislation, the zones at the international frontiers of the national territories and the zones on the ocean coasts, as well as the zones of the epicontinental sea of Argentina, shall be deemed to be temporary zones of mineral reserves; nevertheless, applications for prospecting rights, evidence of discoveries and other applications in respect of mineral rights may continue to be dealt with according to the ordinary procedure, unless the Departments of War and Navy in consultation with the Ministry of Agriculture express a special interest owing to the nature of the question, or under the provisions of chapter XVII of the Mining Act.

Article 3. In the case of existing reserve zones other than those covered by Decree No. 60,778 of 14 May 1935, the Ministry of Agriculture may recommend that the reserves in question should cease to be regarded as such, unless the Department of War, after investigations conducted under Act No. 12,709 or for reasons which it considers compelling, expresses a special interest in maintaining the reserves.

Article 4. Pending the enactment of legislation to amend chapter XVII of the Mining Act (Act No. 12,161 of 26 March 1935) that contemplates

the present and future interests of the nation, the reserve zones referred to in Decree No. 60,778 of 14 May 1935 shall continue to be considered as such.

- (b) DECREE NO. 14,708, CONCERNING NATIONAL SOVEREIGNTY OVER EPICONTINENTAL SEA AND THE ARGENTINE CONTINENTAL SHELF, 11 OCTOBER 1946. "BOLETÍN OFICIAL DE LA REPÚBLICA ARGENTINA", VOL. 54, NO. 15,641 (5 DECEMBER 1946), P. 2. TRANSLATION FROM "AMERICAN JOURNAL OF INTERNATIONAL LAW", VOL. 41 (1947), SUPPLEMENT, P. 11, AS REVISED BY THE SECRETARIAT OF THE UNITED NATIONS

Whereas:

The submarine platform, known also as the submarine plateau or continental shelf, is closely united to the mainland both in a morphological and a geological sense;

The waters covering the submarine platform constitute the epicontinental seas, characterized by extraordinary biological activity, owing to the influence of the sunlight, which stimulates plant life (algae, mosses, etc.) and the life of innumerable species of animals, both susceptible of industrial utilization;

The Executive Power, in article 2 of Decree No. 1,386, dated 24 January 1944, issued a categorical proclamation of sovereignty over the "Argentine continental shelf" and the "Argentine epicontinental sea", declaring them to be "transitory zones of mineral reserves";

The State, through the medium of the *Yacimientos Petrolíferos Fiscales* (Public Petroleum Deposits Administration), is exploiting the petroleum deposits discovered along the "Argentine continental shelf", thereby confirming the Argentine nation's right of ownership over all deposits situated in the aforesaid continental shelf;

It is the purpose of the Executive Power to continue, more and more intensively, its scientific and technical investigations respecting all phases of the exploration and exploitation of the animal, vegetable and mineral wealth, which offer such vast potentialities, contained in the Argentine continental shelf and in the corresponding epicontinental sea;

In the international sphere, conditional recognition is accorded to the right of each nation to consider as national territory the entire extent of its epicontinental sea and of the adjacent continental shelf;

Relying upon this principle, the Governments of the United States of America and of Mexico have issued declarations asserting the sovereignty of each of the two countries over the respective peripheral epicontinental seas and continental shelves (Proclamation of President Truman, dated 28 September 1945, and Declaration of President Avila Camacho, dated 29 October 1945);

The doctrine in question, apart from the fact that it is implicitly accepted in modern international law, is now deriving support from the realm of science in the form of serious and valuable contributions, as is evidenced by numerous national and foreign publications and even by official educational programmes; and

The manifest validity of the thesis set forth above, as well as the determination of the Argentine Government to perfect and preserve all the attributes inherently bound up with the exercise of national

sovereignty, make it advisable to formulate the corresponding declaration, thereby amplifying the effects of the aforesaid Decree No. 1,386.

The President of the Argentine Nation, supported by a General Accord of the Ministers

Decrees :

Article 1. It is hereby declared that the Argentine epicontinental sea and continental shelf are subject to the sovereign power of the nation;

Article 2. For purposes of free navigation, the character of the waters situated in the Argentine epicontinental sea and above the Argentine continental shelf, remains unaffected by the present Declaration;

Article 3. The present Declaration shall be brought to the attention of the Honourable Congress, published, transmitted to the National Registry and filed.

Note. On 2 July 1948 the Government of the United States of America sent the following note to the Government of Argentina (United Nations document A/CN.4/19, p. 115);

"At the direction of my Government I have the honor to state that the United States Government has carefully studied the Declaration of the President of the Argentine Nation of 11 October 1946 concerning the industrial utilization of the resources of the continental shelf and the coastal seas, together with Decree No. 1386 of 24 January 1944 which the Declaration amplifies. The Declaration cites the Proclamations of the United States of 28 September 1945 in the Preamble. My Government is accordingly confident that His Excellency, the President of the Argentine Nation, in formulating the Declaration, was actuated by the same long-range considerations with respect to the wise conservation and utilization of natural resources as motivated President Truman in proclaiming the policy of the United States relative to the natural resources of the sub-soil and sea bed of the continental shelf and its policy relative to coastal fisheries in certain areas of the high seas. The United States Government, aware of the inadequacy of past arrangements for the effective conservation and utilization of such resources, views with sympathy the considerations which led the Argentine Government to formulate its Declaration.

"At the same time, the United States Government notes that the principles underlying the Argentine Declaration differ in large measure from those of the United States Proclamations and appear to be at variance with the generally accepted principles of international law. In these respects, the United States Government notes in particular that (1) the Argentine Declaration decrees national sovereignty over the continental shelf and over the seas adjacent to the coasts of Argentina outside the generally accepted limits of territorial waters, and (2) the Declaration fails, with respect to fishing, to accord recognition to the rights and interests of the United States in the high seas off the coasts of Argentina. In view of these considerations, the United States Government wishes to inform the Argentine Government that it reserves the rights and interests of the United States so far as concerns any effects of the Declaration of 11 October 1946 or of any measures designed to carry that Declaration into execution.

"The reservations thus made by the United States Government are not intended to have relation to or to prejudice any Argentine claims with reference to the Antarctic Continent or other land areas.

"I may state for Your Excellency's information that the United States Government is similarly reserving these rights and interests with respect to decrees of the Governments of Chile and Peru which purport to extend sovereignty beyond the general accepted limits of territorial waters."

2. Chile

- (a) PRESIDENTIAL DECLARATION CONCERNING CONTINENTAL SHELF, 23 JUNE 1947, "EL MERCURIO" (SANTIAGO DE CHILE), 29 JUNE 1947, P. 27. TRANSLATION FROM "INTERNATIONAL LAW QUARTERLY" (1948), VOL. 2, P. 135

Considering :

1. That the Governments of the United States of America, of Mexico and of the Argentine Republic, by presidential declarations made on 28 September 1945, 29 October 1945, and 11 October 1946, respectively, have categorically proclaimed the sovereignty of their respective States over the land surface or continental shelf adjacent to their coasts, and over the adjacent seas within the limits necessary to preserve for the said States the natural riches belonging to them, both known and to be discovered in the future;

2. That they have explicitly proclaimed the rights of their States to protect, preserve, control and inspect fishing enterprises, with the object of preventing illicit activities threatening to damage or destroy the considerable natural riches of this kind contained in the seas adjacent to their coasts, and which are indispensable to the welfare and progress of their respective peoples; and that the justice of such claims is indisputable;

3. That it is manifestly convenient, in the case of the Chilean Republic, to issue a similar proclamation of sovereignty, not only by the fact of possessing and having already under exploitation natural riches essential to the life of the nation and contained in the continental shelf, such as the coal-mines, which are exploited both on the mainland and under the sea, but further because, in view of its topography and the narrowness of its boundaries, the life of the country is linked to the sea and to all present and future natural riches contained within it, more so than in the case of any other country;

4. That international consensus of opinion recognizes the right of every country to consider as its national territory any adjacent extension of the epicontinental sea and the continental shelf;

5. That the State has the obligation to protect and guard the exploitation of the natural riches contained in this territory, on sea, on land, and in the air;

The President of the Republic hereby declares:

(1) The Government of Chile confirms and proclaims its national sovereignty over all the continental shelf adjacent to the continental and island coasts of its national territory, whatever may be their depth below the sea, and claims by consequence all the natural riches which exist on the said shelf, both in and under it, known or to be discovered.

(2) The Government of Chile confirms and proclaims its national sovereignty over the seas adjacent to its coasts whatever may be their depths, and within those limits necessary in order to reserve, protect, preserve and exploit the natural resources of whatever nature found on, within and below the said seas, placing within the control of the government especially all fisheries and whaling activities with the object of

preventing the exploitation of natural riches of this kind to the detriment of the inhabitants of Chile and to prevent the spoiling or destruction of the said riches to the detriment of the country and the American continent.

(3) The demarcation of the protection zones for whaling and deep sea fishery in the continental and island seas under the control of the Government of Chile will be made in virtue of this declaration of sovereignty at any moment which the Government may consider convenient, such demarcation to be ratified, amplified, or modified in any way to conform with the knowledge, discoveries, studies and interests of Chile as required in the future. Protection and control is hereby declared immediately over all the seas contained within the perimeter formed by the coast and the mathematical parallel projected into the sea at a distance of 200 nautical miles from the coasts of Chilean territory. This demarcation will be calculated to include the Chilean islands, indicating a maritime zone contiguous to the coasts of the said islands, projected parallel to these islands at a distance of 200 nautical miles around their coasts.

(4) The present declaration of sovereignty does not disregard the similar legitimate rights of other States on a basis of reciprocity, nor does it affect the rights of free navigation on the high seas.

Note. On 2 July 1948, the Government of the United States sent the following note to the Government of Chile (United Nations document A/CN.4/19, p. 114):

"I have the honor to refer to the Decree issued by the President of the Republic of Chile on 25 June 1947 concerning the conservation of the resources of the continental shelf and the epicontinental seas and to advise that I have been instructed by my Government to make certain reservations with respect to the rights and interests of the United States of America.

"The United States Government has carefully studied this declaration of the President of the Republic of Chile. The Declaration cites the Proclamations of the United States of 28 September 1945 in the Preamble. My Government is accordingly confident that His Excellency, the President of the Republic of Chile, in issuing the Declaration, was actuated by the same long-range considerations with respect to the wise conservation and utilization of natural resources as motivated President Truman in proclaiming the policy of the United States relative to the natural resources of the subsoil and sea bed of the continental shelf and its policy relative to coastal fisheries in certain areas of the high seas. The United States Government, aware of the inadequacy of past arrangements for the effective conservation and perpetuation of such resources, views with utmost sympathy the considerations which led the Chilean Government to issue its Declaration.

"At the same time, the United States Government notes that the principles underlying the Chilean Declaration differ in large measure from those of the United States Proclamations and appear to be at variance with the generally accepted principles of international law. In these respects, the United States Government notes in particular that (1) the Chilean Declaration confirms and proclaims the national sovereignty of Chile over the continental shelf and over the seas adjacent to the coast of Chile outside the generally accepted limits of territorial waters, and (2) the Declaration fails, with respect to fishing, to accord appropriate and adequate recognition to the rights and interests of the United States in the high seas off the coast of Chile. In view of these considerations, the United States Government wishes to indicate to the Chilean Government that it reserves the rights and interests of the United States so far as concerns any effects of the Decla-

ration of 25 June 1947, or of any measures designed to carry that Declaration into execution.

"The reservations thus made by the United States Government are not intended to have relation to or to prejudice any Chilean claims with reference to the Antarctic Continent or other land areas.

"The Government of the United States of America is similarly reserving its rights and interests with respect to decrees issued by the Governments of Argentina and Peru which purport to extend their sovereignty beyond the generally accepted limits of territorial domain."

3. Costa Rica

- (a) MARITIME FISHING AND HUNTING ACT, ENACTED BY DECREE NO. 190, 28 SEPTEMBER 1948. "LA GACETA", VOL. 70, NO. 229, P. 1749.
TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Founding Junta of the Second Republic

Considering:

That this Junta has made the declaration incorporating the submarine wealth enclosed by our continental and insular shelf and the maritime zone adjacent to the continental and insular coasts of the nation, and that fishing and maritime hunting should be placed under the control of the State because the defective utilization thereof constitutes a danger to the biological conservation of the species; that it is fitting also to bring fishing in the rivers and lakes of the country under such control; and that it is also in the national interest to promote the industries which are derived from fishing and maritime hunting;

Therefore, decrees the following:

Maritime Fishing and Hunting Act

Article 1. Fishing concerns a natural resource which is part of the national wealth and the regulation thereof is therefore within the competence of the Executive Power for which purpose the present decree is issued to prescribe the conditions for the right to work such resources and to lay down rules for the exercise of that right, a rational utilization, a higher economic output and the conservation and protection of the species which live in the water.

Article 7. Fishing and maritime hunting in the waters under the protection and control of the State shall be carried out solely by vessels, installations or floating factories registered in Costa Rica or by vessels of foreign registry, provided they have duly obtained the authorization of the Ministry of Agriculture and Industry.

Note. The regulations enacted in pursuance of this Act by Decree No. 363 of 11 January 1949 prohibited certain types of fishing within six maritime miles from the coast (articles 9 and 13). These provisions were changed, however, by Decree No. 739 of 4 October 1949 which provided merely that the Ministry of Agriculture and Industries shall determine the areas within which such methods of fishing may not be employed. *La Gaceta*, vol. 71, no. 21 (3 February 1949), p. 157, and no. 226 (8 October 1949), p. 1826.

The declaration mentioned in the preamble to this Act was embodied in the Decree-Law No. 116, of 27 July 1948. This Decree-Law has been replaced by the Decree-Law No. 803, of 3 November 1949, which is reproduced below.

- (b) DECREE-LAW NO. 803, CONCERNING CONTINENTAL AND INSULAR SHELF, 2 NOVEMBER 1949. "LA GACETA", VOL. 71, NO. 249 (5 NOVEMBER 1949), P. 2046. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Founding Junta of the Second Republic

Considering:

1. That the protection and perpetuation of fishing resources which exist in, on, or under the seas contiguous to the continental or insular coasts of the national territory, both those resources which have been discovered and those which may be discovered in the future, can be developed by the improvement of measures of conservation and by international co-operation in the field of conservation.
2. That the fishing resources and the minerals existing under the submarine shelf, are of capital importance for the nation and the State as food and industrial wealth, and that their improper exploitation would directly prejudice the interests of the nationals of Costa Rica and the national and continental economy.
3. That an international consensus recognizes the right and obligation of a coastal State to develop the conservation of fisheries in the high sea contiguous to its coasts, in accordance with the particular conditions in each region, and in harmony with the exclusive rights and interests of any other State.
4. That to achieve the aforesaid ends, it is indispensable that the State should proclaim a policy relating to coastal fisheries in certain areas of the high sea, and to its rights in the resources under the submarine shelf.
5. That the Decree-Law No. 116 of 27 July 1948 does not ignore the rights of other States and that on the basis of reciprocity and in accordance with this principle, the process of conclusion of treaties has been begun, in which treaties it is intended to deal with matters relating in particular to maritime conservation, hunting and fishing.
6. That with reference to the policy of treaties to be concluded in recognition of legitimate rights of other countries and in conformity with international practices, it is desirable to clarify the aforementioned Decree-Law No. 116 which has lent itself to twisted interpretations, and consequently it ought to read in the following manner:

Therefore decrees:

Article 1. Decree-Law No. 116 of 27 July 1948 shall read as follows:

"*Article 1.* National sovereignty is confirmed and proclaimed in the whole submarine platform or continental and insular shelf adjacent to the continental and insular coasts of the national territory, at whatever depth it is found, and the inalienable right of the nation to all the natural wealth which exists in the said shelf or platform is reaffirmed.

"Article 2. The rights and interests of Costa Rica are proclaimed over the seas adjacent to the continental and insular coasts of the national territory, whatever their depth, and to the extent necessary to protect, conserve, and utilize the natural resources and wealth which exist or shall come to exist on, in, or under said seas; henceforth maritime fishing and hunting carried on in said seas shall be under the surveillance of the Government of Costa Rica, with the object of preventing an inadequate exploitation of its natural wealth from prejudicing the nationals, the economy of the nation, and the American continent.

"Article 3. The demarcation of the zones of protection of maritime hunting and fishing in the continental and insular seas which by virtue of the present Decree-Law are under the control of the Government of Costa Rica, shall be made, in accordance with this declaration, whenever the Government deems it appropriate, whether by ratifying, amplifying, or modifying said demarcation, as the national interest demands.

"Article 4. The protection of the State is declared over all the sea included within the perimeter formed by the coasts and by a mathematical parallel, projected out to sea at a distance of 200 marine miles from the continental Costa Rican coasts. In the case of Costa Rican islands, the demarcation will be measured by marking out a zone of the sea contiguous to the coasts of the said islands, projected parallel to such coasts, to a distance of 200 marine miles all around them.

"Article 5. The present declaration, to which articles 2, 3, and 4 of this decree refer, does not ignore similar legitimate rights of other States, on the basis of reciprocity, and does not affect rights of free navigation on the high sea."

Article 2. This Decree-Law shall be effective upon its publication.

Note. This Decree-Law replaces the Decree-Law No. 116, of 27 July 1948 (*La Gaceta*, vol. 70, no. 171, 29 July 1948). The previous enactment spoke of "the inalienable right of each country to consider all the adjacent extension of the epicontinental sea and of the continental shelf as part of national territory". It proclaimed "national sovereignty" not only over the submarine platform (article 1) but also over the adjacent seas (Article 2).

4. Guatemala

- (a) PETROLEUM LAW, ENACTED BY LEGISLATIVE DECREE NO. 649, 30 AUGUST 1949. "DIARIO DE CENTRO AMÉRICA", VOL. 56, NO. 46 (27 SEPTEMBER 1949), P. 505. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. All deposits or natural reserves of petroleum within the land or sea boundaries of the Republic, up to the extremity of the continental shelf or platform of the Republic, shall, whether they lie on or under the earth, lakes, rivers or seas, be the property of the nation. The direct *dominium* over them is inalienable and imprescriptible.

Article 29. The Executive Power may grant prospecting concessions in any area included within the boundaries of the national territory,

territorial waters and continental shelf or platform of Guatemala. Such concessions may comprise land areas, provided that these are not included in existing prospecting or operating concessions or in areas declared to be National Reserve Zones.

Article 36. The Executive Power may grant operating concessions in any area included within the boundaries of the national territory, territorial waters and continental shelf or platform of Guatemala. Such concessions may comprise land areas and areas submerged beneath the sea, lakes, lagoons and rivers, provided that they are not included in existing prospecting or operating concessions or in areas declared to be National Reserve Zones.

Note. Similar provisions were included also in the previous Petroleum Law, enacted by Legislative Decree No. 468 of 29 November 1947. *Diario de Centro América* (1948), vol. 52, no. 8, p. 75. For a comment on that law, see A. Molina, "Los dominios marítimo y submarino de Guatemala," *Revista de la Facultad de Ciencias Jurídicas y Sociales de Guatemala*, vol. 4, no. 3 (April-June 1949), pp. 15-19.

5. Honduras

(a) CONGRESSIONAL DECREE NO. 102, AMENDING THE POLITICAL CONSTITUTION, 7 MARCH 1950. "LA GACETA: DIARIO OFICIAL DE LA REPÚBLICA DE HONDURAS", VOL. 75, NO. 14,055 (16 March 1950), P. 2. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The name of the single chapter of title 1, the name of title 2, and articles 4 and 153 of the Political Constitution are amended, and shall read as follows:

(a) Name of the single chapter of title 1: "Concerning the Nation and Sovereignty".

(b) Name of title 2: "Concerning Nationality and Citizenship".

(c) *Article 4.* "The limits of Honduras and its territorial division shall be determined by law. The submarine platform or continental and insular shelf, and the waters which cover it, in both the Atlantic and Pacific Oceans, at whatever depth it may be found and whatever its extent may be, forms a part of the national territory."

(d) *Article 153.* "The following belong to the State: Full, inalienable, and imprescriptible dominion of the waters of the territorial seas to the extent of twelve kilometres measured from the low-water mark, and full, inalienable, and imprescriptible dominion of its beaches, and of its lakes, lagoons, estuaries, rivers, and rivulets which run continuously, with the exception of springs which rise and terminate within private property; also the dominion, likewise full, inalienable, and imprescriptible, over all the resources which exist or may exist in its submarine platform or continental and insular shelf, in its lower strata, and in the area of the sea included within vertical planes constructed on its boundaries."

Article 2. The present decree shall be constitutionally ratified by the next legislature and shall enter into force immediately after its publication in *La Gaceta*.

Note. Prior to the change introduced by this decree, article 153 of the Constitution of Honduras, of 28 March 1936, provided only that "the State has full *dominium*, inalienable and imprescriptible, over the waters of the territorial seas to a distance of twelve kilometres measured from the low-water mark". *Decretos de la Asamblea Nacional Constituyente*, 1936, p. 39.

- (b) CONGRESSIONAL DECREE NO. 103, AMENDING THE AGRARIAN LAW, 7 MARCH 1950. "LA GACETA: DIARIO OFICIAL DE LA REPÚBLICA DE HONDURAS", VOL. 75, NO. 14,055 (16 MARCH 1950), P. 2. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The first article of the Agrarian Law is amended, and shall read as follows:

"*Article 1.* The property of the land, in its double aspect of soil and subsoil, as well as the waters included in its territory, belong originally to the State, which has the right to transfer the dominion to individuals, establishing thereby private property.

"The following belong to Honduras:

"(1) The land situated on the continent within its territorial limits, and all the islands and keys in the Pacific which have been considered Honduran.

"(2) The following islands: Cisne (Swan), Viciosas, Misteriosas and Mosquitos; the following keys: Gorda, Vivorillos, Cajones, Becerro, Cocurucuma, Caratazcá, Falso, Gracias a Dios, Los Bayos, Pichones, Palo de Campeche; and others islands, banks and reefs situated in the Atlantic, over which Honduras exercises dominion and sovereignty, in addition to the Islands of Bahía.

"(3) Its submarine platform or continental and insular shelf and the waters which cover it, in both the Atlantic and Pacific Oceans, at whatever depth it may be found and whatever its extent may be."

Article 2. The present decree shall be constitutionally ratified by the next legislature and shall enter into force immediately after its publication in *La Gaceta*.

6. Iceland

- (a) LAW NO. 44, CONCERNING THE SCIENTIFIC CONSERVATION OF THE CONTINENTAL SHELF FISHERIES, 5 APRIL 1948. "STJÓRNARTÍÐTINDI", 1948, A. 4, P. 147. TRANSLATION BY SECRETARIAT OF THE UNITED NATIONS

The President of Iceland proclaims: The Althing has passed the present law which is hereby approved and confirmed:

Article 1. The Ministry of Fisheries shall issue regulations establishing explicitly bounded conservation zones within the limits of the continental shelf of Iceland, wherein all fisheries shall be subject to Icelandic rules and control; provided that the conservation measures now in effect shall in no way be reduced. The Ministry shall further issue the necessary regulations for the protection of the fishing grounds within the said zones. The Fiskifélag Islands (Fisheries Society) and the Atvinnudeild Háskóla Islands (Industrial Research Laboratories) of the

University of Iceland) shall be consulted prior to the promulgation of the said regulations.

The regulations shall be revised in the light of scientific research.

Article 2. The regulations promulgated under article 1 of the present law shall be enforced only to the extent compatible with agreements with other countries to which Iceland is or may become a party.

Article 3. Violations of the regulations issued under article 1 shall be punishable by fines from Kr.1,000 to Kr.100,000, as specified in the regulations.

Article 4. The Ministry of Fisheries shall, so far as possible, take part in international scientific research directed towards fisheries conservation.

7. Mexico

- (a) PRESIDENTIAL DECLARATION WITH RESPECT TO CONTINENTAL SHELF, 29 OCTOBER 1945. "EL UNIVERSAL" (MEXICO CITY), VOL. 116, NO. 10,541 (30 OCTOBER 1945), PP. 1 AND 17. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The experience of the last few years has shown the growing need for States to conserve those natural resources which, throughout the ages, and for various reasons, have been beyond their control and have not been fully utilized.

It is well known that the land forming the continental plateaux does not rise in steep gradients from the great depths of the ocean floors but rests on a submarine platform known as the continental shelf which is bounded by the "isobath", that is, the line joining points at the same depth (200 metres) and beyond whose limits the slope descends steeply or gradually towards the ocean zones of medium depth: this shelf clearly forms an integral part of the continental countries and it is not wise, prudent or possible for Mexico to renounce jurisdiction and control over and utilization of that part of the shelf which adjoins its territory in both oceans.

It is now known, as a result of various scientific researches, that this shelf contains natural resources, liquid and gaseous minerals, phosphates, calcium, hydrocarbons, etc., of inestimable value whose legal incorporation into the national property is urgent and cannot be delayed.

Furthermore, it is equally urgent that the Mexican State should adequately protect, work and develop the exceptionally rich fishing resources with which it has been endowed by nature, such as those in the waters off the coasts of Lower California, not to mention the others; and the urgency is still greater at the present time when the world, impoverished and needy as a result of the war imposed by totalitarianism, must develop its production of food to the greatest possible extent.

In the pre-war years the Western Hemisphere had to stand aside while permanent fishing fleets from other countries engaged in an excessive and exhaustive exploitation of these vast resources which, although they should of course contribute to international well-being, must belong above all to the country possessing them and to the continent of which it forms part. In view of its very nature, it is essential that this protection

should consist in the extension of control and supervision by the State to the places and zones indicated by science for the development of high-seas fisheries, irrespective of their distance from the coast.

For these reasons the Government of the Republic lays claim to the whole of the continental platform or shelf adjoining its coast line and to each and all of the natural resources existing there, whether known or unknown, and is taking steps to supervise, utilize and control the closed fishing zones necessary for the conservation of this source of well-being.

The foregoing does not mean that the Mexican Government seeks to disregard the lawful rights of third parties, based on reciprocity, or that the rights of free navigation on the high seas are affected, as the sole purpose is to conserve these resources for the well-being of the nation, the continent and the world.

My Government has instructed the competent authorities to proceed with the drafting of the appropriate legislation and the conclusion of such treaties as may be necessary.

(b) PRESIDENTIAL DECREE INCORPORATING IN THE PROPERTY OF "PETRÓLEOS MEXICANOS" THE SUBSOIL OF THE LANDS COVERED BY THE TERRITORIAL WATERS OF THE GULF OF MEXICO AND OTHER LANDS SPECIFIED THEREIN, 25 FEBRUARY 1949. "DIARIO OFICIAL", VOL. 173, NO. 10 (11 MARCH 1949), P. 4. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

...In the exercise of the powers conferred upon me by article 89, paragraph 1, of the General Constitution of the Republic, and in virtue of the provisions of article 1, article 6, paragraph II, and article 7 of the Regulatory Act, issued in respect of petroleum, under article 27 of the Constitution, and

Considering:

I. That, according to the scientific surveys made, the subsoil of the lands comprised in the continental shelf may contain deposits of hydrocarbons capable of being utilized and exploited by the nation as was recognized in the declaration of 29 October 1945 by the Federal Executive which claimed for the nation the whole submarine shelf or platform adjacent to the coasts of the Republic and of its islands;

II. That in accordance with that declaration the Executive on 6 December 1945 submitted to the Congress of the Union and of the State Legislatures for consideration a constitutional amendment for the juridical restoration to the nation of the said continental shelf, with its natural wealth, in order that the nation may proceed to its proper exploitation;

III. That, in the case of hydrocarbons, the jurisdiction of the Government of the Republic is indisputable, under the express terms of article 27, paragraph 4, of the Federal Constitution, whereby the nation is empowered to undertake the exploitation of the petroleum resources of the subsoil of the continental shelf, through the intermediary of the Public Petroleum Institution known as *Petróleos Mexicanos* and in accordance with the system of grants established in the Regulatory Act issued under the above-mentioned article 27 of the Constitution in respect of petroleum, I am pleased to issue the following

Decree :

Article 1. The subsoil of the lands covered by the territorial waters of the Gulf of Mexico adjacent to the zone included between the Barra de Santecomapan, State of Veracruz, and the Barra de Paso Real, State of Campeche, to a distance of five kilometres from the low water mark, is hereby included in the property of *Petróleos Mexicanos*;

Article 2. The subsoil of the lands covered by the waters of the lagoons of Carmen, Machona, Mecoacán and Términos in the States of Campeche and Tabasco, from the average high water mark in the said lagoons is also incorporated in the property of *Petróleos Mexicanos*; and

Article 3. The Secretariat of the Economy shall proceed to issue to *Petróleos Mexicanos* the title deeds relating to the lands the subsoil of which is hereby incorporated in the property of that institution.

8. Nicaragua

- (a) POLITICAL CONSTITUTION, 1 NOVEMBER 1950. "LA GACETA", VOL. 54, NO. 235 (6 NOVEMBER 1950), p. 2209. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 5. The national territory extends between the Atlantic and the Pacific Oceans and the Republics of Honduras and Costa Rica. It also comprises: the adjacent islands, the subsoil, the territorial waters, the continental shelf, the submerged foundations (*zócalos submarinos*), the air space and the stratosphere.

Such frontiers as may not yet be determined shall be fixed by treaties and by law.

9. Panama

- (a) CONSTITUTION, 1 MARCH 1946. "GACETA OFICIAL", VOL. 43, NO. 9,938 (4 MARCH 1946), p. 18. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 209. The following belong to the State and are of public use and, in consequence, cannot be the object of private appropriation:

(1) The territorial sea and the waters of lakes and streams; the beaches and banks thereof and of navigable rivers, as well as ports and inlets. All this property is subject to free and common appropriation, in accordance with regulations established by law;

(2) The lands and waters designated for public services of all categories of communications;

(3) The lands and waters designated or to be designated by the State for public services of irrigation, hydroelectric production, drainage and aqueducts;

(4) The aerial space and the submarine continental shelf which appertain to the national territory; and

(5) All the other property which the law designates for public use.

In all cases in which private property is converted into property for public use, the owner thereof shall be compensated.

- (b) DECREE No. 449, FOR THE REGULATION OF SHARK FISHING BY FOREIGN VESSELS IN THE WATERS UNDER THE JURISDICTION OF THE REPUBLIC, 17 DECEMBER 1946. "GACETA OFICIAL", VOL. 43, NO. 10,181 (24 DECEMBER 1946), P. 2. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 3. For the purposes of fisheries in general, national jurisdiction over the territorial waters of the Republic extends to all the space above the sea bed of the submarine continental shelf. For this reason the product of any fishing within the limits indicated is considered a national product, and is therefore subject to the provisions of the present decree.

10. Peru

- (a) PRESIDENTIAL DECREE No. 781, CONCERNING SUBMERGED CONTINENTAL OR INSULAR SHELF, 1 AUGUST 1947. "EL PERUANO: DIARIO OFICIAL", VOL. 107 NO. 1,983 (11 AUGUST 1947), P. 1. TRANSLATION FROM "INTERNATIONAL LAW QUARTERLY", VOL. 2 (1948), P. 137

The President of the Republic,

Considering:

That the continental submerged shelf forms one entire morphological and geological unit with the continent;

That the shelf contains certain natural resources which must be proclaimed as our national heritage;

That it is deemed equally necessary that the State protect, maintain and establish a control of fisheries and other natural resources found in the continental waters which cover the submerged shelf and the adjacent continental seas in order that these resources which are so essential to our national life may continue to be exploited now and in the future in such a way as to cause no detriment to the country's economy or to its food production;

That the value of the fertilizer left by the guano birds on islands off the Peruvian coast also requires for its safeguard the protection, maintenance and establishment of a control of the fisheries which serve to nourish these birds;

That the right to proclaim sovereignty and national jurisdiction over the entire extension of the submerged shelf as well as over the continental waters which cover it and the adjacent seas in the area required for the maintenance and vigilance of the resources therein contained, has been claimed by other countries and practically admitted in international law (Declaration of the President of the United States of 28 September 1945; Declaration of the President of Mexico of 29 October 1945; Decree of the President of the Argentine of 11 October 1946; Declaration of the President of Chile of 23 June 1947);

That article 37 of the State Constitution establishes that all mines, lands, forests, waters and in general all sources of natural wealth pertain to the State, with the exception of rights legally acquired;

That in fulfilment of its sovereignty and in defence of national economic interests it is the obligation of the State to determine in an irrefutable

manner the maritime dominion of the nation, within which should be exerted the protection, maintenance and vigilance of the aforesaid resources;

With the advisory vote of the Cabinet:

Decrees:

1. To declare that national sovereignty and jurisdiction can be extended to the submerged continental or insular shelf adjacent to the continental or insular shores of national territory, whatever the depth and extension of this shelf may be.

2. National sovereignty and jurisdiction are to be extended over the sea adjoining the shores of national territory whatever its depth and in the extension necessary to reserve, protect, maintain and utilize natural resources and wealth of any kind which may be found in or below those waters.

3. As a result of previous declarations the State reserves the right to establish the limits of the zones of control and protection of natural resources in continental or insular seas which are controlled by the Peruvian Government and to modify such limits in accordance with future changes which may originate as a result of further discoveries, studies or national interests which may arise in the future and at the same time declares that it will exercise the same control and protection on the seas adjacent to the Peruvian coast over the area covered between the coast and an imaginary parallel line to it at a distance of 200 (two hundred) nautical miles measured following the line of the geographical parallels. As regards islands pertaining to the Nation, this demarcation will be traced to include the sea area adjacent to the shores of these islands to a distance of 200 (two hundred) nautical miles, measured from all points on the contour of these islands.

4. The present declaration does not affect the right to free navigation of ships of all nations according to international law.

Note. On 2 July 1948, the Government of the United States sent the following note to the Government of Peru (United Nations document A/CN.4/19, p. 113):

"I have the honor to advise Your Excellency that the Government of the United States of America has carefully studied the Decree of the President of the Republic issued on 1 August 1947 concerning the conservation of the resources of the continental shelf and the coastal seas. The Decree cites the Proclamation of the United States of 28 September 1945 in the Preamble. My Government is accordingly confident that His Excellency, the President of the Peruvian Republic, in issuing the Decree, was actuated by the same long-range considerations with respect to the wise conservation and utilization of natural resources as motivated President Truman in proclaiming the policy of the United States relative to the natural resources of the subsoil and sea bed of the continental shelf and its policy relative to coastal fisheries in certain areas of the high seas. The United States Government, aware of the inadequacy of past arrangements for effective conservation and perpetuation of such resources, views with the utmost sympathy the considerations which led the Peruvian Government to issue its Decree.

"At the same time, the United States Government notes that the principles underlying the Peruvian Decree differ in large measure from those of the United States Proclamation and appear to be at variance with the generally accepted principles of international law. In these respects, the United States Government notes in particular that (1) the Peruvian Decree declares

national sovereignty over the continental shelf and over the seas adjacent to the coast of Peru outside the generally accepted limit of territorial waters, and (2) the Decree fails, with respect to fishing, to accord recognition to the rights and interests of the United States in the high seas off the coasts of Peru. In view of these considerations, the United States Government wishes to inform the Peruvian Government that it reserves the rights and interests of the United States so far as concerns any effects of the Decree of 1 August 1947 or of any measures designed to carry that Decree into execution.

"The Government of the United States is similarly reserving rights and interests with respect to the Decrees issued by the Governments of Argentina and Chile which purport to extend sovereignty beyond generally accepted lines of territorial waters."

- (b) SUPREME RESOLUTION NO. 121, GRANTING TO THE STATE PETROLEUM ENTERPRISE OIL RESERVES IN TUMBES AND PIURA, 27 APRIL 1948.
 "EL PERUANO: DIARIO OFICIAL", VOL. 108, NO. 2,200 (8 May 1948),
 P. 1. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Whereas the State Petroleum Enterprise was established by Supreme Decree No. 11 of 2 April 1948; and

Whereas :

The said Enterprise, in accordance with the terms of the decree under which it was set up, shall take over and continue the work of prospecting and the operations hitherto carried on by the State; and shall likewise prospect and work any new oil fields, a concession for which may be granted by the Executive at its discretion, out of the State reserves;

The reserved oil fields situated on the coast, adjacent to and surrounding the Zorritos camp and *Refineria de Villar*, are those most suitable for immediate and intensive development by reason of their favourable geological conditions, their immediate proximity to the sea, the presence of water from the Tumbes and Chira rivers for the camps and for drilling operations and their relative proximity to the port of Zorritos and *Refineria de Villar*;

Advanced technical surveys and a systematic plan for prospecting the sub-soil of the said area already exist;

By Supreme Decree of 1 August 1947 the government proclaimed national sovereignty and jurisdiction over the continental and insular platform or shelf adjacent to the national coast and islands; and

In view of the statement made by the Director of Mines and Petroleum.

It is hereby resolved :

1. To grant to the State Petroleum Enterprise a concession in respect of the reserved oil fields in the provinces of Contralmirante Villar, Tumbes and Zarumilla in the department of Tumbes, and likewise in respect of the reserved oil fields in the provinces of Paita and Sullana in the department of Piura, with the sole exception of the areas in the two last-named provinces which are covered by the contract for prospecting *ad referendum* concluded with the International Petroleum Company, subject to the decision of the National Congress. The approximate area of the reserved oil fields which are the subject of this concession is eight hundred and seventy thousand (870,000) hectares and the boundaries of that area are shown on the annexed map which forms an integral part of this resolution;

2. Likewise to grant to the State Petroleum Enterprise a concession in respect of the submerged oil fields off the north coast within the limits specified in the Supreme Decree of 1 August 1947; it being understood that the southern limit of the submerged area so conceded will be latitude south four degrees fifteen minutes ($4^{\circ}15'$) in the proximity of Cape Blanco, and that it will extend from that point as far as the frontier with Ecuador.

11. Philippines

- (a) PETROLEUM ACT OF 1949, ENACTED BY REPUBLIC ACT NO. 387, 18 JUNE 1949. "OFFICIAL GAZETTE", VOL. 45 (1949), P. 3192

Article 3. State Ownership. All natural deposits or occurrences of petroleum or natural gas in public and/or private lands in the Philippines, whether found in, on or under the surface of dry lands, creeks, rivers, lakes, or other submerged lands within the territorial waters or on the continental shelf, or its analogue in an archipelago, seaward from the shores of the Philippines which are not within the territories of other countries, belong to the State, inalienably and imprescriptibly.

Note. Petroleum regions were established under this Act, and their land and sea boundaries were delimited by Administrative Order No. V-3 of the Bureau of Mines, 30 August 1949. *Official Gazette*, vol. 45 (1949), p. 4163.

12. Portugal

- (a) DECREE REGULATING FISHING BY STEAM VESSELS, 9 NOVEMBER 1910. "COLEÇÃO OFICIAL DE LEGISLAÇÃO PORTUGUESA", 1910, VOL. 2, P. 76; "COLEÇÃO DE LEGISLAÇÃO PORTUGUESA" (PUBLISHED BY THE "REVISTA DE LEGISLAÇÃO E DE JURISPRUDÊNCIA DE COIMBRA"), 1910, P. 248. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Whereas deep trawling by steam vessels at depths of under 100 fathoms within the limits of the continental shelf is extremely harmful to fisheries, because this method destroys the feeding grounds on the sea bed and therewith the young fry feeding, sheltering and developing there, a process rapidly leading to the destruction of the marine life along the coasts affected since, as a consequence, it becomes impossible to replace the stocks of fish at depths of over 100 fathoms, the habitat of the fully developed fish, so that an important source of wealth is destroyed;

Whereas this has occurred on all coasts where such a system has been used, even along the vast continuous continental shelf which runs from the Bay of Biscay northwest along the coasts of France, Belgium, Holland and Germany, as far as the Norwegian coast where it turns southwest and extends to within fifty miles of the west coast of Ireland, which means that many steam fishing vessels belonging to those States are coming further to deplete the resources of our narrow continental shelf area, as has already occurred in the case of Morocco;

Whereas our continental shelf is so narrow that eight steam vessels could cover it with their nets in one year's fishing, and therefore the technical commission in its various reports has stated that, without

going so far as to prohibit this system of intensive fishing on the continental shelf, only four steam vessels should be allowed to engage in fishing, as was required by the Decree of 6 November 1906, which limited registration to the thirteen vessels then existing and did not allow major repairs to or replacements of such vessels;

Whereas these provisions have not been effective, because Portuguese citizens have evaded them, either by buying or hiring steam vessels and flying the flag of our ally, or by registering their vessels at Cape Verde;

Whereas deep trawling by steam vessels is not harmful at depths of over 100 fathoms;

Whereas a glut of fish prejudicial to the industry and to the many fishermen cannot occur since the inland transport system, serving both the provinces and Spain, would immediately carry off the supply in refrigerator trucks;

Considering that in the circumstances the limitation of the number of steam fishing vessels is an arbitrary infringement of the right of citizens to carry on their activities and exercise their initiative;

Now therefore the Provisional Government of the Portuguese Republic hereby issues, in the name of the Republic, the following decree which shall have the force of law:

Article 1. Steam vessels for use as trawlers may be registered by the port authorities as fishing vessels, subject to the general conditions laid down by the port authority regulations and the special conditions prescribed by this decree.

Sole paragraph. The expression "steam vessels" means any vessel propelled by a mechanical engine.

Article 2. Fishing by this method may only be carried out beyond the bathymetric line of 100 fathoms, and never at a distance of less than three miles from the coast.

Article 3. In addition to the common taxes and duties to which all fishing vessels are liable, steam trawlers shall be liable to a charge of 1,500 réis payable at the time of registration, one-sixth of that sum being set aside for the fishermen's welfare fund to be established as prescribed in article 12 of the Act of 31 October 1909, and the remaining five-sixths for a fund for the renewal of naval material.

Article 4. The registration and licences shall be valid for one year and shall be applied for in the month of January each year.

Sole paragraph. Registration shall be permissible during other months for the period remaining until the next registration period, in which case the amount payable on registration shall be in proportion to the time for which the registration will be valid.

Article 5. The registration of steam vessels as fishing vessels may only be allowed in respect of Portuguese citizens under the terms of the laws in force; any partnerships or companies which they may form may not issue warrants or securities to bearer. The securities of such partnerships or companies may not in any circumstances be transferred by negotiation or endorsement in blank, and they may not on any account be transferred to aliens, except as part of an inheritance passing by operation of law or under testamentary disposition, in which case the said aliens are required to dispose of them within thirty days of the date upon

which they effectively obtain possession. All the foregoing shall be expressly set forth in the articles of association of the above-mentioned partnerships or companies, and shall be noted on the registered certificates.

Paragraph 1. All the securities representing the operating capital of the above-mentioned partnerships or companies, whatever the denomination of the said securities, together with any transfers that may occur, shall be duly registered at the offices of the chamber of commerce, where the partnership or company concerned is registered, so that it may be possible at any time to ascertain who are the owners of the shares.

Paragraph 2. Until this registration shall have taken place, the payment of any interest on or income from the said securities shall be void and hence be deemed not to be a due debt.

Paragraph 3. The registration referred to in paragraph 1 may not take place unless and until the applicant can produce with his application any evidence showing that he is a Portuguese citizen, or that he has been a naturalized Portuguese citizen for not less than two years.

Article 6. Registration shall not be permitted unless the persons or bodies corporate can produce evidence to show that they have sufficient means to purchase and defray the cost of operating the vessels which they intend to use for the purpose of fishing.

Article 7. The provisions of article 5 of the Navigation Act of 8 July 1863 and of article 455 of the Penal Code shall be applicable in respect of any fraudulent practices whereby it is intended to evade the provisions of article 5 of this Decree.

Article 8. For statistical purposes, the catch of steam trawlers shall be weighed and classified according to the principal species.

Article 9. Vessels found trawling within the prohibited zone shall be detained with their respective nets and their catch, and catch shall be confiscated and their fishing rights suspended for a year; in this case that part of the licence fee paid in respect of the remaining period of validity of the licence shall not be refunded.

Sole paragraph. The captain or owner of a steam vessel also becomes criminally liable in proportion to the gravity of the offence committed.

Article 10. The Government, after consulting with the competent authorities, may prohibit this method of fishing at any time for a specified period; any such action shall not create a right to claims or compensation.

Article 11. The nets known as *tartaranhas*, operated by vessels now registered, may continue in operation until unfit for service, but the major repairs as defined in article 489 of the Commercial Code, may not be executed on these nets.

Article 12. It shall be unlawful for Portuguese vessels to accept delivery, on the high seas, of any fish from foreign vessels; in the event of contravention of this provision the registration may be withdrawn for the period of one year.

13. Saudi Arabia

- (a) ROYAL PRONOUNCEMENT CONCERNING THE POLICY OF THE KINGDOM OF SAUDI ARABIA WITH RESPECT TO THE SUBSOIL AND SEA BED OF AREAS IN THE PERSIAN GULF CONTIGUOUS TO THE COASTS OF THE KINGDOM OF SAUDI ARABIA, 28 MAY 1949. TRANSLATION FROM ARABIC TEXT PUBLISHED IN "UMM AL QURA" (MECCA), SUPPLEMENT NO. 1263, 29 MAY 1949; "AMERICAN JOURNAL OF INTERNATIONAL LAW", VOL. 43 (1949), SUPPLEMENT, P. 156

We, 'Abdul 'Aziz ibn 'Abdul Rahman Al Faisal Al Sa'ud, King of the Kingdom of Saudi Arabia,

After reliance on God Almighty, being aware of the need for the greater utilization of the world's natural resources which are the bounty of God, and of the desirability of giving encouragement to efforts to discover and make available such resources,

Recognizing that by God's providence valuable resources may underlie parts of the Persian Gulf off the coasts of Saudi Arabia, and that modern technology by the grace of God makes it increasingly practicable to utilize these resources,

Appreciating that recognized jurisdiction over such resources is required in the interest of their conservation and prudent utilization when and as development is undertaken;

Deeming that the exercise of jurisdiction over such resources by the contiguous nation is reasonable and just, since the effectiveness of measures to utilize or conserve these resources would be contingent upon co-operation and protection from the shore and since self-protection compels the coastal nation to keep close watch over activities off its shores which are of a nature necessary for the utilization of these resources; and

Considering that various other nations now exercise jurisdiction over the subsoil and sea bed of areas contiguous to their coasts;

Declare the following policy of the Kingdom of Saudi Arabia with respect to the subsoil and sea bed of areas of the Persian Gulf contiguous to the coasts of Our Kingdom:

The subsoil and sea bed of those areas of the Persian Gulf seaward from the coastal sea of Saudi Arabia but contiguous to its coasts, are declared to appertain to the Kingdom of Saudi Arabia and to be subject to its jurisdiction and control. The boundaries of such areas will be determined in accordance with equitable principles by Our Government in agreements with other States having jurisdiction and control over the subsoil of sea bed of adjoining areas. The character as high seas of the waters of such areas, the right to the free and unimpeded navigation of such waters and the air space above those waters, fishing rights in such waters, and the traditional freedom of pearling by the peoples of the Gulf, are in no way affected.

14. United Kingdom

(a) ARAB STATES UNDER THE PROTECTION OF THE UNITED KINGDOM

Note: The translations of these Proclamations were supplied by the British Foreign Office, who, however, having regard to the fact that the Proclamations were issued by the Sheikhs of the territories concerned in Arabic, observe that only the Arabic texts are authentic and that the English translations do not carry official authority.

(i) *Abu Dhabi*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 10 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Abu Dhabi and it has become increasingly possible to utilise such submerged resources;

And whereas it is desirable in the interests of protection, conservation and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Shakhbut bin Sultan bin Sa'id, Ruler of Abu Dhabi, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows:

We, Shakhbut bin Sultan bin Sa'id, Ruler of Abu Dhabi, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Abu Dhabi and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Abu Dhabi and are subject to its exclusive jurisdiction and control.

And nothing in this Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed, and outside the territorial waters, or the fishing or traditional pearling rights in such waters.

(ii) *Ajman*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 20 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Ajman and it has become increasingly possible to utilise these submerged resources;

And whereas it is desirable in the interest of protection, conservation and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Rashid bin Hamid, Ruler of Ajman, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows: —

We, Rashid bin Hamid, Ruler of Ajman, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Ajman and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Ajman and are subject to its exclusive jurisdiction and control.

And nothing in this Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the territorial waters and the status of the air space above the waters of the Persian Gulf outside territorial waters or the fishing or traditional pearling rights in such waters.

(iii) *Bahrain*

Proclamation with respect to the sea bed and the subsoil of the high seas of the Persian Gulf, 5 June 1949.

Whereas it is desirable to encourage all efforts which will bring about the greater utilisation of the world's natural resources;

Whereas valuable resources are found under parts of the Persian Gulf off the coasts of Bahrain and it is becoming increasingly practicable to utilise such submerged resources;

Whereas it is desirable in the interests of protection, conservation and orderly development that the exploitation of such resources should be properly controlled;

Whereas it is just that the seabed and subsoil extending to a reasonable distance from the coast should belong to and be controlled by the littoral state to which it is adjacent;

Whereas the right of a littoral state to exercise its authority over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Salman bin Hamed al Khalifa, Ruler of Bahrain, in pursuance of the powers vested in us in that behalf, are pleased to proclaim and hereby proclaim as follows:

We, Salman bin Hamed al Khalifa, Ruler of Bahrain, hereby declare that the seabed and subsoil lying beneath the high seas of the Persian Gulf contiguous to the territorial waters of Bahrain and extending seaward to boundaries to be determined more precisely as the opportunity calls, and that on just principles, by us after consulting with the neighbouring states, belong to the country of Bahrain and are subject to the sphere of its absolute jurisdiction and its absolute authority.

Nothing in this Proclamation shall be considered to affect the sovereignty over the islands or the status of the seabed and subsoil beneath any territorial waters.

Nothing in this Proclamation shall be considered to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the limits of the territorial waters or the status of the air space above the waters of the Persian Gulf outside the territorial waters or the fishing and traditional pearling rights in such waters.

(iv) *Dubai*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 14 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Dubai and it has become increasingly possible to utilise these submerged resources;

And whereas it is desirable in the interests of protection, conservation and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Sa'id bin Maktum, Ruler of Dubai, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows:

We, Sa'id bin Maktum, Ruler of Dubai, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Dubai and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Dubai and are subject to its exclusive jurisdiction and control.

And nothing in this Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the territorial waters and the status of the air space over the waters of the Persian Gulf outside territorial waters or the fishing or traditional pearling rights in such waters.

(v) *Kuwait*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 12 June 1949.

Whereas it is desirable to encourage any effort which will lead towards the greater utilisation of the world's natural resources;

And whereas it is possible that there may be there valuable resources lying under parts of the waters of the Persian Gulf at a distance from the coast of Kuwait and the wish is expressed to realise the utilisation of such submerged resources;

And whereas it is desirable in the interests of protection, conservation and orderly development that such exploitation shall be placed under control in the proper manner;

And whereas it is right and just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be controlled by the littoral state to which it is adjacent;

And whereas the right of the state in the exercise of its authority over the natural resources of the seabed and the subsoil adjacent to its coasts has been decided and established in international practice by the action of other states;

Now, therefore, we Ahmed al Jabir al Subah, Ruler of Kuwait, in pursuance of all powers enabling us in that behalf, are pleased to publish the following proclamation:

The Ruler of Kuwait hereby proclaims that the seabed and the subsoil lying beneath the waters of the sea in the middle of the sea of the Persian Gulf delimited as follows become part of the principality of Kuwait and are subject to its administration and authority. The seabed and the subsoil referred to above are those which adjoin the coastal territorial waters of the principality of Kuwait and extend in the direction of the sea to limits which will be decided upon more precisely as the resulting situation may demand, and on equitable principles, by the Ruler of Kuwait after consulting the neighbouring countries.

Nothing in this Proclamation shall be deemed to affect the sovereignty of the islands or the status of the seabed and the subsoil underlying any part of the territorial waters.

Nothing in this Proclamation shall be deemed to affect the ways of sea navigation of the waters of the Persian Gulf above the seabed and outside the limit of the boundaries of the territorial waters or the status of air navigation above the waters of the Persian Gulf outside the limit of the boundaries of the territorial waters or the traditional fishing rights and pearling rights in such waters.

(vi) *Qatar*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 8 June 1949.

Whereas it is desirable to encourage all efforts which will bring about the greater utilisation of the world's natural resources;

Whereas valuable resources may underlie parts of the Persian Gulf off the coasts of Qatar and it is becoming increasingly practicable to utilise such submerged resources;

Whereas it is desirable in the interests of protection, conservation and orderly development that the exploitation of such resources should be properly controlled;

Whereas it is just that the seabed and subsoil extending to a reasonable distance from the coast should belong to and be controlled by the littoral state to which it is adjacent;

Whereas the right of a littoral state to exercise its authority over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Abdullah bin Qasin al Thani, Ruler of Qatar, in pursuance of the powers vested in us in that behalf, are pleased to proclaim and hereby proclaim as follows:

We, Abdullah bin Qasin al Thani, Ruler of Qatar, hereby proclaim that the seabed and subsoil lying beneath the high seas of the Persian Gulf contiguous to the territorial waters of Qatar and extending seaward to boundaries to be determined more precisely as the occasion arises, on equitable principles, by the Ruler of Qatar in consultation with the neighbouring states, appertain to the Shaikhdom of Qatar and are subject to its exclusive jurisdiction and control.

Nothing in this Proclamation shall be considered to affect the sovereignty over the islands or the status of the seabed and subsoil beneath any territorial waters.

Nothing in this Proclamation shall be considered to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the limits of the territorial waters or the status of the air space above the waters of the Persian Gulf outside the territorial waters or the fishing and traditional pearling rights in such waters.

(vii) *Ras al Khaimah*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 17 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Ras al Khaimah and it has become increasingly possible to utilise these submerged resources;

And whereas it is desirable in the interests of protection, conservation, and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Saqr bin Muhammad bin Salim, Ruler of Ras al Khaimah, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows:

We, Saqr bin Muhammad bin Salim, Ruler of Ras al Khaimah, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Ras al Khaimah and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Ras al Khaimah and are subject to its exclusive jurisdiction and control.

And nothing in the Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the territorial waters and the status of the air space above the waters of the Persian Gulf outside territorial waters or the fishing or traditional pearling rights in such waters.

(viii) *Sharjah*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 16 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Sharjah and it has become increasingly possible to utilise these submerged resources;

And whereas it is desirable in the interest of protection, conservation and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Sultan bin Saqar al Qasin, Ruler of Sharjah, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows:

We, Sultan bin Saqar al Qasin, Ruler of Sharjah, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Sharjah and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Sharjah and are subject to its exclusive jurisdiction and control.

And nothing in this Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the territorial waters and the status of the air space above the waters of the Persian Gulf outside territorial waters or the fishing or traditional pearling rights in such waters.

(ix) *Umm al Qaiwain*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 20 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Umm al Qaiwain and it has become increasingly possible to utilise these submerged resources;

And whereas it is desirable in the interests of protection, conservation and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Ahmad bin Rashid Ma'ali, Ruler of Umm al Qaiwain, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows:

We, Ahmad bin Rashid Ma'ali, Ruler of Umm al Qaiwain, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Umm al Qaiwain and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Umm al Qaiwain and are subject to its exclusive jurisdiction and control.

And nothing in this Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the territorial waters and the status of the air space above the waters of the Persian Gulf outside territorial waters or the fishing or traditional pearling rights in such waters.

(b) BAHAMAS

(i) *Petroleum Act, 3 April 1945. "Bahamas, Acts passed in the year 1945", No. 1, p. 1*

Article 1. This Act may be cited as The Petroleum Act 1945.

Article 2. In this Act unless the context otherwise requires:—

. . . .

"Land" means land other than a submarine area but includes all marshes and lands underlying all lakes and also all coastal marine swamp lands and lands underlying all bodies of water connected with the sea and extending inland;

. . . .

"New Providence" means and includes the Island of New Providence and the islands and cays known as Athol Island, Gaulding Cay, Hog Island, Long Cay, North Cay, Rose Island, Salt Cay, Sandy Cay and Silver Cay;

. . . .

"Submarine area" means land underlying the sea waters below high water mark.

Article 3. [Vesting of rights in the government.]

Article 4. [Board.]

Article 5. No person shall explore or prospect for petroleum or commence any mining operations in connexion therewith in any land or submarine area except under a licence or lease to be granted under the provisions of this Act.

Article 6. No licence to explore or prospect for petroleum and no lease to commence any mining operations in connexion therewith shall be granted in respect of New Providence or the land underlying the sea within four miles thereof except with the consent of the Legislature.

Article 7. [Board to grant licences.]

Article 8. [Alien control.]

Article 9. [Reciprocity.]

Article 10. [Licences only granted to local companies.]

Article 11. [Assignment of licence.]

Article 12. (1) An oil exploration licence shall not be granted in respect of an area of less than eight (8) square miles of land or eight square miles of submarine area or a total of eight square miles of land and submarine area, nor more than one thousand two hundred (1,200) square miles of land and fifteen thousand (15,000) square miles of submarine area: Provided that no oil exploration licence shall be granted

to a company incorporated in the Colony which is directly or indirectly owned or controlled by persons who directly or indirectly own or control any other company incorporated in the Colony to which an oil exploration licence has been already granted in respect of the maximum area provided under this sub-section.

(2) An oil prospecting licence shall not be granted in respect of an area of:

- (a) More than two hundred (200) square miles; or
- (b) Less than eight (8) square miles, save in cases where special exemption is granted by the Board.
- (3) An oil mining lease shall not be granted in respect of an area of:
 - (a) More than one hundred (100) square miles; or
 - (b) Less than four (4) square miles, save in cases where special exemption is granted by the Board.

Article 13. [Royalties.]

Articles 14-22. [Ancillary rights.]

Article 23. [High water mark.]

Article 24. [Survey marks.]

Article 25. A licensee or lessee shall, if called upon so to do by the Board, illuminate between the hours of sunset and sunrise with respect to a submarine area in a manner satisfactory to the Pilotage Board for New Providence and with respect to land, in a manner satisfactory to the Public Board of Works for New Providence, all derricks, piers, survey marks or any other installations erected in any submarine area or land included in a licence or lease.

Article 26. The holder of a prospecting licence or a mining lease shall adopt all practicable precautions to prevent pollution of the coastal waters by oil, mud or any other fluid or substance which might contaminate the sea water or shore line or which might cause harm or destruction to marine life.

Article 27. [Exemption from duty.]

Article 28. [Regulations.]

Article 29. [Arbitration.]

Note. The Regulations of 20 June 1945, made under this Act by the Governor in Council, contain among the forms annexed thereto a form for an "oil mining lease in respect to submarine areas" (Form G). *Bahamas, Appendix to the Statutes of 9 George VI, Orders in Council and Rules and Regulations Made During the Year 1945*, p. 135; *Official Gazette*, 25 June 1945 (Extraordinary), No. 112.

- (ii) *Bahamas (Alteration of Boundaries) Order in Council (No. 2574)*, 26 November 1948. "United Kingdom, Statutory Instruments, 1948", vol. I, part I, p. 250

Whereas it is desirable to extend the boundaries of the Colony of the Bahamas so as to include the continental shelf contiguous to the coasts of the Colony:

Now, therefore, His Majesty, in pursuance of the powers conferred upon Him by the Colonial Boundaries Act, 1895, and of all other powers

enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Bahamas (Alteration of Boundaries) Order in Council, 1948.

2. The boundaries of the Colony of the Bahamas are hereby extended to include the area of the continental shelf which lies beneath the sea contiguous to the coasts of the Bahamas.

3. Nothing in this Order shall be deemed to affect the character as high seas of any waters above the continental shelf and outside the limits of territorial waters.

Note. On 17 December 1948 the Secretary of State for Colonial Affairs of the United Kingdom explained in the House of Commons that the object of this order, and of a similar order issued with respect to Jamaica, was "to extend the jurisdiction of the Governments of these Colonies so as to give them control over the sea-bed and sub-soil contiguous to their coasts with a view to securing such natural resources as may exist there". *British Parliamentary Debates* (Hansard), 5th series, vol. 459, p. 230.

(c) BRITISH HONDURAS

(i) *Oil Mining Regulations, 2 September 1949.* "*British Honduras, Statutory Instruments*", No. 56 of 1949

2. In these regulations and in every licence and lease issued hereunder the following terms shall respectively have the meanings assigned to them unless inconsistent with the context, or unless expressly varied in such licence or lease:

. . .

"Crown lands" includes all lands, inland waters, caves, reefs, and submarine areas now being or hereafter becoming part of the Colony, but shall not include alienated land as defined herein;

. . .

15. In the case of a licence or lease over land and sea or sea only, the following provisions shall apply:

Pollution

(a) The licensee or lessee shall adopt all practical precautions to prevent the pollution of coastal water by oil, mud or any other fluid or substance which might contaminate the sea water or shore line or which might cause harm or destruction to marine life;

Illumination of installations

(b) The licensee or lessee shall at all times maintain and keep in good repair, working order and condition and if so required by the Governor illuminate between the hours of sunset and sunrise, in a manner satisfactory to the Harbour Master, all derricks, piers, survey marks or any other installations erected in the area under licence or lease;

Exclusion of surface rights to foreshore

(c) The licence or lease shall not confer any surface rights to the foreshore lying between high water mark and low water mark at

ordinary spring tides and no use shall be made thereof unless and until the approval of the Governor, which shall not be unreasonably withheld, has been first obtained.

(d) JAMAICA

- (i) *Jamaica (Alteration of Boundaries) Order in Council (No. 2575), 26 November 1948*. "United Kingdom, Statutory Instruments, 1948", vol. I, part II, p. 1664

Whereas it is desirable to extend the boundaries of the Colony of Jamaica so as to include the continental shelf contiguous to the coasts of the Colony:

Now, therefore, His Majesty, in pursuance of the powers conferred upon Him by the Colonial Boundaries Act, 1895, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Jamaica (Alteration of Boundaries) Order in Council, 1948.

2. The boundaries of the Colony of Jamaica are hereby extended to include the area of the continental shelf which lies beneath the sea contiguous to the coasts of Jamaica, including its dependencies.

3. Nothing in this Order shall be deemed to affect the character as high seas of any waters above the continental shelf and outside the limits of territorial waters.

Note. On 17 December 1948 the Secretary of State for Colonial Affairs of the United Kingdom explained in the House of Commons that the object of this order, and of a similar order issued with respect to the Bahamas, was "to extend the jurisdiction of the Governments of these Colonies so as to give them control over the sea-bed and sub-soil contiguous to their coasts with a view to securing such natural resources as may exist there". *British Parliamentary Debates (Hansard)*, 5th series, vol. 459, p. 230.

(e) TRINIDAD AND TOBAGO

- (i) *Submarine (Oil Mining) Regulations, 22 May 1945*. "Government Notice No. 87"; "Proclamations, Orders, Regulations, etc., 1945" p. 101

Part I. General

1. These regulations may be cited as the Submarine (Oil Mining) Regulations, 1945.

2. In these regulations and in every licence issued thereunder the following terms shall respectively have the meanings assigned to them, unless inconsistent with the context:

"Licensee" means a person to whom a licence under these regulations is granted, his successors in title and the persons deriving title under him.

"Submarine area" means land underlying the sea waters surrounding the coast of the Colony below high water mark at ordinary spring tides.

"Crude oil" means the natural produce of the wells or springs of oil before such produce has been refined or otherwise treated except for the removal of water and foreign substances.

"Products" means any component of crude oil which is obtained by any process of separation and shall include oil fuel.

"Natural gas" means gas obtained from borings and consisting primarily of hydro-carbons.

"Casing head petroleum spirit" means any petroleum or liquid hydrocarbons obtained from natural gas (before the crude oil from which such natural gas is derived has been measured for royalty) by separation or by any chemical or physical process.

"Oil fuel" means that product of the crude oil which complies with the Admiralty specification for fuel oil at the time.

"His Majesty's dominions" shall be deemed to include British Protectorates, and protected States and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty.

"British subject" shall be deemed to include a person under His Majesty's protection.

"Person" shall be deemed to include a company.

Part II. Licence to Explore for and Win Crude Oil and Natural Gas in Submarine Areas

3. Every application for a licence to explore for and win crude oil or natural gas in a submarine area shall be presented to the Sub-Intendant of Crown Lands.

On presenting the application, the applicant shall deposit with the Sub-Intendant of Crown Lands the sum of twenty-four dollars which shall in no case be returned.

4. (1) Every application for a licence shall contain the following particulars:

(a) In the case of an application by an individual, his address, nationality and occupation;

(b) In the case of an application by a company, the nature of and the principal place of business of the company (and if the principal place of business is outside the Colony, the name and address of a duly authorized agent in the Colony), the names and nationality of the directors thereof and the name, nationality and holdings of the principal shareholders;

(c) A description illustrated by a map or plan showing the situation, boundaries, and extent of the submarine area with respect to which the licence is required.

(2) An application by an alien or a company incorporated outside His Majesty's dominions shall contain, in addition to the matters specified in paragraph (1) of this regulation, full particulars of the company to be incorporated (in accordance with regulation 9) in the Colony or in some other part of His Majesty's dominions for the purpose of receiving the grant of and exploiting any licence which may be granted in pursuance of the application.

5. Except with the special permission of the Governor no licence shall be granted in respect of a submarine area which is not in one single block and of a reasonably compact shape or which is less than 675 acres in extent.

6. Subject to the approval of the Governor more than one licence may be granted to the same applicant.

7. A licence shall not be assigned or transferred without the previous consent in writing of the Governor.

8. An application by a licensee for the assignment of a licence shall be made in writing addressed to the Sub-Intendant of Crown Lands and shall be accompanied by a fee of twenty-four dollars. With the application the applicant shall furnish the like particulars in respect of the proposed assignee as are required to be furnished in the case of applicants for licences under regulation 4.

9. In the case of an application for a licence by an alien or a company incorporated outside His Majesty's dominions or in the case of an application by a licensee for the Governor's consent to the assignment of a licence to an alien or a company incorporated outside His Majesty's dominions such licence shall only be granted to a company incorporated in the Colony or in some other part of His Majesty's dominions for the purpose of receiving and exploiting any such licence.

10. A licence shall not be granted to or held by any person who is or becomes controlled directly or indirectly by a national of or by a company incorporated in any country the laws and customs of which do not permit British subjects or companies incorporated in His Majesty's dominions or companies incorporated in that country controlled directly or indirectly by British subjects or companies incorporated in His Majesty's dominions to acquire, hold and operate petroleum concessions on conditions which in the opinion of His Majesty's Principal Secretary of State for the Colonies are reasonably comparable with the conditions upon which such rights are granted to nationals of that country with the addition of conditions corresponding to those imposed by clause 4 (special clause) and clause 5 (reciprocity) of part VI of the schedule in the form of licence contained in schedule I to these regulations.

11. The licence shall be prepared by the Crown Solicitor in the model form in schedule I to these regulations, with such modifications and amendments as may from time to time be approved by the Governor.

12. If a licence is not executed within six months after approval of the application, the right of the applicant to such licence shall be deemed to have lapsed, unless the Governor considers that the delay is not attributable to the fault of the applicant.

13. Every licence shall contain such conditions and stipulations as the Governor may in each case consider necessary and in particular shall contain the conditions set out in the model form of licence in schedule I to these regulations subject to such modifications as shall be approved by the Governor.

14. (1) The licence shall not confer any surface rights to the foreshore lying between high water mark and low water mark at ordinary spring tides and no use shall be made thereof by the licensee unless and until the authority of the Governor (which shall not be unreasonably withheld) is first obtained under the provisions of the Crown Lands Ordinance, chapter 27, no. 5.

(2) Any coastal marine swamp lands or marshes shall in no case be deemed to form part of the submarine area: Provided that where there are such swamp lands or marshes a line fixed by the Director of Surveys shall be deemed to be the high water mark line.

15. The licensee shall, if called upon so to do by the Director of Surveys, erect and maintain at his own expense such survey marks or

monuments as may be necessary for the delimitation of the submarine area included in the licence. Such survey marks or monuments shall be of a form and type approved by the Director of Surveys.

16. The licensee shall pay in accordance with the terms of the licence a dead rent in respect of each acre comprised in the licensed area at the following rates:

Table

During the 1st year of the licence	\$ 0.10	per acre per annum.
" " 2nd " " " "	\$ 0.10	" " " "
" " 3rd " " " "	\$ 0.20	" " " "
" " 4th " " " "	\$ 0.20	" " " "
" " 5th " " " "	\$ 0.40	" " " "
" " 6th " " " "	\$ 0.60	" " " "
" " 7th " " " "	\$ 0.80	" " " "
" " 8th " " " "	\$ 1.10	" " " "
" " 9th " " " "	\$ 1.40	" " " "
" " 10th and subsequent years	\$ 1.80	" " " "

provided that (1) if the royalty payable in respect of any one year shall amount to or exceed the sum of the said rent the latter shall not be payable in respect of such year and (2) if the royalty in respect of any one year shall be less than the amount of the said rent the amount payable in respect of such royalty shall be deducted from the said rent payable in respect of that year.

17. The licensee shall pay royalties in accordance with the terms of the licence.

18. The licensee shall during the continuance of the licence carry on all operations for winning and working crude oil and natural gas in a skilful and workmanlike manner in accordance with methods and practice customarily employed in good oilfield practice and all drilling operations shall be carried out in accordance with the Mines, Borings and Quarries Ordinance, chapter 26, no. 4 and any regulations made thereunder.

19. The licensee shall during the continuance of the licence with due diligence carry out such surveys and examinations of the licensed area and do such testing of the licensed area by means of the drill or trial borings as may be necessary for the purpose of arriving at the petroleum producing prospects of the same and shall in this respect give due regard to the reasonable wishes of the Governor. Provided that so long as the royalty payments equal or exceed the dead rents the requirements of this regulation shall not apply.

20. The licensee if required by the Governor to do so shall illuminate between the hours of sunset and sunrise, in a manner satisfactory to the Harbour Master, all derricks, piers, survey marks or any other installations erected in the area included in a licence. The means of illumination shall be such as is approved or required by the Harbour Master.

21. The licensee shall adopt all practicable precautions (which shall include the provision of modern equipment) to prevent pollution of the coastal waters by oil, mud, or any other fluid or substance which might contaminate the sea water or shore line.

22. The licensee shall enter into a covenant that he will erect in the Colony a refinery capable of dealing with a named percentage of the output of oil from the submarine area under licence to him, and of so treating the oil as to produce oil fuel suitable for the requirements of the Imperial Government. Provided that the licensee may, with the Governor's consent first had and obtained, arrange with the proprietors of some approved refinery already erected in the Colony to refine the oil in accordance with the requirements of the Imperial Government. Provided also that the Governor shall have the power to suspend the obligation of erecting such refinery either for a fixed period to cover the initial stages of development or until a reasonable time after the Imperial Government shall have announced its readiness to purchase from the licensee stated quantities of oil fuel at their current commercial values.

23. The term for which a licence under these regulations may be granted shall not exceed thirty years but the licence may contain a clause permitting renewal for a further period not exceeding thirty years provided that the dead rent payable under the licence may during such further period be increased by not more than 50 per centum per annum.

24. The licensee shall be at liberty to determine a licence either wholly or in part on giving to the Governor not less than six months' notice expiring on either the 30th day of June or on the 31st day of December in any year:

Provided that if the licence is determined in respect of a part of the submarine area in respect of which the licence was granted:

(i) The part to be surrendered shall not be less than 675 acres in extent save by special permission of the Governor and shall be of such a shape as may be approved by the Governor;

(ii) The part remaining shall not be less than 675 acres in extent save by special permission of the Governor;

(iii) The surrender shall not come into effect until the 30th day of June or the 31st day of December, whichever shall first happen, following the completion of the survey of the boundaries of the part to be surrendered.

25. In the case of a licensee surrendering the whole, or a part of the submarine area included in a licence and subsequently re-applying for the whole or any part thereof surrendered, a licence in respect of such submarine area or part thereof may be granted but subject to the licensee paying dead rent in respect thereof at such rate as the Governor may determine but not exceeding the annual rent that would have been paid had the licence been held continuously.

Note. Schedule I of these regulations contains a model form for a "licence to explore for and win crude oil and natural gas in a submarine area". To this short form is annexed a long schedule which is divided into nine parts dealing, respectively, with: description of the submarine area referred to in the licence; liberties, powers and privileges to be exercised or enjoyed by the licensees; liberties and powers of the Governor and other persons authorized by him; rents and royalties reserved by the licence; other provisions relating to the rents and royalties; the licensees' covenants; the Governor's covenants; general provisions; and definitions. For the full text of the schedule, see *Trinidad and Tobago, Government Notice No. 87; Proclamations, Orders, Regulations, etc., 1945*, pp. 105-119.

Regulation 20 of these regulations has been revised by Government Notice No. 99, issued by the Colonial Secretary's Office on 1 June 1945. *Trinidad and Tobago, Proclamations, Orders, Regulations, etc., 1945*, p. 127. The new text reads as follows:

"The licensee shall not carry on any operation authorized by the licence in such a manner as to effect the closing of the marine areas specified in section 2 of the Submarine Areas of the Gulf of Paria (Annexation) Order, 1942, or any of them, and any works or installations erected by the licensee shall be of such nature and shall be so constructed, placed, marked and buoyed as not to constitute a danger or obstruction to shipping, and the licensee if required by the Governor to do so shall illuminate between the hours of sunset and sunrise, in a manner satisfactory to the Harbour Master, all derricks, piers, survey marks or any other installations erected in the area included in a licence. The means of illumination shall be such as is approved or required by the Harbour Master."

With respect to submarine areas in the Gulf of Paria, see the Treaty of 26 February 1942, between United Kingdom and Venezuela, and the Annexation Order issued thereunder, which are reproduced in chapter 2 of part I, below.

15. United States of America

- (a) PRESIDENTIAL PROCLAMATION NO. 2667, CONCERNING THE POLICY OF THE UNITED STATES WITH RESPECT TO THE NATURAL RESOURCES OF THE SUBSOIL AND SEA BED OF THE CONTINENTAL SHELF, 28 SEPTEMBER 1945. "U.S. STATUTES AT LARGE", VOL. 59 (1945), P. 884. "FEDERAL REGISTER", VOL. 10 (1945), P. 12303; "DEPARTMENT OF STATE BULLETIN", VOL. 13 (1945), P. 485

Whereas the Government of the United States of America, aware of the long range world-wide need for new sources of petroleum and other minerals, holds the view that efforts to discover and make available new supplies of these resources should be encouraged; and

Whereas its competent experts are of the opinion that such resources underlie many parts of the continental shelf off the coasts of the United States of America, and that with modern technological progress their utilization is already practicable or will become so at an early date; and

Whereas recognized jurisdiction over these resources is required in the interest of their conservation and prudent utilization when and as development is undertaken; and

Whereas it is the view of the Government of the United States that the exercise of jurisdiction over the natural resources of the subsoil and sea bed of the continental shelf by the contiguous nation is reasonable and just, since effectiveness of measures to utilize or conserve these resources would be contingent upon co-operation and protection from the shore, since the continental shelf may be regarded as an extension of the land-mass of the coastal nation and thus naturally appurtenant to it, since these resources frequently form a seaward extension of a pool or deposit lying within the territory, and since self-protection compels the coastal nation to keep close watch over activities off its shores which are of the nature necessary for utilization of these resources;

Now, therefore, I, Harry S. Truman, President of the United States of America, do hereby proclaim the following policy of the United

States of America with respect to the natural resources of the subsoil and sea bed of the continental shelf.

Having concern for the urgency of conserving and prudently utilizing its natural resources, the Government of the United States regards the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control. In cases where the continental shelf extends to the shores of another State, or is shared with an adjacent State, the boundary shall be determined by the United States and the State concerned in accordance with equitable principles. The character as high seas of the waters above the continental shelf and the right to their free and unimpeded navigation are in no way thus affected.

Note. The purpose of this proclamation has been explained as follows in an accompanying press release:

"The policy proclaimed by the President in regard to the jurisdiction over the continental shelf does not touch upon the question of Federal versus State control. It is concerned solely with establishing the jurisdiction of the United States from an international standpoint. It will, however, make possible the orderly development of an underwater area 750,000 square miles in extent. Generally, submerged land which is contiguous to the continent and which is covered by no more than 100 fathoms (600 feet) of water is considered as the continental shelf.

"Petroleum geologists believe that portions of the continental shelf beyond the three-mile limit contain valuable oil deposits. The study of subsurface structures associated with oil deposits which have been discovered along the Gulf coast of Texas, for instance, indicates that corresponding deposits may underlie the offshore or submerged land. The trend of oil-productive salt domes extends directly into the Gulf of Mexico off the Texas coast. Oil is also being taken at present from wells within the three-mile limit off the coast of California. It is quite possible, geologists say, that the oil deposits extend beyond the traditional limit of national jurisdiction.

"Valuable deposits of minerals other than oil may also be expected to be found in these submerged areas. Ore mines now extend under the sea from the coasts of England, Chile, and other countries.

"While asserting jurisdiction and control of the United States over the mineral resources of the continental shelf, the proclamation in no wise abridges the right of free and unimpeded navigation of waters of the character of high seas above the shelf, nor does it extend the present limits of the territorial waters of the United States.

"The advance of technology prior to the present war had already made possible the exploitation of a limited amount of minerals from submerged lands within the three-mile limit. The rapid development of technical knowledge and equipment occasioned by the war now makes possible the determination of the resources of the submerged lands outside of the three-mile limit. With the need for the discovery of additional resources of petroleum and other minerals, it became advisable for the United States to make possible orderly development of these resources. The proclamation of the President is designed to serve this purpose." *Department of State Bulletin*, vol. 12 (1945), p. 484.

Further official comments on United States' action with respect to the continental shelf are contained in the *Annual Report of the Secretary of the Interior* (Harold L. Ickes) for 1945 (pp. vi, ix-x) which states that:

"We have acquired jurisdiction over the Continental Shelf, which is about 760,000 square miles of underwater land from which we may replenish some of our depleted mineral reserves. If we discount the obvious

fact it is uninhabited and uninhabitable, the Continental Shelf ranks with the lands which we acquired by the Louisiana Purchase, or by the opening of the West, or by the purchase of Alaska. And the exploration of this vast underwater area will be an important historical event. We will make new applications of modern science and set scientists to work in co-operation on a scope that has been surpassed on no single undertaking other than the project for the development of atomic energy.

"Approximately described, the Continental Shelf is all of the ocean floor around the United States and its Territories that is covered by no more than 600 feet of water. The whole area is almost as large as the area embraced in the Louisiana Purchase, which was 827,000 square miles, and almost twice as large as the original 13 colonies, which was 400,000 square miles. Along the Alaska coastline the shelf extends several hundred miles under the Bering Sea. On the Eastern coast of the United States the width of the shelf varies 20 miles to 250 miles, and along the Pacific coast it is from 1 to 50 miles wide.

"Two Presidential proclamations assert our sovereignty over the mineral resources of this ground, and our jurisdiction over the fishery resources of the high seas contiguous to our lands. The food and mineral resources of these areas are worth billions of dollars. Experts in the geology of oil lands would not be surprised if we found 22 billion barrels of oil—more than we are sure that we have on the continent—beneath one small part of the shelf that reaches into the Gulf of Mexico. Geologists also think that the shelf will yield minerals. Their expectations are based on geologists' observations and on geologic reasoning. They have "tracked" lines of oil-bearing formations in the earth up to the shoreline, and they have good reasons to believe that the lines continue along the bed of the ocean. They also know which geologic processes create oil, and the shelf has undergone those processes.

"The great wealth in this new acquisition is not something that we may take in a few decades or a few centuries. We can begin taking it within a relatively short time. It is true that oil has never been recovered from fields that are distant from the shore and under 600 feet of water, but it has been recovered from a field that is a mile off the Louisiana shore and from another that is 2 miles off the coast of Texas. Techniques for recovering it from deeper waters appear to be possible to our scientists and engineers, and they must appear possible also to at least one oil company, for it has explored the waters of the Gulf of Mexico for oil up to 26 miles off the Louisiana coast.

"This Department has been assigned to explore the shelf, and we have developed our plans so far as we can develop them without knowing how much money the Congress will appropriate for the work. We have acquired some of the extraordinary instruments that will be used; we are building or redesigning others. We are formulating a program for co-operative work by geophysicists, geologists, and engineers. Their work will be carried on partly aboard vessels and partly in submarines, and diving bells, and in airplanes. The cost of the survey may run to several millions of dollars if we include the cost of ships and equipment that have served their war purpose for the Navy and which are still in the Navy's possession. Even if we did count the cost of these essentials in the cost of the survey, which would be doubtful bookkeeping, the shelf would still be cheap. Alaska cost us \$7,200,000; the Danish West Indies, \$25,000,000; and the Louisiana Purchase amounted to \$27,000,000. The Continental Shelf cost only the forethought that was required to assert our sovereignty over it."

- (b) EXECUTIVE ORDER NO. 9633, RESERVING AND PLACING CERTAIN RESOURCES OF THE CONTINENTAL SHELF UNDER THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE INTERIOR, 28 SEPTEMBER 1945. "FEDERAL REGISTER", VOL. 10 (1945), p. 12305; "DEPARTMENT OF STATE BULLETIN", VOL. 13 (1945), p. 486

By virtue of and pursuant to the authority vested in me as President of the United States, it is ordered that the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States declared this day by proclamation to appertain to the United States and to be subject to its jurisdiction and control, be and they are hereby reserved, set aside, and placed under the jurisdiction and control of the Secretary of the Interior for administrative purposes, pending the enactment of legislation in regard thereto. Neither this Order nor the aforesaid proclamation shall be deemed to affect the determination by legislation or judicial decree of any issues between the United States and the several states, relating to the ownership or control of the subsoil and sea bed of the continental shelf within or outside of the three-mile limit.

(c) TEXAS

- (i) *Act declaring the sovereignty of Texas along its seacoast, 16 May 1941, as amended by Act of 23 May 1947. "General and Special Laws of the State of Texas", 47th Legislature (1941), c. 286, p. 454; 50th Legislature (1947), c. 253, p. 451*

Whereas, Dominion, with its consequent use, ownership and jurisdiction over its marginal waters by a State has found support because it is the duty of a State to protect its citizens whose livelihood depends on fishing, or taking from said marginal waters the natural products they are capable of yielding; also, has found support in that sufficient security must exist for the lives and property of the citizens of the State; and

Whereas, According to the ancient principles of international law, it was generally recognized by the nations of the world that the boundary of each sovereign State along the seacoast was located three (3) marine miles distant in the sea, from low water mark along its coast on the open sea; and

Whereas, The seaward boundary of each sovereign State as so fixed is generally known as the three (3) mile limit of such State; and

Whereas, The said three (3) mile limit was so recognized as the seaward boundary of each sovereign State, because at the time it became so fixed three (3) marine miles was the distance of a cannon shot, and was considered the distance at which a State could make its authority effective on the sea by the use of artillery located on the shore; and

Whereas, Since the said three (3) mile limit was so established as the seaward boundary of each sovereign State, modern cannon have been improved to such an extent that now many cannon shoot twenty-seven (27) marine miles and more, and by the use of artillery located on its shores a State can now make its authority effective at least twenty-seven (27) marine miles out to sea from low water mark; and

Whereas, The first Congress of the Republic of Texas passed an Act (1 Gammel's Laws, 1193) defining the boundaries of the Republic of Texas and declaring that its boundaries began at the mouth of the Sabine River and ran West along the Gulf of Mexico three (3) leagues from land to the mouth of the Rio Grande, then up to the principal stream of said river to its source; and the Congress of the United States (5 U.S. Statutes at Large, 797) proposed to the Republic of Texas that it be admitted into the Union, and that Texas should retain all vacant and unappropriated land lying within its limits; and the Congress of the Republic of Texas thereafter passed a Joint Resolution accepting the terms of annexation proposed by the United States (2 Gammel's Laws, 1200), and such action of the Congress of the Republic of Texas was ratified by popular vote of the people of Texas, and Texas was admitted to the Union by virtue of a Resolution of Congress passed December 29, 1845, under which the State of Texas retained all of its public lands (9 U.S. Statutes at Large, 108); and the first Legislature of the State of Texas declared: "That the exclusive right to the jurisdiction over the soil included in the limits of the late Republic of Texas was acquired by the valor of the people thereof, and was by them vested in the government of said Republic; that such exclusive right is now vested in and belongs to the State (Acts, First Legislature, 1846, page 155); and under the treaty of Guadalupe Hidalgo, the boundary line between the Republic of Mexico and the United States was defined as commencing in the Gulf of Mexico, three (3) leagues from land, opposite the mouth of the Rio Grande; it is clear that the Republic of Texas and the State of Texas have from the earliest days asserted title to the ownership of that portion of the Gulf of Mexico, and the soil at the bottom thereof, out to the limit of three (3) marine leagues from shore."

Whereas, Therefore, the gulfward boundary of Texas is already located in the Gulf of Mexico, three (3) leagues distant from the shore, a width of marginal area made greater by the above Act and agreement, than the well-accepted and inherent three (3) mile limit; and

Whereas, A State can define its limits on the sea; and

Whereas, The State of Texas owns the waters of the sea and the waters of the arms of the sea, and the seashore and the shores of all arms of the sea as far inland as the high water mark within the territory of the State of Texas; and

Whereas, The State of Texas, including all parts thereof and all territory that may be added thereto, forms a part of the United States of America, over which the said United States is authorized to exercise, and exercises, such powers and jurisdiction as the said United States is authorized by the Constitution of the United States to exercise thereover;

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Gulfward boundary of the State of Texas is hereby fixed and declared to be a line beginning in the Gulf of Mexico at the mouth of the Sabine River; thence on a grid bearing S. 35 degrees 55 minutes and 22 seconds E. to the farthestmost edge of the continental shelf from the Gulf Shore line; thence in a westerly and southerly direction with the edge of the continental shelf to a point opposite the mouth of the Rio Grande River; thence to the mouth of the Rio Grande River.

Section 2. That, subject to the right of the government of the United States to regulate foreign and interstate commerce under section 8 of article 1 of the Constitution of the United States, and to the power of the government of the United States over cases of admiralty and maritime jurisdiction under section 2 of article 3 of the Constitution of the United States, the State of Texas has full sovereignty over all the waters of the Gulf of Mexico and of the arms of the Gulf of Mexico within the boundaries of Texas, as herein fixed, and over the beds and shores of the Gulf of Mexico and all arms of the said Gulf within the boundaries of Texas, as herein fixed.

Section 3. That the State of Texas owns, in full and complete ownership, the waters of the Gulf of Mexico and of the arms of the said Gulf, and the beds and shores of the Gulf of Mexico, and the arms of the Gulf of Mexico, including all lands that are covered by the waters of the said Gulf and its arms, either at low tide or high tide, within the boundaries of Texas, as herein fixed; and that all of said lands are set apart and granted to the Permanent Public Free School Fund of the State, and shall be held for the benefit of the Public Free School Fund of this State according to the provisions of law governing the same.

Section 4. That this Act shall never be construed as containing a relinquishment by the State of Texas of any dominion, sovereignty, territory, property or rights that the State of Texas already had before the passage of this Act.

Note. The original text of section 1 of the 1941 Act read as follows:

"Section 1. That the gulfward boundary of the State of Texas is hereby fixed and declared to be a line located in the Gulf of Mexico parallel to the three (3) mile limit, as determined according to said ancient principles of international law, which gulfward boundary is located twenty-four (24) marine miles further out in the Gulf of Mexico than the said three (3) mile limit."

In a suit by the United States against the State of Texas, the United States Government alleged that the United States was and is "the owner in fee simple of, or possessed of paramount rights in, and full dominion and power over, the lands, minerals and other things underlying the Gulf of Mexico, lying seaward of the ordinary low water mark on the coast of Texas and outside of the inland waters, extending seaward to the outer edge of the continental shelf and bounded on the east and southwest, respectively, by the eastern boundary of the State of Texas and the boundary between the United States and Mexico." The Supreme Court has made only the following short comment on the Texas Acts of 1941 and 1947: "Texas in 1941 sought to extend its boundary to a line in the Gulf of Mexico twenty-four marine miles beyond the three-mile limit and asserted ownership of the bed within that area. And in 1947 she put the extended boundary to the outer edge of the continental shelf. The irrelevancy of these acts to the issue before us has been adequately demonstrated in *United States v. Louisiana*." *Official Reports of the Supreme Court*, vol. 339, pp. 707, 709, 720.

CHAPTER 2. INTERNATIONAL TREATIES AND SUPPLEMENTARY LEGISLATION

1. United Kingdom — Venezuela

- (a) TREATY RELATING TO THE SUBMARINE AREAS OF THE GULF OF PARIA,
26 FEBRUARY 1942. "BRITISH TREATY SERIES", NO. 10 (1942),
CMD. 6400.

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the United States of Venezuela.

Desiring in a spirit of goodwill to make provision for and to define as between themselves their respective interests in the submarine areas of the Gulf of Paria,

Have decided to conclude a treaty for that purpose and, to that end, have named as their Plenipotentiaries: . . .

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

Article 1. In this treaty the term "submarine areas of the Gulf of Paria" denotes the sea-bed and sub-soil outside of the territorial waters of the High Contracting Parties to one or the other side of the lines A-B, B-Y and Y-X.

Article 2. (1) His Majesty The King declares that he for his part will not assert any claim to sovereignty or control over those parts of the submarine areas of the Gulf of Paria which lie westerly of the line A-B, or southerly of the lines B-Y and Y-X respectively described in article 3 of the present treaty, and that he will recognize any rights of sovereignty or control which have been or may hereafter be lawfully acquired by the United States of Venezuela over the said parts of the submarine areas of the Gulf of Paria.

(2) The President of the United States of Venezuela declares that he for his part will not assert any claim to sovereignty or control over those parts of the submarine areas of the Gulf of Paria which lie easterly of the line A-B or northerly of the lines B-Y and Y-X respectively, described in article 3 of the present treaty, and that he will recognize any rights of sovereignty or control which have been or may hereafter be lawfully acquired by His Majesty The King over the said parts of the submarine areas of the Gulf of Paria.

Article 3. The lines A-B, B-Y and Y-X mentioned in the preceding article are drawn on the annexed map* and are defined as follows:

* Not reproduced.

Line A-B runs from point A, which is the intersection of the central meridian of the island of Patos with the southern limit of the territorial waters of the island, the approximate co-ordinates of which are: latitude $10^{\circ} 35' 04''$ N., longitude $61^{\circ} 51' 53''$ W. From there the line runs straight to point B which is situated at the limit of the territorial waters of Venezuela at the point of their intersection with the meridian of $62^{\circ} 05' 08''$ W., the approximate latitude of which is $10^{\circ} 02' 24''$ N.

Line B-Y runs from point B, already established, and follows the limits of the territorial waters of Venezuela to point Y, where the said limits intersect the parallel of $9^{\circ} 57' 30''$ N., the approximate longitude of which is $61^{\circ} 56' 40''$ W.

Line Y-X runs from point Y, already established, and follows the said parallel of $9^{\circ} 57' 30''$ N. to point X, situated on the meridian of $61^{\circ} 30' 00''$ W.

The longitude of the central meridian of the island of Patos to which this article refers shall be determined by taking the mathematical half of the most eastern and the most western longitudes of the said island.

Should the straight lines A-B or Y-X described in this article intersect in their course the outside limit of the territorial waters of either of the two high contracting parties, the dividing line shall follow along the said limit until it reaches again the intersecting straight line in conformity with the stipulations in articles 1 and 5 of this treaty, which exclude the bed of the sea and the sub-soil of territorial waters.

The co-ordinates of points A, B and Y which are here given approximately shall be determined with exactness by the Commission provided for in article 4 of this treaty.

Article 4. (1) The high contracting parties shall, as soon as practicable after the coming into force of this treaty, appoint a mixed Commission to take all necessary steps to demarcate the lines A-B, B-Y and Y-X by means of buoys or other visible methods on the surface of the sea or on the land as the case may be. Any buoys or other means employed shall, however, conform in all respects to the provisions of article 6 of this treaty.

(2) The manner in which this mixed Commission shall be constituted and the instructions to which it shall be subject for the fulfilment of its duties shall be laid down in a special protocol or by an exchange of notes.

Article 5. This treaty refers solely to the submarine areas of the Gulf of Paria, and nothing herein shall be held to affect in any way the status of the islands, islets or rocks above the surface of the sea together with the territorial waters thereof.

Article 6. Nothing in this treaty shall be held to affect in any way the status of the waters of the Gulf of Paria or any rights of passage or navigation on the surface of the seas outside the territorial waters of the contracting parties. In particular passage or navigation shall not be closed or be impeded by any works or installations which may be erected, which shall be of such a nature and shall be so constructed, placed, marked, buoyed and lighted, as not to constitute a danger or obstruction to shipping.

Article 7. Each of the high contracting parties shall take all practical measures to prevent the exploitation of any submarine areas claimed or occupied by him in the Gulf from causing the pollution of the territorial

waters of the other by oil, mud or any other fluid or substance liable to contaminate the navigable waters or the foreshore and shall concert with the other to make the said measures as effective as possible.

Article 8. Each of the high contracting parties shall cause to be inserted in any concession which may be granted for the exploitation of submarine areas in the Gulf of Paria stipulations for securing the effective observance of the two preceding articles, including a requirement for the use by the concessionaire of modern equipment, and shall cause the operation of any such concession to be supervised in order to ensure that the provisions of the present treaty are complied with.

Article 9. All differences between the high contracting parties relating to the interpretation or execution of this treaty shall be settled by such peaceful means as are recognized in international law.

- (b) UNITED KINGDOM (TRINIDAD AND TOBAGO). SUBMARINE AREAS OF THE GULF OF PARIA (ANNEXATION) ORDER IN COUNCIL, 6 AUGUST 1942. "UNITED KINGDOM, STATUTORY RULES AND ORDERS, 1942", VOL. I, P. 919.

Whereas the Gulf of Paria and the adjacent waters are bounded by the coasts of Venezuela and the island of Trinidad respectively:

And whereas the Government of the Republic of Venezuela have annexed to Venezuela certain parts of the submarine areas of the Gulf of Paria:

And whereas it is expedient that the rest of the submarine areas of the Gulf of Paria should be annexed to and form part of His Majesty's dominions and should be attached to the Colony of Trinidad and Tobago for administrative purposes:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Submarine Areas of the Gulf of Paria (Annexation) Order 1942.

2. In this Order the expression "submarine areas of the Gulf of Paria" means the sea bed and subsoil situated beneath the waters, excluding territorial waters, bounded as follows:

(a) By the parallel of $10^{\circ} 44' N.$ from its intersection with the coast of Venezuela in the Bocas del Dragon to its intersection with the coast of the island of Trinidad;

(b) Thence southward by the coast of the island of Trinidad to Roja Point; lat. $10^{\circ} 04' N.$, long. $61^{\circ} 30' W.$;

(c) Thence by the meridian of $61^{\circ} 30' W.$ to its intersection with the coast of Venezuela;

(d) Thence by the coast of Venezuela to the point where it is intersected by the parallel of $10^{\circ} 44' N.$ in the Bocas del Dragon.

3. As from the date of this Order all the submarine areas of the Gulf of Paria which lie to the eastward and northward of a line drawn:

Point A from a point $10^{\circ} 35' 04'' N.$, $61^{\circ} 51' 53'' W.$

Point B to a point $10^{\circ} 02' 24'' N.$, $62^{\circ} 05' 08'' W.$ thence along the limit of Venezuelan territorial waters.

Point Y to a point $9^{\circ} 57' 30'' N.$, $61^{\circ} 56' 40'' W.$

Point X thence to a point 9° 57' 30'' N., 61° 30' 00'' W. shall be annexed to and form part of His Majesty's dominions and shall be attached to the Colony of Trinidad and Tobago for administrative purposes, and the said submarine areas are annexed and attached accordingly.

4. Nothing in this Order shall:

(a) Affect, or imply any claim to, any territory above the surface of the sea or any part of the high seas, or

(b) Prejudice any rights of passage or navigation on the surface of the sea.

5. The Governor of the said Colony shall, as soon as may be after the date of this Order, make regulations to ensure:

(1) That the marine areas within the limits specified in section 2 of this Order shall not be closed to navigation, and that any works or installations which may be erected shall be of such nature and shall be so constructed, placed, marked, buoyed and lighted as not to constitute a danger or obstruction to shipping.

(2) That all practicable measures shall be taken to prevent the exploitation of any of the said submarine areas from causing the pollution of coastal waters by oil, mud or any other fluid or substance calculated to contaminate the sea water or shore line.

6. His Majesty may at any time revoke, alter, add to or amend this Order.

PART II. CONTIGUOUS ZONES

CHAPTER 1. NATIONAL LEGISLATION

1. Argentina

(a) CIVIL CODE, 29 SEPTEMBER 1869 (1 JANUARY 1871). TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2340. The following are the public property of the general State [of the Republic] or of the individual States:

1. The seas adjacent to the territory of the Republic, up to a distance of one marine league, measured from the low-water mark; but the right of policing with respect to matters concerning the security of the country and the observance of fiscal laws extends up to the distance of four marine leagues measured in the same manner.

2. Interior seas, bays, inlets, ports and anchorages.

(b) FISHING REGULATIONS, ENACTED BY DECREE NO. 148,119, 19 APRIL 1943. "ANALES DE LEGISLACIÓN ARGENTINA", VOL. 3 (1943), P. 142. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 4. As fishing in fresh water shall be considered fishing conducted in rivers, streams, lakes and lagoons. Maritime fishing is divided into coastal and on high seas (*mayor*). As coastal fishing shall be considered fishing conducted within the limits of a line running parallel to the coast at a distance of twelve maritime miles, to be reckoned from the low-water mark. As high seas fishing (*pesca mayor*) shall be considered fishing conducted beyond that limit, as well as fishing at the mouth of the Plate River if it concerns maritime and/or anadromous migratory species.

Note. A Presidential Decree concerning fishing and hunting, of 18 September 1907 (*Registro Nacional*, 1907, tercer trimestre, c. 984, p. 188) contained the following provisions concerning fisheries protection:

"*Article 1.* For fishing purposes, 'territorial sea' shall mean a zone extending ten miles (18,250 metres), to be counted from the line of other waters around all the land territory. In those regions of the coast where streams, rivers or lagoons flow into the sea, the Executive Power shall indicate by ordinary lines the division between the territorial sea and the fluvial zones ...

"*Article 4.* Fishing shall be free, but its exercise shall be subject to the following provisions:

"(a) Trawl-nets towed by sailboats may not be used except at a distance of three miles from the land, and the size of the mesh of these nets, once they have been dyed and moistened, shall not be smaller than a square the side of which is 40 millimetres long;

"(b) Trawl-nets towed by steamboats may not be used within the first five miles of the territorial sea;

"(c) These distances shall be five and ten miles, respectively, where the sailboats or steamboats fish around a point in which fishermen are established, or shall be established, who use other methods of fishing ..."

Article 3 of the Regulations of 4 July 1909, issued by the Ministry of Agriculture with respect to fishing concessions along the maritime shore between the mouths of Rio de la Plata and of Rio Negro, provided similarly that "the concessionaires may only employ trawl-nets towed by steamboats in a zone at least twelve (12) miles distant from the low-water mark." *Ministerio de Agricultura, Leyes, decretos, etc., sobre pesca, caza marítima e industrialización* (1944), p. 29. A three-mile limit was established, however, for coastal fishing and trawling by articles 2 and 16 of the Fishing Regulations of 26 December 1914. *Ministerio de Marino, Digesto marítimo y fluvial* (1938), p. 194.

2. Belgium

- (a) LAW ESTABLISHING A SINGLE CUSTOMS ZONE, 7 JUNE 1832. "PASINOMIE: COLLECTION DES LOIS, DÉCRETS, ETC.", VOL. 13 (1831-1832), p. 356. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Considering articles 162 and 177 of General Act No. 38 of 26 August 1822, and the Order of 22 November 1822, relating to the course of the two customs lines introduced by that Act;

By common agreement with the Chambers, we have decreed and do order as follows:

Article 1. A single zone shall be substituted for the double zone established by Act No. 38 of 26 August 1822.

The executive authority shall, before 25 June next, determine the course of the line defining this new customs zone, at a distance of not more than one myriametre (10,000 metres) from the outermost land frontier and of 5,000 metres from the coast.

Supervision as provided in the two following articles shall be carried out to a distance of one myriametre (10,000 metres) seawards from the coast.

Article 2. Customs officers may search vessels of less than fifty tons burthen anchored or hovering within the said distance of one myriametre (10,000 metres) from the coast, except in case of *force majeure*, and may require the bills of lading and other ship's papers relating to the cargo to be produced.

Article 3. Vessels or boats of not more than thirty tons burthen, anchored, coasting or hovering within 2,500 metres of the coast, which carry prohibited goods or articles subject to excise duties in Belgium, shall be seized and confiscated, together with the portion of the cargo which occasioned the seizure.

Article 4. All the provisions of the afore-mentioned General Act concerning the territory referred to in article 177 shall apply to the zone to be determined in accordance with article 1 hereof.

Furthermore, when pursuing a vessel engaged in illicit traffic, customs officers may effect seizure even outside the limits of the zone, provided that they have pursued the vessel without interruption.

3. Bulgaria

- (a) DECREE-LAW CONCERNING TERRITORIAL WATERS, 25 AUGUST 1935. "DRJAVEN VESTNIK", VOL. 57, NO. 243 (28 OCTOBER 1935), P. 3729; FRENCH TRANSLATION IN "BULLETIN DE L'INSTITUT JURIDIQUE INTERNATIONAL", VOL. 34 (1936), P. 329. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Chapter I. Limit of territorial waters

Article 1. The territorial waters of the Kingdom extend to a distance of six miles from the water-line on the coast, or from the furthestmost points or port installations jutting into the open sea.

The territorial waters are bounded to the north by the perpendicular line drawn from the shore, from the point where the land frontier joins the waterline and to the south by the line separating Bulgarian waters from Turkish waters in Rezovo Bay.

The Varna and Bourgas Bays are intersected by a straight line drawn: in the case of Varna Bay, from Cape Saint Constantine to Cape Galata; in the case of Bourgas Bay, from Cape Emine to the Cape of Olives.

The extent of the territorial waters is measured from these lines to the open sea, the sea between the said lines and the coast forming part of the internal waters of the Kingdom.

Note. For the purposes of this Legislative Decree, a nautical mile is equal to 1,852 metres.

Articles 2. The air space above the territorial waters, as well as the subsoil and the bed of the sea, are included in the territory of the Kingdom.

The sovereignty of the State in the zones laid down in articles 1 and 2 shall be exercised in accordance with the provisions of the Legislative Decree and in accordance with the rules of international law and of treaties and conventions concluded with other States.

Chapter II. Right of passage

Article 4. Passage through the territorial waters of the Kingdom shall be free to all vessels, if such passage is innocent, that is to say, if it is not prejudicial to the security, public policy, or sanitary or fiscal interests of the State.

The right of passage also includes the right to stop or to anchor, but in so far only as stopping or anchoring is incidental to ordinary navigation, or is rendered necessary to the vessel by a forced mooring or by distress.

Submarines shall pass through the territorial waters on the surface.

Article 5. The respective organs of the State have the right to take any measures in the territorial waters to prevent the violation of provisions laid down for the maintenance of security, public policy and the sanitary and fiscal interests of the State.

Article 6. Foreign vessels and foreign aircraft passing through the territorial waters of the Kingdom shall be required to comply with the

provisions laid down by the competent authorities of the State with regard to:

1. Safety of traffic;
2. Protection of waters against pollution;
3. Protection of the products of the sea;
4. Observation of rules concerning fishing, hunting, etc., in the territorial waters.

Article 7. No charge shall be levied upon foreign vessels which are merely passing through the territorial waters of the Kingdom, except for specific services rendered.

Chapter III. Warships

Article 8. The passage of foreign warships through the territorial waters of the Kingdom is permitted. The conditions under which such passage shall be effected shall be prescribed by regulations.

War submarines shall pass through the territorial waters of the Kingdom on the surface.

Article 9. If a foreign warship passing through the territorial waters of the Kingdom should fail to comply with and violate the established regulations, after having been requested to comply therewith, it shall leave Bulgarian territorial waters as soon as it is requested to do so.

4. Canada

- (a) CUSTOMS ACT OF 13 JULY 1906, AS AMENDED. "REVISED STATUTES OF CANADA, 1927", VOL. 2, C. 42, P. 1131; "STATUTES, 1936", C. 30, P. 175

Section 2. In this Act, or in any other law relating to the customs, unless the context otherwise requires, ...

(u) "Canadian waters" shall mean all territorial waters of Canada and all waters forming part of the territory of Canada, including the marginal sea within three marine miles of the base lines on the coast of Canada, determined in accordance with international law and practice; subject, however, to the following specific provisions:

(i) Canadian waters shall not extend beyond the limits of exclusion recommended in the North Atlantic Fisheries Award, answer to question V, as set forth in the Schedule to this Act;

(ii) The extent of Canadian waters shall conform with the provisions of any other Act of the Parliament of Canada;

(iii) The Governor in Council may from time to time by proclamation temporarily restrict, for customs purposes, the extent of Canadian waters and such proclamation shall not be construed as foregoing any Canadian rights in respect of waters thus restricted;

(iv) The plotting of base lines and of the limits of Canadian waters on a map or chart issued under the authority of and approved by the Governor in Council shall be conclusive evidence of the due determination of such base lines and of the extent of Canadian waters or of Canadian waters temporarily restricted, pursuant to the provisions of the preceding paragraph (iii).

(v) "Canadian customs waters" shall mean the waters forming that part of the sea which is adjacent to and extends nine marine miles beyond Canadian waters.

. . .

Section 7a. (1) Unless the Minister shall, as he may, in respect of any particular vessel or class or classes of vessels otherwise dispense, for a time or generally, the master of any vessel arriving in or found within Canadian waters or of any vessel registered in Canada or of any unregistered vessel owned by a person resident or domiciled in Canada or of any other vessel or class of vessels which has been specified or enumerated by proclamation of the Governor in Council under subsection one of section one hundred and fifty-one of this Act arriving in and found within Canadian customs waters shall, if the cargo of his vessel includes intoxicating liquors, have on board a manifest signed by him under oath as to the truth of the statements therein contained. Such manifest shall contain:

(a) The names of the ports and description of the places at which the goods comprising the cargo of the said vessel were taken on board, and the ports of entry of Canada for which the same are destined, particularly describing the goods destined for each such port;

(b) The name, description, and build of the vessel, the tonnage and port of registry of the vessel, the domicile of the owners thereof and the name of the master;

(c) A detailed account of all goods on board such vessel, with the marks and numbers of each package and parcel, and the number and description of the packages and parcels according to their usual name or denomination, such as barrel, keg, hogshead, case or bag;

(d) The names of the persons to whom such packages or parcels are respectively consigned in accordance with the bills of lading issued therefor, except that when such goods are consigned to order the manifest shall so state;

(e) An account of what surplus stores remain on board.

(2) This section shall not apply to any vessel employed in the transport of duty paid intoxicating liquor from one port or place to another port or place within the limits of Canada.

Section 8. (1) No goods shall be unladen from any vessel arriving at any port or place in Canada, from any place out of Canada, or from any vessel having dutiable goods on board brought coastwise, nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods, and warrant granted for the unlading of the same.

(2) No goods shall be so unladen, unless for the purpose of lightening the vessel in crossing over or getting free from a shoal, rock, bar or sand bank, except between sunrise and sunset, and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer is appointed to attend the unlading of goods, or at some place for which a sufferance has been granted by the collector or other proper officer, for the unlading of such goods.

(3) If after the arrival of the vessel within three leagues of the coast, any alteration is made in the stowage of the cargo so as to facilitate the unlawful unlading of any part thereof, or if any part thereof is

fraudulently staved, destroyed or thrown overboard, or any package is opened, it shall be deemed a breaking of bulk.

Section 151. (1) The provisions of this section shall extend to vessels hovering in Canadian waters, and in the case of any vessel registered in Canada, or of any unregistered vessel owned by a person resident or domiciled in Canada, or of any other vessels or class of vessels which the Governor in Council may specify or enumerate by proclamation shall also extend to vessels hovering in Canadian customs waters.

(2) Any vessel which has, in Canadian waters or, subject to the provisions of subsection one of this section, in Canadian customs waters:

(a) Hovered;

(b) Unladen any dutiable or prohibited goods, or transhipped the same to some other vessel without the authorization of an officer;

(c) Navigated without lights, in breach of any law or regulation to which such vessel was subject;

(d) Failed to come to a stop in compliance with the provisions of subsection four of this section, shall be presumed to be a hovering vessel and to have hovered, provided that such presumption may, save in cases provided for by paragraph (d) of this subsection, be rebutted by evidence establishing that the vessel was engaged in a legitimate occupation not connected, directly or indirectly, with the smuggling into Canada of dutiable or prohibited goods, or the breach of any laws or regulations in force in Canada.

(3) If any hovering vessel is found or observed in Canadian waters or, subject to the provisions of subsection one of this section, in Canadian customs waters, any officer may go on board such vessel and examine her cargo and may also examine upon oath the master or person in command or any other person on board, touching the vessel, cargo and voyage, and may bring the vessel into port; and any such master or person who refuses to comply with the lawful directions of such officer or does not truly answer such questions as are put to him touching such vessel, cargo or voyage, shall be deemed to have violated a provision of this Act.

(4) Any vessel in Canadian waters, or subject to the provisions of subsection one of this section, in Canadian customs waters, shall proceed to come to a stop when required so to do in the King's name by any officer or upon signal made by any vessel in the service of the Government of Canada hoisting the pennant and ensign approved and appointed for the purpose by order of the Governor in Council.

(5) On any such vessel failing to proceed to come to a stop when required, the captain or master or other person in charge of any vessel in the service of the Government of Canada may, after first causing a gun to be fired as a signal, fire at or into such vessel.

(6) Such captain, master or other person, as well as any person acting in his aid or by his direction, is hereby indemnified and discharged from any indictment, penalty, action or other proceeding for so doing, and His Majesty shall not be liable in any claim for damage to life or property by reason of such act.

(7) No person on board any vessel required to proceed to come to a stop, as therein provided, shall throw overboard, stave, or destroy any

part of the cargo or any papers or documents relating to the vessel or cargo. Any such action shall render the vessel and cargo subject to forfeiture.

(8) The evidence of such captain, master or other person that the vessel was within Canadian waters or Canadian customs waters shall be *prima facie* evidence of the fact.

(9) Any officer may at any time go on board any vessel at any place in Canadian waters or, subject to the provisions of subsection one of this section, in Canadian customs waters, and examine the manifest and inspect, search and examine the vessel and every part thereof, and any person, trunk, package or cargo on board.

(10) Any vessel which is a hovering vessel within the meaning of subsection two of this section may be seized and forfeited, together with all stores and cargo which were upon such vessel at the time of the hovering, provided however that the following goods shall be released, without liability resulting directly or indirectly from such seizure or forfeiture, upon the furnishing of proof satisfactory to the Minister that they are:

(a) Goods respecting which there has not been any violation of any of the provisions of this Act and which are in the hands of a person in Canada who acquired the same for value and in good faith; or

(b) Effects of an innocent passenger; or

(c) Goods respecting which there has not been any violation of any of the provisions of this Act and in respect to which neither the consignor, nor the consignee, nor the owner, nor any of their agents, had any knowledge or grounds for suspicion that the goods were destined to be smuggled into Canada or into any other country.

(11) The master or person in command and crew of any vessel which is a hovering vessel within the meaning of subsection two of this section and all other persons on board at the time of the hovering and all owners or persons beneficially interested in the vessel or cargo shall be deemed to have violated a provision of this Act unless they prove that they had no knowledge or grounds for suspicion that the goods on board were destined to be smuggled into Canada or any other country.

(12) The powers conferred by subsection three of this section on an officer may be exercised, and the provisions of subsections four to eleven inclusive, of this section, shall be applicable to a hovering vessel, either at the place where the vessel is found or observed to be hovering, or, elsewhere after pursuit, either within or without Canadian waters or Canadian customs waters as the case may be, or in a Canadian port when such vessel subsequently enters a Canadian port.

(b) FISHERY REGULATIONS FOR THE PROVINCE OF PRINCE EDWARD ISLAND, ADOPTED BY ORDER IN COUNCIL (P.C. 837), 11 MAY 1927. "STATUTES OF CANADA, 1928", PREFIX, P. XXVII

Section 19. Trawlers prohibited. 1. The use or operation of vessels known as trawlers, operating "beam", "otter", or other trawls of a similar nature for the purpose of catching fish, is prohibited within the territorial waters of Canada.

2. The master of every steam trawler, at any port on the Atlantic seaboard of Canada, shall, before departure, come before the collector

of customs or other proper officer and deliver to him a report outwards under his hand of the destination of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners and the number of the crew, and such other particulars as are demanded by such officer.

The report outwards shall also contain a declaration to the effect that the master of the steam trawler in consideration of the clearance granted by the officer of customs, undertakes and agrees, for one year after clearance *(a)* to restrict all fishing operations by such steam trawler to waters which are at least twelve miles distant from the nearest shore on the Atlantic seaboard of Canada, between the first day of May and the thirty-first day of December; *(b)* and also to refrain from all fishing operations by such trawler in waters of Chedabucto and St. Peter's Bay within a line drawn from Cranberry Island light to Green Island light during the month of January.

The penalties and procedure prescribed for contravention of customs regulations made by the Governor in Council shall apply in respect of such steam trawler and the master thereof, for non-compliance with the undertaking prescribed by this regulation.

Note. Identical provisions are contained in section 24 of the Fishery Regulations for the Province of New Brunswick, adopted by Order in Council (P.C. 837), 11 May 1927. *Statutes of Canada*, 1928, Prefix, p. xxxiii.

5. Ceylon

- (a) CUSTOMS ORDINANCE, 1 JANUARY 1870 (AS AMENDED, 1871-1938). "LEGISLATIVE ENACTMENTS OF CEYLON" (REVISED EDITION, 1938), VOL. 4, C. 185, P. 517.

Article 65. It shall be lawful for the officers of the customs to go on board any ship before and after clearance outwards within the limits of any port in this Island or within two leagues of the coast thereof, and to demand the certificate of clearance and the victualling bill, and if there be any goods on board subject to duty and not duly entered outwards, such goods shall be re-landed and forfeited; and if any goods contained in such clearance or victualling bill be not on board, the master shall forfeit a sum not exceeding two hundred rupees for every package or parcel of goods contained in such clearance or victualling bill and not on board.

- (b) CHANKS ORDINANCE, 30 JUNE 1891, AS AMENDED BY ORDINANCE NO. 2 OF 1929. "LEGISLATIVE ENACTMENTS OF CEYLON" (REVISED EDITION, 1938), VOL. 4, C. 168, P. 295.

Article 8. (1) It shall not be lawful for any person to fish for, dive for, or collect chanks, bêche-de-mer, coral, or shells in the seas within the limits defined in schedule B except in accordance with rules for the regulation, supervision, protection, or control of such operations which may be made by the Governor and published in the *Gazette* and every person who shall fish for, dive for, or collect, or who shall use or employ any boat, canoe, raft, or vessel in the collection of chanks, bêche-de-mer,

coral, or shells in the said seas, except in accordance with such rules shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every boat, canoe, raft, or vessel so employed as aforesaid, together with all chanks, bêche-de-mer, coral or shells unlawfully collected, shall be forfeited;

Provided that:

(a) Nothing in this section contained shall prevent any person from collecting coral or shells from any portion of the said seas in which the water is of the depth of one fathom or less;

(b) It shall be lawful for the Governor from time to time or at any time, by notification in the *Gazette*, to alter the limits defined in schedule B, or exempt any portion or portions of the seas within the said limits from the operation of this Ordinance;

(c) Rules made under this section shall not be construed so as to permit any person to fish for, dive for, or collect chanks, bêche-de-mer, coral, or shells within the area specified in part I of the first schedule to the Pearl Fisheries Ordinance.

(2) All rules made under this Ordinance shall be laid, as soon as conveniently may be, on the table of the State Council at two successive meetings of the Council, and shall be brought before the Council at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by the Council, such rules shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder; and such rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the *Gazette*.

Article 9. (1) Any chanks, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus liable to forfeiture under this Ordinance may be seized by any officer of the customs or police, or by any headman, or by any person appointed for that purpose in writing by the government agent of the province or the assistant government agent of the district within which such seizure is made, and when seized shall be conveyed to the custom house nearest to the place of seizure and there detained until the court having jurisdiction in the matter has determined whether the same shall or shall not be forfeited.

Schedule B

Eastward of a straight line drawn from a point six miles westward of Talaimannar to a point six miles westward from the shore two miles south of Talaivilla.

(c) PEARL FISHERIES ORDINANCE, 12 FEBRUARY 1925. "LEGISLATIVE ENACTMENTS OF CEYLON" (REVISED EDITION, 1938), VOL. 4, C. 169, P. 300

Article 2. In this Ordinance, unless the context otherwise requires:

“Pearl bank” means the areas from time to time specified in the first schedule and includes the bed of any pearl bank. The said schedule may from time to time be altered by regulation;

. . .

Article 4. (1) No person shall fish, or dive for, or collect, pearl oysters on, or from any pearl bank, or use a vessel for any such purpose, unless he holds a licence (in this Ordinance referred to as a pearl fishery licence) authorizing him so to do.

. . .

Article 8. If any pearls or pearl oysters are found in the possession, power, or control of any person on a pearl bank, or proceeding from a pearl bank to the shore, or disembarking or immediately after having disembarked, on coming from a pearl bank, and there appears to the magistrate to be *prima facie* evidence that the pearls or pearl oysters were obtained in contravention of the provisions of this Ordinance, then such pearls or pearl oysters shall be forfeited to the Government unless satisfactory evidence is given that they were lawfully obtained, and that person shall be guilty of an offence unless satisfactory evidence is given that he was not personally concerned in the unlawful obtaining thereof and that they were not dishonestly retained in his possession, power, or control with the knowledge that they had been unlawfully obtained.

Article 9. (1) If any vessel is found on a pearl bank anchoring or hovering and not proceeding to her proper destination as wind and weather permit, or is found on or near a pearl bank in circumstances giving rise to reasonable suspicion that she is being or has been used for the unlawful collection of pearl oysters, any pearl fishery guard specially authorized by a government agent, assistant government agent, or the inspector of pearl banks to act for the purposes of this section may enter, seize, and search such vessel, and convey the same to some convenient place in the Island for adjudication.

(2) As soon as may be after the arrival of a vessel seized under this section proceedings shall be commenced before a magistrate against the person appearing to be in charge of the vessel and the owner thereof, if known and in the Island, alleging that the vessel has been used for the unlawful collection of pearl oysters, and in such proceedings, unless satisfactory evidence is given that the vessel had not been used for the unlawful collection of pearl oysters, the magistrate may declare that the vessel and her gear shall be forfeited to the Crown, unless a fine not exceeding one thousand rupees is paid within a time to be specified in the order, and shall also declare all appliances found in the vessel and appearing to be intended for the collection of pearl oysters and any pearl oysters or pearls found in the vessel to be forfeited to the Crown.

(3) If such proceedings are not commenced within one month from the arrival of the vessel, then, unless the delay is accounted for to the satisfaction of the magistrate, the magistrate shall, on the application of the owner of the vessel or of the person in charge, order the vessel to be released.

Article 10. If any person contravenes or attempts to contravene or abets the contravention of any provision of this part or any regulation

made thereunder, he shall be guilty of an offence against this Ordinance, and shall, on conviction by a magistrate, be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Note. The first part of the first schedule to the Ordinance delineates as a pearl bank an area between the three and five fathom lines, on one hand, and the 100 fathom line, on the other hand, from Mutual Island to the group of islets known as Adam's Bridge. The 100 fathom line runs at a distance of from four to sixteen miles from the mainland and islands of Ceylon. The second part of the first schedule delimits the pearl banks in Tampalakamam Bay.

6. Chile

- (a) CIVIL CODE, 14 DECEMBER, 1855. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 593. The adjacent sea, up to a distance of one marine league, measured from the low-water mark, constitutes the territorial sea and belongs to the national domain; but the right of policing, with respect to matters concerning the security of the country and the observance of fiscal laws, extends up to a distance of four marine leagues, measured in the same manner.

- (b) GENERAL REGULATIONS CONCERNING THE POLICE OF THE SEAS, RIVERS AND LAKES, ANNEXED TO DECREE NO. 1340 (B) OF THE MINISTRY OF NATIONAL DEFENCE, 14 JUNE 1941. "DIARIO OFICIAL", VOL. 64, NO. 19,047 (27 AUGUST 1941), P. 2746. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 7. The sea adjacent to our coasts for a distance of three nautical miles measured from the lowest water mark and from the inland waters of gulfs, bays, straits and channels, even in those cases where the distance between their coasts measures more than the said three miles, shall be considered as territorial sea and as belonging to the public domain. With regard to the exercise of the right of supervision in the interests of national security, the distance shall be twelve miles (four nautical leagues), measured in the manner stated above.

Note. Article 1 of the General Regulations concerning maritime police, approved by Supreme Decree No. 211, of 29 February 1924, provided similarly for the exercise of police control up to a distance of twelve miles from the coast, in the interest of national security and for the enforcement of fiscal legislation. C. B. V. Meyer, *The Extent of Jurisdiction in Coastal Waters* (Leiden, 1937), p. 443.

- (c) WATER CODE, ANNEXED TO LAW NO. 8,944, 21 JANUARY 1948. "DIARIO OFICIAL", VOL. 71, NO. 20,975 (11 FEBRUARY 1948), P. 258. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 3. The adjacent sea, up to a distance of fifty kilometres, measured from the low-water mark, constitutes the territorial sea and belongs to the national domain; but the right of policing, with respect to matters concerning the security of the country and the observance of fiscal laws, extends up to a distance of 100 kilometres measured in the same manner.

7. China

- (a) CUSTOMS PREVENTIVE LAW, 19 JUNE 1934. TRANSLATION BY THE CHINESE INSPECTORATE GENERAL OF CUSTOMS. CHINA, THE MARITIME CUSTOMS, III. MISCELLANEOUS SERIES, No. 44; "CODE OF CUSTOMS REGULATIONS AND PROCEDURE", 2ND EDITION, SHANGHAI, 1935, p. 286.

Article 10. Should any vessel, within the limit of twelve marine miles from the coast of China, refuse to heave to when called upon to do so by a customs preventive vessel through the firing of a rifle or gun as signal, such vessel may be fired upon by the customs vessel.

The master of a vessel refusing to heave to under the above circumstances shall be fined a sum not exceeding \$ 2,000, and the vessel shall be liable to confiscation.

Article 11. Should any vessel, within or pursued from within the limit of twelve marine miles from the coast of China, be found to have any part of her cargo, or any of her documents relating to the vessel or cargo, either destroyed or thrown overboard in order to prevent seizure, the offender shall be fined a sum not exceeding \$ 2,000, and the vessel shall be liable to confiscation.

Article 12. Should the master of any vessel bound for China from a foreign port allow any merchandise or ship's stores to be discharged within the limit of twelve marine miles from the coast of China before arrival at the proper place of discharge and before receipt of a permit to discharge, he shall be fined a sum not less than the value and not exceeding twice the value of the goods or stores thus discharged, and the merchandise or stores concerned and/or the vessel shall be liable to confiscation.

The aforesaid penalties shall be likewise applicable to any vessel unauthorizedly used for transshipping, placing, or receiving on board such merchandise or stores, or for assisting in the loading and discharge thereof.

Note. Section 6 of chapter XXXII of the Chinese *Code of Customs Regulations and Procedure*, 2nd edition, Shanghai, 1935, contains the following statement (p. 282):

"For the protection of the revenue the Chinese Government claims the right of exercising preventive measures at sea within a limit of 12 marine miles measured at low-water mark from China's coastline, which includes dependent islands and banks. Should a vessel, or some one on board her, while within this 12-mile limit commit an infraction of China's revenue laws—such as refusing to heave to, after due warning, for Customs search—such vessel may be pursued into the open seas and there arrested. (Circulars 4139 and 4241)."

8. Colombia

- (a) LAW NO. 14, AMENDING THE LAW CONCERNING DEPOSITS OF HYDROCARBONS, 31 JANUARY 1923. "LEYES EXPEDIDAS POR EL CONGRESO NACIONAL EN SU LEGISLATURA DE 1923" (SEGUNDA EDICIÓN, 1941), p. 47. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 17. For the purposes of article 38 of Law 120 of 1919, concerning deposits of hydrocarbons, and of Law 96 of 1922, relating to fishing

in the seas of the Republic, the term "territorial sea" shall be understood to refer to a zone of twelve marine miles around the coasts of the continental and insular dominions of the Republic.

Note. Article 38 of Law 120 of 1919 (*Leyes expedidas por el Congreso Nacional en su legislatura de 1919* [segunda edición, 1940], p. 415) contained the following provision:

"The Nation reserves the right to exploit deposits which are situated under the waters of the territorial sea, of the lakes and navigable rivers. In order to enable the verification of the exploitation of these deposits, it is necessary that all contracts authorizing such an exploitation be confirmed by the Congress."

Law 96 of 1922 (*Leyes expedidas por el Congreso Nacional en su legislatura de 1922* [segunda edición, 1940], p. 152) authorized the Government "to organize the renting of fishing in the seas of the Republic, in a manner which it considers as most appropriate from the point of view of national interest".

(b) CUSTOMS LAW, 19 JUNE 1931 (LAW No. 79 of 1931). "LEYES EXPEDIDAS POR EL CONGRESO NACIONAL EN SU LEGISLATURA DE 1931, SESIONES EXTRAORDINARIAS" (2ND EDITION, 1945), PP. 449-451.
TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 363. Customs or coastguard officials and persons thereunto authorized by the Director-General of Customs or for this purpose appointed in writing by any customs administrator, may, at any time, board any vessel, vehicle or aircraft present in the territory of the Republic or in its territorial waters up to a distance of twenty kilometres from the coast, whether inside or outside the districts of the said officials, for the purpose of examining the manifest and carrying out a careful search and inspection of the vessel, vehicle or aircraft, and each and every part thereof, as well as of the persons, baggage or packages on board. For this purpose they may order the vessel, vehicle or aircraft to be stopped, if it is in motion, and may use such force as may be necessary to secure compliance with the order. If it should appear that the laws of the Republic have been violated in some way which renders the vessel, vehicle or aircraft or all or part of the goods on board liable to confiscation, it shall be the duty of the said officials to carry out such confiscation and to arrest, or, in case of flight or attempted flight, to pursue and arrest, any person liable for the violation.

. . .

Article 367. If, in the case of a vessel or aircraft coming from a foreign port or place, the master of the vessel or person in command of the aircraft permits goods to be unloaded from his vessel or aircraft after it has reached a point twenty kilometres from the Colombian coast and before he has received permission, in conformity with law, to unload such goods, or if the master of a vessel or person in command of an aircraft takes on board, without being thereunto authorized, goods subject to export duties, then such master or person in command shall be liable to a fine amounting to twice the value of the goods, though not less than 1,000 pesos (\$ 1,000) in any case, the goods being liable to confiscation. Nevertheless, if part of the cargo of a vessel or aircraft is unloaded, jettisoned or transhipped as the result of an accident, storm

or other fortuitous circumstances, the master of the vessel or the person in command of the aircraft shall as soon as possible inform the administrator of the first customs district reached, and shall submit evidence to show that the goods were discharged, jettisoned or transhipped as the result of an accident, storm or fortuitous circumstance; in these circumstances, provided the administrator is satisfied that the evidence submitted shows good and proper cause, the aforesaid fines shall not be applicable.

9. Cuba

- (a) CUSTOMS REGULATIONS, 22 JUNE 1901. "COLECCIÓN LEGISLATIVA, 1901", VOL. 2, P. 91; J. F. VIZCAINO Y ORTIZ, "ORDENANZAS DE ADUANAS" (HABANA, 1947), PP. 36, 127, 176, 719. TRANSLATION FROM "HEADQUARTERS DEPARTMENT OF CUBA, CIVIL ORDERS AND CIRCULARS, 1901" ("CIVIL REPORT OF MILITARY GOVERNOR", VOL. 2), P. 317.

Article 9. Customs officers are authorized to board vessels bound for the Island of Cuba, whether in port or within four leagues of the coast; to demand manifests or make search and examine any or all parts of the vessel; to seal and take account of any packages found separated from the residue of the cargo; but in the case of foreign vessels protected by treaty, notice of an intended search must be given to the proper foreign consul.

Article 64. In order to secure the collection of the legal duties the customhouses shall exercise surveillance over the coast, beginning with the moment when a vessel enters the jurisdictional waters of the Island of Cuba and concluding when the merchandise imported therein has been legally passed through the custom houses, except that in case of justifiable suspicion of fraud said merchandise may be followed in its transportation by coasting vessels, by railroad or by any other means or in any other way by land or water, from one point of the Island to another, in which case a new examination shall be made and proof required of the payment of the proper duties at the custom house of arrival.

The jurisdictional waters of Cuba extend to four leagues from the coasts of the Island or from the keys belonging to it.

Article 79. The master of every vessel bound to a port of Cuba must, on arrival within four leagues of the coast or within the limits of any collection district in which the cargo or any part thereof is intended to be unladen, produce the manifest for inspection to any officer of the customs who may first come on board the vessel, and deliver to him a copy thereof subscribed by him.

The officer, after the requisite examination and comparison of the original and copy, shall certify on the original to its production, and on the copy to the fact of its agreement with the original, and shall forthwith transmit such copy or copies to the collector of the district to which the merchandise may be consigned.

Article 244. It shall be the duty of officers of revenue vessels, whenever possible, to board vessels arriving within the waters of the Island of Cuba or within four leagues of the coast thereof if bound for Cuba, to search and examine the same, to demand, receive, and certify the manifests required of them by law, to seal the hatches and other communications with the cargo, and where necessary, to place an officer on board to remain until arrival at the port of destination.

- (b) GENERAL LAW ON FISHERIES, ENACTED BY DECREE LAW No. 704, 28 MARCH 1936. "REVISTA CUBANA DE DERECHO, SECCIÓN DE LEGISLACIÓN", VOL. 8 (1936), PP. 193, 200; J. SUÁREZ BLANCO, "PRONTUARIO LEGAL DE LA VIDA MARÍTIMA" (HABANA, 1943), PP. 120, 128. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 46. The masters of ships shall in no case allow ashes, rubbish, fluid flushed from oil, molasses or petroleum tanks or waste matter of any kind to be discharged within the confines of bays and harbours.

Such ashes, rubbish, fluid flushed from oil, molasses and petroleum tanks and other substances shall be discharged into the sea offshore at a distance of not less than five miles from the coast.

. . .

Article 84. The following shall be liable to terms of imprisonment of not less than thirty-one or more than 180 days or fines of not less than 100 or more than 500 pesos:

1. Persons making use of dynamite, gunpowder, explosives, carbide, sulphur, lime or chemical salts of any kind for fishing.

2. Persons discharging into the sea, rivers, rivulets, streams or lakes or allowing to run or filter or otherwise causing to drain into the aforesaid must, sugar-scum, sugar mill molasses, acids, industrial or mineral waste, waste from the manufacture of ropes or cordage, tan-yards, tanneries, laundries, distilleries and stills, and persons flushing the tanks of steam vessels or oil, molasses and petroleum tankers, or persons discharging ashes or rubbish within the confines of bays, harbours, etc., or in places less than five miles from the coast...

- (c) ORGANIC LAW OF THE ARMY AND NAVY, APPROVED BY DECREE-LAW No. 7, 27 JANUARY 1942. "LA JURISPRUDENCIA AL DÍA, 1942, LEGISLACIÓN", PP. 133, 210. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Part Two. The Organization of the Navy

. . .

Article 36. For the purposes of this law, the jurisdictional waters (the territorial sea) shall extend to a distance of three nautical miles from the coasts of the Republic, to be reckoned from the low-water mark on the keys or adjacent islands farthest from the mainland, and running parallel to the contour of the national territory and its keys and islands. The maritime customs zone shall extend to a distance of twelve nautical miles from the coast from the high-water mark, that is to say the distance of four leagues referred to in article 9 of the Customs Ordinances now in

force. All places intended to serve for naval purposes shall be regarded as naval bases; they shall include dockyards, arsenals, stores, naval academies, forts, buildings and any area the boundaries of which have previously been fixed by the President of the Republic and in which naval forces are or are to be encamped. During campaigns or manoeuvres, the following shall also be regarded as naval bases: on land, the area of the polygonal zone bounded by the straight lines connecting the extreme limits of the advanced posts; and at sea, when more than two vessels are engaged, the area of the polygonal zone bounded by the straight lines connecting the extreme limits of the waters immediately surrounding the vessels, such limits to be determined by the officer acting as commanding officer in charge of the manoeuvres in question.

Note. Previously, the Organic Decree respecting the Cuban Navy, approved by Presidential Decree No. 403, of 29 March 1915, provided similarly in article 26 that "For the purposes of this law, jurisdiction shall extend to a distance of three miles over the territorial waters and to a distance of twelve miles over the maritime customs zone fixed by article 9 of the Customs Ordinances in force." *Colección legislativa*, vol. 47 (1915), pp. 617, 626.

A similar provision was contained also in the Decree-Law No. 108, concerning the functions and the reorganization of the Navy, 8 January 1934 (*Gaceta Oficial*, 9 January 1934, p. 307; *La Jurisprudencia al Día*, 1934, *Legislación*, p. 28). Article 6 of that Decree-Law read as follows:

"The territorial waters or maritime boundaries of Cuba extend up to six miles from the coast or from the lines of keys which surround her."

"The waters situated between islands, islets or keys and the coast of the Republic are interior waters and their use for purposes of navigation, fishing and appropriation shall be determined in accordance with laws and regulations in force or to be issued in the future."

For comment on the Cuban legislation in this field, see A. S. de Bustamante y Sirven, *El mar territorial cubano*, *Revista de derecho internacional*, vol. 44 (1943), pp. 199-209.

10. Dominican Republic

- (a) LAW NO. 55, DECLARING LAS CALDERAS BAY TO BE A NAVAL AND AIR STATION, 27 DECEMBER 1938, "GACETA OFICIAL", No. 5260, 30 DECEMBER 1938; "COLECCIÓN DE LEYES, DECRETOS Y RESOLUCIONES, 1938", VOL. 1, P. 648. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. Las Calderas Bay, situated on the southern coast of the territory of the Republic, between Calderas and Matasola headlands, at lat. 18° 13' 23" N. and long. 70° 31' 32" W., is declared to be a naval and air station and is destined for use as a base for units of the Dominican Navy and for military aircraft.

Article 2. The naval and air station is an Army organization provided with the necessary staff, under the immediate command of a commanding officer, and the services shall be organized in accordance with the military system and regulations.

A naval officer, under the immediate orders of the officer commanding the naval and air station, shall be responsible for all matters concerning the naval service and military air service. The Chief of the General

Staff shall arrange for the construction of barracks, workshops, stores, arsenals, depots, fortified works and any other installations for the accommodation of the forces attached to the station and for the emplacement of coastal artillery.

Article 3. The whole area of the bay between the points mentioned, together with the territorial waters over an area extending three leagues out to sea from the outermost coastal point or from the low-water mark at that point, is declared a military area; consequently, with the exceptions stated below, national or foreign sailing or power-driven merchant ships and aircraft as well as foreign warships and military aircraft, may not enter these territorial waters without authorization from the Chief of the General Staff.

A law shall be issued to delimit the military area upon land.

Article 4. Nevertheless, national and foreign merchant ships shall not be prevented from entering or passing through the territorial waters, nor stopped for inspection if it is evident from their course, distance from land and other indications that they are making for a port in the Republic.

Nevertheless, the right of search shall be exercised within the territorial waters when information has been received that a vessel that has been sighted is similar in appearance to a vessel the particulars of which are known and concerning which orders have been received to watch or inspect it.

11. Ecuador

- (a) CIVIL CODE, 21 NOVEMBER 1857. "CÓDIGO CIVIL DE LA REPÚBLICA DEL ECUADOR", CUARTA EDICIÓN (ACADEMIA DE ABOGADOS DE QUITO, 1930), P. 155. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 582. The adjacent sea, up to a distance of one marine league, measured from low-water mark, constitutes the territorial sea and belongs to the national domain; but the right of policing, with respect to matters concerning the security of the nation and the observance of fiscal laws, extends up to a distance of four marine leagues, measured in the same manner.

- (b) CIRCULAR OF THE MINISTRY OF FOREIGN AFFAIRS CONCERNING OBSERVANCE OF NEUTRALITY RULES, 19 NOVEMBER 1914. TRANSLATION FROM "BRITISH AND FOREIGN STATE PAPERS", VOL. 108, P. 818

1. Every vessel that enters Equatorial ports, or is found sailing in territorial waters, is subject to inspection of papers by the Equatorial authorities, who reserve the right (as the following rules will show) to make an inspection of the vessel, passengers, cargo and documents. The respective authorities are therefore unable to clear any vessel, whatever may be her cargo and destination, before the ship's manifest has been produced in proper form. Territorial waters are to be understood as determined by article 582 of our Civil Code; as much as four naval leagues, each league measuring 5,555 metres.

- (c) REGULATIONS CONCERNING MARITIME FISHING AND HUNTING, ENACTED BY DECREE NO. 607, 29 AUGUST 1934. "REGISTRO OFICIAL", 31 AUGUST 1934, NO. 257, PP. 9, 15; JULIO T. TORRES, "COMPILACIÓN DE REFORMAS AL CÓDIGO CIVIL, LEYES Y REGLAMENTOS CONEXOS" (QUITO, 1942), PP. 280, 294. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Territorial waters

Article 78. As territorial waters for fishing purposes shall be considered the waters contained within fifteen miles measured from the low-water mark, at the most salient points of the Islands [of the Colón Archipelago].

Fishing on the high seas

Article 129. Fishing is in general free during the whole year, with respect to fish, molluscs and crustaceans, by any means whatsoever, provided that it is exercised outside territorial waters, more than six miles from the coasts, measured from the low-water mark; and subject to the prohibitions with respect to close seasons which are contained in these regulations.

- (d) FISHING REGULATIONS, ENACTED BY PRESIDENTIAL DECREE NO. 80, 2 FEBRUARY 1938. "REGISTRO OFICIAL", 11 FEBRUARY 1938, P. 2754; JULIO T. TORRES, "COMPILACIÓN DE REFORMAS AL CÓDIGO CIVIL, LEYES Y REGLAMENTOS CONEXOS" (QUITO, 1942), P. 254. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. As the territorial sea of the Republic for fishing purposes is considered the sea included within fifteen miles, measured from the low-water mark, at the most salient points of the outermost islands which form the contour of the Colón Archipelago, and the seas contained within fifteen miles measured from low-water mark of the most salient points of our coast and the adjacent islands.

Note. A similar provision is contained in article 2 of the Regulations concerning tuna fisheries, issued by Decree No. 138 of 21 February 1940. *Registro Oficial*, 27 April 1940, p. 2159; Julio T. Torres, *Compilación de Reformas al Código Civil. Leyes y Reglamentos Conexos* (Quito, 1942), p. 321, note.

- (e) PRESIDENTIAL DECREE NO. 53, ESTABLISHING THE LIMITS OF THE MARITIME ZONE OF SECURITY, 7 OCTOBER 1939. "REGISTRO OFICIAL", 1939, NO. 287 (16 NOVEMBER), P. 1419. TRANSLATION FROM F. DEÁK AND P. C. JESSUP, "A COLLECTION OF NEUTRALITY LAWS" (WASHINGTON, 1939-40), SUPPLEMENT, P. 559 [2].

Aurelio Mosquera Narvaez, Constitutional President of the Republic, considering:

1. That the Consultative Meeting of Foreign Ministers of the American Republics has approved the "Declaration of Panama", which proclaims the indisputable right of the countries of this continent, to keep the waters adjacent to the continent—which they regard as being of prime

importance and direct utility for their relations—exempt from every hostile act on the part of any non-American belligerent; and

2. That the aforesaid Declaration fixed the limits of the maritime zone of security adjacent to American territory, limits which comprise approximately a region of two hundred and fifty to three hundred miles, lying to the west of our Archipelago of Columbus,

Decrees :

Article 1. The following is considered as a maritime zone of security adjacent to Ecuadorean territory: the zone included between two imaginary lines drawn from the north and south extremities of the Ecuadorean coast to the degrees of longitude west of Greenwich which correspond respectively to article 1 of the Declaration of Panama, in such a way that within this space there are included, also, all the islands of the Archipelago of Columbus, and the waters adjacent thereto.

12. Egypt

- (a) CUSTOMS REGULATIONS, 2 APRIL 1884. "BRITISH AND FOREIGN STATE PAPERS", VOL. 75, P. 557. TRANSLATION FROM MALLOY, "TREATIES, CONVENTIONS, ETC., BETWEEN THE UNITED STATES OF AMERICA AND OTHER POWERS", VOL. 1, P. 446

Article 2. Zone of surveillance. The warehousing and transportation of goods which have crossed the customs line shall be subject to the surveillance of the custom-house officers to a distance of two kilometres from the land frontier or from the sea shore, and likewise from both banks of the Suez Canal and of the lakes through which that canal passes.

Outside of these limits, the transportation of goods may take place freely; nevertheless, goods removed fraudulently, and kept in sight by agents of the public force, may be seized even after they have been conveyed beyond the zone of surveillance.

The following goods may likewise be seized throughout the extent of the Egyptian territory: prohibited goods, those whose sale is monopolized by the State, and tobacco or tombac not accompanied by a *raftieh* for circulation in the interior.

For vessels, the zone of surveillance shall extend to a distance of ten kilometres from the shore. Caravans crossing the desert, and suspected of carrying on illicit trade, shall be subjected to examination and search by the customhouse officers.

. . .

Article 32. Surveillance at sea. Custom-house officers may, within a radius of ten kilometres from the shore, board vessels of less than 200 tons' burden, and demand the presentation of the manifest and other papers relating to the cargo.

If a vessel bound to an Egyptian port has no manifest or shows any indications of fraudulent practices, the officers must accompany her to the nearest custom house, drawing up a report of their proceedings.

If any vessel of less than 200 tons' burden, bound to a foreign port, is found within the aforesaid radius without a manifest, or with a mani-

fest that does not contain the customary statements, the custom-house officers may escort her outside of the radius of surveillance, or, if there is any indication of fraud, they may compel her to accompany them to the nearest or most convenient custom house, drawing up a report of their action.

The custom-house officers, the officers of the vessels engaged in the Egyptian postal service, and the officers of national vessels may board any sailing or steam vessel of less than 200 tons' burden that has cast anchor or that is found tacking within ten kilometres from the shore, without being able to furnish evidence of *vis major*.

If they find any goods on board whose importation or exportation is prohibited, they shall summarily confiscate the same, drawing up a report stating that the vessel has been found within the limits of the radius of surveillance, at anchor without any necessity thereof, or sailing in such a manner as was justified neither by its destination nor by a case of *vis major*.

If the officers of the custom house, those of the vessels engaged in the Egyptian postal service or those of national vessels give chase to a vessel of less than 200 tons' burden, and if the latter refuses to allow them to board her, they shall hoist the flag and pennant of their vessel, and warn the refractory vessel by means of a blank shot. If she does not yet stop, a cannon ball shall be fired among her sails. After this double warning, the pursuing vessel shall make serious use of the arms which she has on board. The pursuit may be continued, and the vessel may be seized outside of the radius of ten kilometres.

For vessels of more than 200 tons' burden, the surveillance shall be confined to observation of their movements along the shore; in case of an attempt to set goods ashore, or to put them in boats, or to tranship them, the aforesaid officers may compel the vessel to accompany them to the nearest or most convenient custom house, drawing up a report of the infraction committed by it.

The aforesaid officers shall search no vessel of any kind that belongs to a foreign Power; they shall confine themselves to watching its movements, and in case there is any indication of smuggling, they shall report what they have seen to the Director of Customs.

In the cases above provided for, the reports of the searches must be communicated to the consular officer under whose jurisdiction the offender is, if that officer shall so request.

Note. These Regulations were first enacted in pursuance to the Convention relative to commerce and customs between Egypt and Greece, 3 March 1884 (*British and Foreign State Papers*, vol. 75, pp. 14, 557). Their sphere of application was extended to nationals and vessels of other States by agreements concluded by Egypt with: United Kingdom, 3 March 1884 (*idem*, vol. 75, p. 13); United States, 16 November 1884 (*idem*, vol. 75, p. 666); Italy, 23 November 1884 (*idem*, vol. 75, p. 667); Portugal, 24 May 1885 (*idem*, vol. 76, p. 571); Netherlands, 16 November 1885 and 17 April 1886 (*idem*, vol. 76, p. 1091 and vol. 77, p. 819); Sweden and Norway, 3 June 1886 and 12 February 1890 (*idem*, vol. 77, p. 1070 and vol. 82, p. 770); and Belgium, 25 September 1889, with slight modifications (*idem*, vol. 81, p. 260).

The revised Egyptian Customs Regulations of 22 July 1890 made no changes in articles 2 and 32 (*idem*, vol. 82, p. 1088). They were made applicable to nationals and vessels of Austria-Hungary, by protocol of

15 August 1890 (*ibid*). These Regulations were also annexed to commercial conventions concluded by Egypt with: Germany, 19 July 1892 (*idem*, vol. 84, p. 181); Greece, 9/21 March 1895 and 4 June 1906 (*idem*, vol. 87, p. 425 and vol. 99, p. 1044); France, 26 November 1902 (*idem*, vol. 97, p. 909); Italy, 14 July 1906 (*idem*, vol. 100, p. 884); and Russia, 13 March 1909 (*idem*, vol. 102, p. 992).

The Regulations of 16 February 1909, which were annexed to the Commercial Convention with Italy of 14 July 1906 at the time of its ratification, are still in force. Egypte, *Recueil des documents officiels*, 1909, p. 116; *Répertoire permanent de législation égyptienne* (Alexandria, 1934-1949), *Douanes*, p. 2.

- (b) ORDER NO. 2 OF THE MILITARY GOVERNOR OF THE CANAL ZONE, 14 SEPTEMBER 1939. "JOURNAL OFFICIEL", VOL. 66, NO. 102 (21 SEPTEMBER 1939), p. 5

1. The ports of Port Said and Suez are hereby declared to be defended ports, and an examination service for shipping entering these ports has been instituted.

2. The ports and anchorages are closed between sunset and sunrise, between which times ships must not approach within twenty miles of the northern end of the west breakwater at Port Said or within ten miles of the south Newport Rock light buoy at Suez.

3. Vessels approaching these ports must keep a sharp lookout for the examination steamers, which carry a square blue flag with a white and red horizontal centre or one or more green lights by night.

4. All signals and instructions from these examination steamers must be obeyed at once.

5. Navigational lights are liable to be moved and extinguished.

13. El Salvador

- (a) CIVIL CODE, 1860, DUTRIZ HERMANOS, "CÓDIGO CIVIL DE LA REPUBLICA DE EL SALVADOR" (5TH EDITION, SAN SALVADOR, 1912), p. 138. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 574. The adjacent sea, up to a distance of one marine league, measured from low-water mark, constitutes the territorial sea and belongs to the national domain; but the right of policing, with respect to matters concerning the security of the country and the observance of fiscal laws, extends up to a distance of four marine leagues measured in the same manner.

- (b) LAW OF NAVIGATION AND MARINE, 23 OCTOBER 1933. "DIARIO OFICIAL", NO. 254, 16 NOVEMBER 1933, p. 2373. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. El Salvador recognizes that the high seas are not susceptible of dominion.

Article 2. National dominion shall extend over salt lakes, coves and bays as well as over the adjacent open sea, up to a distance of one marine league measured from the low-water mark; but the right of police, in matters related to the security of the country and to the observance of

fiscal laws, extends up to a distance of four marine leagues measured in the same manner.

Article 13. The territorial sea of the Republic shall be divided into five maritime departments...

Article 16. Each commandant and port captain shall make effective the right of police which belongs to the nation with respect to the four marine leagues mentioned in article 2, within the limits marked by prolongations of lines which delimit their respective departments.

Note. A provision analogous to article 2 was contained in article 3 of the Marine Regulations of 11 April 1902 (*Anuario de Legislación de la República de El Salvador*, 1902, p. 38), which were replaced by this Law.

14. Finland

- (a) CUSTOMS REGULATIONS, 8 SEPTEMBER 1939. "FINLANDS FÖRFATTNINGSSAMLING", 1939, NO. 275, P. 685. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. Customs frontier at sea. (1) In the Baltic Sea, the Gulf of Finland, the Gulf of Bothnia and the Arctic Ocean, the customs frontier shall extend along an imaginary line situated at a distance of six nautical miles from the mainland and, where there are islets or skerries, from the outermost islet or skerry projecting above the water surface at low water, but not further than the territorial frontier of a contiguous State. The customs frontier surrounding outer islands and skerries situated in the Baltic Sea and the Gulf of Finland outside the continuous customs frontier zone shall extend beyond each such outer island or skerry to a distance of three nautical miles.

(2) If the customs frontier, to a certain extent or for purposes of preventing the unlawful transport of goods, is defined in an agreement with a foreign State otherwise than in the first paragraph hereof, the provisions of such agreement shall apply.

Note. This provision replaces a similar provision in § 60 of the Decree No. 156, concerning customs administration, of 30 May 1927 (*Finlands Författningsamling*, 1927, no. 156, p. 384).

15. France

- (a) DECREE PRESCRIBING CERTAIN RULES OF NEUTRALITY IN MARITIME WARFARE, 18 OCTOBER 1912. "JOURNAL OFFICIEL", 20/21 OCTOBER 1912, P. 8976. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. For the application of the rules of the XIIIth Hague Convention of 18 October 1907:

French territorial waters extend to a distance of six marine miles (11,111 metres) from the low-water mark along all the coasts and uncovered banks off the coasts, and around the fixed buoys which mark the

position of covered banks. For the bays, the distance of eleven (11) kilometres is measured from a straight line drawn across the bay, in the part nearest to the entrance, at the first point at which the opening does not exceed ten (10) miles. If the distance from the French coast or banks to the nearest point of the coast or banks of a foreign State is less than twenty-two (22) kilometres, French territorial waters extend to a point half-way between these coasts or banks.

- (b) REGULATIONS CONCERNING CONDITIONS OF ACCESS TO, AND SOJOURN IN, ANCHORAGES AND PORTS OF THE COAST OF FRANCE AND OF COUNTRIES UNDER PROTECTORATE OR MANDATE, BY FOREIGN WARSHIPS IN TIME OF PEACE, 29 SEPTEMBER 1929. "JOURNAL OFFICIEL", VOL. 61, NO. 230 (30 SEPTEMBER—1 OCTOBER 1929), P. 11123. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. Subject to the provisions of this decree, warships of foreign Powers which are at peace with France are permanently authorized to anchor in ports included in the maritime sectors enumerated below, as well as in territorial waters at a distance smaller than six miles from low-water mark:

- (a) Coast of France: The English Channel sector...; the Atlantic Ocean sector...; the Mediterranean sector...;
- (b) The sector of North Africa...;
- (c) The sector of Levant States...

In the same sector, the number of foreign warships flying the same flag cannot exceed three, except in case of a special authorization.

Note. This Decree replaces the Decree of 21 May 1913 concerning visits of foreign warships in time of peace (*Journal officiel*, 13 and 14 June 1913, pp. 5066 and 5099), which also contain a six-miles clause. The relevant provisions of the 1929 Decree were reproduced in the Decree of 1 June 1930, which applied to nine sectors of French colonial possessions (*Journal officiel*, 6 June 1930, p. 6280).

By a Decree of 20 April 1926, flights by airplanes and aerial photography were prohibited over certain ports and territorial waters adjacent thereto (*Journal officiel*, 23 April 1926, p. 4736). By a Decree of 1 February 1932 these prohibited zones were extended around several ports to a distance of six miles (*Journal officiel*, 11 February 1932, p. 1567). Previously, the establishment of a prohibited zone, 10-kilometres wide, was provided for by the Decree of 24 October 1913 (*Journal officiel*, 25 October 1913; *Bulletin des lois*, 1913, p. 2851).

- (c) REGULATIONS CONCERNING THE CONDITIONS OF ACCESS TO, AND SOJOURN IN, THE ANCHORAGES AND PORTS OF THE COAST OF FRANCE, OF COLONIES, AND OF OTHER REGIONS THE DEFENCE OF WHICH IS IN CHARGE OF FRANCE, BY SHIPS OTHER THAN FRENCH WARSHIPS IN TIME OF WAR, 1 OCTOBER 1934. "JOURNAL OFFICIEL", VOL. 66, NO. 257 (1 NOVEMBER 1934), P. 10972. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. In territorial waters of France and of colonies, protectorates and territories under mandate the defence of which is in charge of France, no French merchant ships and no foreign ships, whether naval

or merchant, may come less than three miles off the coast without risk of being destroyed, except when authorized in advance.

This prohibited zone shall extend to the distance of six miles from the coast before the military ports of Cherbourg, Brest, Toulon and Bizerte...

Note. This Decree abrogated a Decree of 5 October 1927, which also established a prohibited zone of six miles before the four ports mentioned in the 1934 Decree (League of Nations document C.74.M.39.1929.V, p. 159). Similar provisions were also contained in a Decree of 26 May 1913 (Martens, *Nouveau Recueil Général de Traités*, 3d series, vol. 8, p. 335).

- (d) CUSTOMS CODE, ANNEXED TO DECREE NO. 45-1985 OF THE MINISTRY OF FINANCE AND ECONOMIC AFFAIRS, 8 DECEMBER 1948. "JOURNAL OFFICIEL", 1 JANUARY 1949, P. 28. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 44. 1. The customs area shall comprise a maritime zone and a land zone.

2. The maritime zone shall extend from the coast to an external boundary situated twenty kilometres out to sea from the coast.

3. The land zone shall extend:

(a) On the maritime frontiers, from the shore to a line drawn twenty kilometres inland from the coast, and twenty kilometres inland on either side from the banks of rivers, streams and canals flowing into the sea as far as the last customs office upstream, and within a radius of twenty kilometres around that office;

(b) On the land frontiers, between the boundary of the customs territory and a line drawn twenty kilometres inland.

4. To facilitate the suppression and punishment of illicit traffic, the depth of the land zone may be extended by varying distances up to a limit of sixty kilometres by order of the Minister of Finance.

5. Distances shall be calculated as the crow flies, without regard to bends in the roads.

. . .

Article 62. Customs officers may visit all vessels of under 100 tons net tonnage within the maritime zone of the customs area.

. . .

Article 69. The master of a vessel arriving in the maritime zone of the customs area must, upon first request:

(a) Present the original copy of his manifest for a *ne varietur* endorsement by the customs officials boarding the vessel;

(b) Provide them with a copy of the manifest.

Note. The laws of France have provided since 1794 for customs enforcement within four leagues (twelve miles) or two myriametres (twenty kilometres) from the coast. For early texts, see Crocker, *The Extent of the Marginal Sea* (Washington, 1919), pp. 522-3; *American Journal of International Law*, vol. 23 (1929), Special Supplement, pp. 346-7. Provisions, similar to but not identical with those of the Customs Code of 1939, were contained also in the Customs Codes of 28 December 1926 (article 478) and 26 December 1934 (articles 477-8). *Journal officiel*, vol. 58, No. 304 (31 December 1926), p. 13747; *idem*, vol. 66, No. 304 (26-27 December 1934), p. 12772.

(e) INDO-CHINA

- (i) *Presidential Decree determining the extent of the territorial waters of Indo-China for the purposes of fishing, 22 September 1936. "Journal officiel", vol. 68, no. 226 (26 September 1936), p. 10192*

Article 1. For the purpose of fishing, the territorial waters of French Indo-China extend twenty kilometres from the shore at low-water mark. In the case of bays, the radius of twenty kilometres shall be measured from a straight line drawn across the bay, in the part nearest to the entrance, at the first point where the opening does not exceed ten miles.

Article 2. Foreign steam vessels and other foreign vessels, even if equipped with an auxiliary engine only, may not engage in fishing in the twenty-kilometres zone referred to in the preceding article.

This provision shall apply to any vessel, sampan and rowing or sailing boat engaging in fishing on behalf of or merely with the help of a foreign steam or motor vessel which is cruising or anchored outside the said zone.

Article 3. Should the master or crew of a foreign steam or motor vessel (even if equipped with a mere auxiliary engine) be found fishing in any manner whatsoever within the twenty-kilometre zone referred to in article 1, the master shall be liable to a fine of 100 to 1,000 francs increased by the additional charges provided for by penal law.

In addition, the master shall be liable to the payment of damages to the colony, in an amount of not less than four Indo-Chinese piastres and not more than twenty Indo-Chinese piastres per ton of his vessel.

The vessel, fishing tackle and catch shall be seized and held as security for the payment of the fine, damages and costs.

Article 4. In the event of a repetition of the offence, the maximum fine and damages shall be imposed, and the fishing tackle and catch shall be confiscated compulsorily and sold under the conditions provided for in article 6 of the present Decree.

A repetition of the offence shall be deemed to have occurred when the offender has been found guilty of an offence against this Decree within the preceding two years.

Article 5. The officers and petty officers in command of government vessels, the officers of the judicial police, the French customs and excise officials, the port captains, port lieutenants and harbour masters, the French officials of the flotilla service (deck officers), the chief engineers, engineers and assistant engineers serving in naval districts, the French officials of the Oceanographic Institute of Indo-China, or the official for the time being in charge of the service in the Pulo-Condore Islands shall take note of the particulars of and prepare a report concerning any such offence and shall escort the offender and the vessel, or cause them to be escorted, to the Indo-Chinese port nearest the place of seizure where there is a customs collector competent to receive their reports, records and all the other evidence relating to the offence. They shall deliver the documents concerned to the collector, who shall transmit them to the judicial authority exercising jurisdiction over the port to which they have escorted the vessel or caused it to be escorted.

The Governor-General shall designate the customs offices, the collectors of which are competent to receive documents serving as evidence of offences.

Article 6. The officer or official who escorted the vessel, or caused it to be escorted, to an Indo-Chinese port shall hand it over to the collector of customs and excise who shall seize the fishing tackle and the catch found on board, whoever may be the owner thereof. The catch shall promptly be sold by public auction in the port to which the vessel was escorted, through the agency of the customs collector, on submission of the report by the officer or official who took note of the particulars of the offence. The customs collector shall have custody of the proceeds of the sale until judgment is delivered.

In addition to the fine provided for in articles 3 and 4, the court shall order the destruction of tackle prohibited by local regulations and, where applicable, the confiscation of tackle not so prohibited as well as of the catch seized on the vessel or of the cost thereof; tackle which, not being prohibited, has been ordered to be confiscated shall be sold by the customs collector.

In cases where tackle not prohibited as aforesaid and the catch have been confiscated, the proceeds of the sale and the amount of the fines shall in the first place be applied to the payment of the customs duties and miscellaneous dues on the articles sold for local consumption. The surplus, if any, shall be appropriated in equal shares to the general budget of Indo-China and to the separate budget of the Oceanographic Institute of Indo-China. The damages shall be appropriated exclusively to the general budget.

Article 7. The proceedings shall be instituted at the suit of the public legal department. If they are not instituted within three months after the offence was committed, public proceedings shall be barred by time limitation.

Article 8. The proceedings shall be instituted in the correctional tribunal exercising jurisdiction in the port to which the offenders were escorted. The tribunal shall pronounce judgment within the shortest possible time.

If the offenders are escorted to Pulo-Condore, then, notwithstanding the provisions of article 73 of the Decree of 16 February 1921, the correctional tribunal of Saigon shall be competent to adjudicate in the case.

Article 9. Should the offender fail to pay the fine, damages and costs, then, in such circumstances, and if they have not been ordered to be confiscated, neither the fishing tackle nor the cost of the catch shall be restored to him; the vessel may not be detained for more than six months in the case of a first offence, and not for more than a year in the case of a repetition of the offence. If the person convicted lodges an appeal or applies for an injunction, he may petition the tribunal for the restoration of the vessel and the fishing tackle, on depositing the total fine, the damages and all the costs.

Article 10. This Decree shall be without prejudice to the right of free movement of foreign fishing vessels navigating or anchored within the twenty-kilometre zone which constitutes the territorial waters of Indo-China for the purposes of fishing.

Article 11. The provisions of international conventions or of instruments relating to them shall remain in force unimpaired.

Note. This decree was accompanied by the following explanatory note from the Minister for the Colonies:

"In view of the special circumstances of the distribution of shoals of fish on the coast and since these shoals have to be protected against uncontrolled fishing, the Governor-General of Indo-China considers it advisable to determine as territorial waters a twenty-kilometre zone measured from the shore at low-water mark and to make it unlawful for foreign steam or motor vessels (even if equipped with a mere auxiliary engine) to engage in fishing in this zone."

(f) MOROCCO

- (i) *Dahir relating to maritime fishing, 31 March 1919. P.-L. Rivière, "Traité, Codes et Lois du Maroc" (Paris, 1925), vol. III, p. 896. Translation by the Secretariat of the United Nations*

Article 1. The term "maritime fishing" means any fishing carried on at sea, off the coast, in salt-pans and salt lakes, and in rivers, streams or canals communicating directly or indirectly with the sea, up to a point to be determined by decree issued by Our Grand Vizier.

Article 2. As regards the French zone of Our Empire, the territorial waters extend, for the purposes of fishing, six nautical miles from the shore at low-water mark.

In the case of bays, the radius of six miles shall be measured from a straight line drawn across the bay, in the part nearest to the entrance, at the first point where the opening does not exceed twelve miles. In the case of the French zone of the Sherifian Empire, the line from which the extent of the territorial waters is to be reckoned shall be determined by decrees issued by Our Grand Vizier.

- (ii) *Dahir to regulate fishing by fishing fleets in the territorial waters of Morocco, 25 March 1922. P.-L. Rivière, "Traité, Codes et Lois du Maroc" (Paris 1925), vol. III, p. 901. Translation by the Secretariat of the United Nations*

Article 1. For the purposes of fishing, the territorial waters of the French zone of the Sherifian Empire extend six nautical miles from the shore at low-water mark.

The exercise of the right to fish in these waters shall be subject only to payment of the charge in respect of a permit.

Article 2. The officers in command of French government vessels and the captains of customs, public works and fishery-protection vessels shall be responsible for securing observance of the fishing regulations and for reporting on any contraventions thereof within the limits of the territorial waters.

The commission of a contravention may be determined by long-distance observation, either from a vessel at sea or from the land.

(g) TUNISIA

- (i) *Decree concerning customs regulations, 3 October 1884, as amended by Decree of 20 May 1899. P. Zeys, "Code annoté de la Tunisie" (Nancy), 1901, p. 248. Translation by the Secretariat of the United Nations*

Article 14. The masters of all trading vessels arriving within two myriamètres (20,000 metres) of the coast shall, on demand, present the original copy of their manifest to the customs officials for endorsement and shall provide them with a certified signed copy thereof, under penalty of a fine of 1,000 francs and of a sum equal to the value of the cargo.

Customs, navigation and fisheries officials may search all trading vessels of less than 100 tons burthen anchored or hovering within two myriamètres (20,000 metres) of the coast, except in case of *force majeure*. Where such vessel contains on board, whether or not entered in the manifest, goods which it is unlawful to import into or export from Tunisia, it shall be confiscated together with the cargo, and a fine of 100 francs shall be imposed upon the master.

Customs officials may, either before or after the declaration, board any trading vessel entering or leaving the ports or roadsteads or sailing up or down the rivers, remain on board until the cargo is discharged or until the vessel leaves, and require the hatches, cabins, cupboards, crates, bales, barrels and other containers to be opened for the purpose of carrying out the necessary search to prevent illicit traffic. If the master of a vessel should refuse to open the cabins, cupboards and so forth, the customs officials shall summon to their assistance an officer of the judicial police or a municipal officer to have the opening effected in his presence and a record of the proceedings shall be drawn up at the expense of the master, who shall himself be sentenced, for his refusal, to a fine of 500 francs. Where it proves difficult to effect the search on board the vessel, the customs officers may have the packages suspected of containing prohibited or undeclared goods transferred during the day to the customs offices for examination.

16. Greece

- (a) LAW NO. 4141, CONCERNING PASSAGE AND SOJOURN OF MERCHANT VESSELS ALONG THE GREEK SHORES AND POLICING OF THE PORTS AND HARBOURS IN TIME OF WAR, 26 MARCH 1913, "EPHEMERIS TES KYBERNESEOS", 11 APRIL 1913, NO. 68, P. 204. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The passage and sojourn of merchant vessels, Greek or foreign, may be prohibited at any time and in any area of Greek seas, whether closed or open, whenever the interests of national defence require such prohibition.

Especially in connexion with the application of this law, "Greek sea" means the maritime belt comprised from the shore to a distance of ten nautical miles. With regard to gulfs and bays, the entrance of which does not exceed in width twenty miles, the ten nautical miles belt shall be measures from a straight line drawn across the seaward limit of the gulf or bay.

Article 2. The areas in which passage and sojourn of merchant vessels are prohibited shall be determined by Royal Decrees always issued upon the advice of the Council of Ministers; under urgent circumstances, the areas shall be determined by Orders of the Minister (of Marine), which shall always be issued upon the advice of the Council of Ministers and shall be published in the *Official Journal*.

The above-mentioned Decrees and Orders of the Minister shall be posted in all the port offices and shall be communicated to the consuls of foreign States in the maritime towns.

- (b) CIRCULAR NO. 147 OF THE MINISTRY OF MARINE, CONCERNING OBSERVANCE OF NEUTRALITY RULES, 29 JULY 1914. FRENCH TRANSLATION IN F. DEÁK AND P. C. JESSUP, "A COLLECTION OF NEUTRALITY LAWS" (WASHINGTON, 1939), VOL. 1, P. 674. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 14. By the terms "territorial waters" or "neutral sea" or "coastal sea" is meant a zone of the sea extending up to a distance of six miles from the coast.

- (c) LAW NO. 230, 17 SEPTEMBER 1936. "EPHĒMERIS TĒS KEYBRNĒSĒS", 13 OCTOBER, 1936, p. 2387. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The extent of the territorial sea is fixed at six nautical miles from the coast, without prejudice to provisions in force concerning special matters, with respect to which the territorial zone shall be delimited at a distance either larger or smaller than six miles.

17. Guatemala

- (a) REGULATIONS CONCERNING THE ADMINISTRATION AND THE POLICE OF THE PORTS OF THE REPUBLIC, 21 APRIL 1939. "RECOPILACIÓN DE LAS LEYES", VOL. 58 (1939-40), p. 369. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Title II. Chapter I. Article 1. In each legally qualified port there shall be a commandant or captain of the port, whose jurisdiction shall extend over the territory of the municipality; and if the port is maritime or fluvial he shall have jurisdiction over merchant and special vessels, of whatever nationality they may be, which are anchored in the territorial waters extending for twelve miles at low water from the most salient point on the coast.

Note. A similar provision was contained in article 1 of the regulations concerning the administration of ports of 10 June 1934. *Recopilación de las Leyes*, vol. 53 (1934-1935), p. 549.

- (b) PRESIDENTIAL DECREE NO. 2393 OF 17 JUNE 1940, APPROVED BY LEGISLATIVE DECREE NO. 2535, 21 APRIL 1941. "RECOPILACIÓN DE LAS LEYES," VOL. 60 (1941-1942), P. 28. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The submarines of the belligerents shall not be admitted to, or be permitted to stay in, the territorial waters of the Republic.

The territorial waters extend twelve maritime miles reckoned from the low-water mark. The waters of the historical bay of Amatique form part of territorial waters.

18. Honduras

- (a) CIVIL CODE, 8 FEBRUARY 1906. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 621. The adjacent sea, to the distance of one marine league, measured from the low-water mark, is to be considered as the territorial sea and as a part of the national domain; but the right of police, with respect to matters relating to the security of the country and the observance of the fiscal laws, extends to the distance of four marine leagues, measured in the same manner.

Note. A similar provision was contained in article 671 of the Civil Code of 27 August 1880.

- (b) CONSTITUTION OF 28 MARCH 1936. "DECRETOS DE LA ASAMBLEA NACIONAL CONSTITUYENTE", 1936, P. 39. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 153. The State has full dominion, inalienable and imprescriptible, over the waters of the territorial seas to a distance of twelve kilometres measured from the low-water mark...

Note. This article of the Constitution was amended by Congressional Decree No. 102, of 7 March 1950, which supplemented the provision with respect to a zone of twelve kilometres by a provision relating to the continental shelf. The text of that Decree is reproduced under no. 5a of chapter 1 of part I, above.

- (c) PRESIDENTIAL DECREE NO. 38, CONCERNING NEUTRALITY, 13 NOVEMBER 1939, APPROVED BY CONGRESSIONAL DECREE NO. 31, 2 JANUARY 1940. "LA GACETA", VOL. 65, NO. 10,996 (8 JANUARY 1940), P. 1; "BOLETÍN DEL CONGRESO NACIONAL LEGISLATIVO, 1940", SERIES 1, NO. 7 (30 JANUARY 1940), P. 1. TRANSLATION FROM F. DEÁK AND P. C. JESSUP, "A COLLECTION OF NEUTRALITY LAWS" (WASHINGTON, 1939-40), SUPPLEMENT, P. 699 [1]

Article 3. Within the territory of Honduras, including its internal and territorial waters, with their respective fluvial, lacustrine, and marine bodies, and including, also, the corresponding aerial spaces, no act whatsoever on the part of belligerents shall be tolerated that might be regarded as opposed to Honduran neutrality. The expression "territorial waters of the Republic", is understood as referring to those waters which are defined by article 153 of the Constitution, that is to say, the waters of the territorial seas, extending outward for twelve kilometres from the point of lowest tide, and the waters of the Honduran lakes, lagoons, estuaries, rivers and rivulets which have a continual flow.

19. Iran

- (a) ACT RELATING TO THE BREADTH OF THE TERRITORIAL WATERS AND TO THE ZONE OF SUPERVISION, 19 JULY 1934. "RECUEIL GÉNÉRAL PÉRIODIQUE ET CRITIQUE DES DÉCISIONS, CONVENTIONS ET LOIS RELATIVES AU DROIT INTERNATIONAL", 1935, VI, p. 10. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The waters adjoining the Persian coast to a distance of six nautical miles from and parallel to the shore at low-water mark, are hereby declared Persian territorial waters and form part of the national property together with the sea bed and subsoil thereunder and the air above.

Furthermore, with a view to ensuring the operation of certain laws and conventions concerning the security and protection of the country and its interests or the safety of navigation, a second zone known as the zone of marine supervision, over which the State exercises a right of supervision, shall extend to a distance of twelve nautical miles from the shore measured in the same manner as aforesaid.

Observation. One nautical mile equals 1,852 metres.

Article 2. The breadth of the territorial waters outside a bay shall be measured from a straight line drawn across the opening of the bay; where the opening of a bay exceeds ten miles, such line shall be drawn across the bay, in the part nearest to the entrance, at the first point where the opening does not exceed ten miles.

Outside a port the territorial waters shall be measured from a line drawn between the fixed installations of the port furthest to seaward.

Article 3. Every island belonging to Persia has territorial waters of its own determined in the manner described in article 1, paragraph 1, hereof.

The islands comprising an archipelago shall be deemed to form a single island and the breadth of the territorial waters shall be measured from the islands remotest from the centre of the archipelago.

20. Italy

- (a) LAW NO. 612, RELATING TO THE PASSAGE AND STAY OF MERCHANT VESSELS, 16 JUNE 1912. "GAZZETTA UFFICIALE", 27 JUNE 1912, NO. 151, p. 3788. TRANSLATION FROM H. G. CROCKER, "THE EXTENT OF THE MARGINAL SEA" (WASHINGTON, 1919), p. 603

Article 1. The passage and sojourn of national or foreign merchantmen may be prohibited, at any time whatever and in any determined place whatever, within or without the seas of the State, when it is recognized as necessary in the interest of the national defence.

For the particular purposes of the present law, the seas of the State are understood to be the zone of the sea included within ten marine miles of the shore. As respects gulfs and bays, the zone of ten miles is measured from a straight line drawn across the bend in the part farthest outside where the opening has a breadth not exceeding twenty miles.

Note. Italian law contains also provisions with respect to the anchorage of foreign warships in "the territorial waters within the distance of six miles from the low-water mark." The Royal Decree No. 2423 of 24 August 1933 (*Gazzetta Ufficiale*, 22 May 1934, no. 120) superseded the Royal Decree No. 860, of 28 May 1922, as amended by the Royal Decrees of 29 March 1923 (No. 899), 10 July 1924 (No. 1256), and 18 February 1926 (No. 474). During the Second World War the sojourn of national merchant ships as well as foreign warships and merchant ships in Italian territorial waters was prohibited within a danger-zone of twelve miles by the Royal Decree No. 595, of 6 June 1940 (*Gazzetta Ufficiale*, 20 June 1940, No. 144), which abrogated the Royal Decree No. 1279 of 15 November 1914. See also A. Brunetti and A. Giannini, *Codice della navigazione marittima* (Padova, 1943), pp. 748-758.

- (b) CUSTOMS LAW (No. 1424), 25 SEPTEMBER 1940. "GAZZETTA UFFICIALE", 25 OCTOBER 1940, NO. 250; A. BRUNETTI AND A. GIANNINI, "CODICE DELLA NAVIGAZIONE MARITTIMA" (PADOVA, 1943), P. 1238. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 33. Zone of maritime customs supervision. The zone of the sea which is subject to customs supervision under this law shall extend twelve marine miles from the coast.

- (c) NAVIGATION CODE, APPROVED BY ROYAL DECREE NO. 327, 30 MARCH 1942. "RACCOLTA UFFICIALE DELLE LEGGI E DECRETI", 1942, VOL. I-TER, P. 389. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. Territorial sea. The gulfs, inlets and bays which form part of the territory of the Kingdom are subject to the sovereignty of the State when the distance between the extreme points of the entrance to the gulf, inlet or bay does not exceed twenty marine miles. If that distance exceeds twenty marine miles, that part of the gulf, inlet or bay is subject to the sovereignty of the State which is enclosed within a straight line drawn between two most exterior points which are twenty marine miles apart.

In addition, a zone of the sea is subject to the sovereignty of the State which extends six marine miles along the coasts of the mainland and of the islands of the Kingdom and along the straight lines joining the extreme points indicated in the preceding paragraph. The distance shall be measured from the coastal line indicated by the low-water mark.

There are excepted, however, various provisions enacted for special purposes by laws or regulations as well as by international conventions.

Note. This Navigation Code replaces the Code for merchant marine, approved by Royal Decree No. 4146, of 24 October 1877, which contained no provisions as to the limits of territorial waters.

Article 1 of Royal Decree No. 798, of 6 August 1914, provided that "For the purposes of articles 246 to 251 of the mercantile marine code and of the international Agreements acceded to by Italy with regard to the rights and duties of the neutral Powers in the case of naval warfare, the term 'territorial waters' comprises the water zone extending from the sea edge, commencing from the shore to the limit of six marine miles (11,111 metres) seaward from the shore." *Raccolta ufficiale delle leggi e decreti*, 1914, vol. 3, p. 2796; F. Deák and P. C. Jessup, *A Collection of Neutrality Laws* (Washington, 1939), vol. 1, p. 722.

21. Japan

- (a) PORT REGULATIONS, ENACTED BY LAW NO. 174 OF 1948, AS AMENDED BY LAW NO. 98, 24 MAY 1949. "OFFICIAL GAZETTE" (ENGLISH EDITION), EXTRA NO. 47 (24 MAY 1949), P. 2

Article 24. 1. Any person shall not throw or discharge ballast, waste oil, cinder, ashes, dirt and other refuse matters, without permission, into the waters in a port or within 10,000 metres from the boundaries of a port...

22. Lebanon

- (a) ORDER NO. 1104, WITH RESPECT TO THE POLICING OF MARITIME FISHERIES, 14 NOVEMBER 1921. "RECUEIL DES ACTES ADMINISTRATIFS DU HAUT-COMMISSARIAT", VOL. 2 (1921), P. 412. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. In the coastal zone of Syria and Lebanon under French mandate, the territorial sea extends, for the purpose of fisheries, to a distance of six marine miles from the coast or islands.

- (b) CODE OF CUSTOMS REGULATIONS, ADOPTED BY ORDER NO. 137/LR, 15 JUNE 1935. "BULLETIN OFFICIEL DES ACTES ADMINISTRATIFS DU HAUT-COMMISSARIAT", VOL. 14 (1935), P. 200. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 60. Customs officers may search vessels of all flags of less than 150 tons burthen anchored or hovering within twenty kilometres of the coast of the territories under French mandate, except in cases where *force majeure* is proved.

. . .

Article 62. Customs officers may board vessels of all flags of more than 150 tons burthen within twenty kilometres off the coast, but in such cases shall confine themselves to requesting a copy of the manifest and countersigning the original. They are authorized to search such vessels only when contraband goods have been specifically reported to them.

. . .

Article 291. The customs zone is that portion of the territory of the Levant States under French mandate which is bounded, on the one hand, by the coasts or land frontiers, and, on the other hand, by a line which normally runs twenty kilometres from the shore or inland from the outermost customs posts or offices on the land frontiers; this distance may be increased, however, in certain parts of the zone where this is required for purposes of supervision. The course of this line is determined by decisions of the Secretary-General published in the *Bulletin officiel*.

Within this zone the customs administration shall take special steps to supervise the movement and storage of goods, in accordance with such administrative regulations as it shall itself determine, and subject to the provisions hereinafter set forth.

. . .

Article 301. Any person caught in the act of smuggling shall be brought before the local chief customs officer who shall decide whether or not such person shall be placed under arrest.

The conditions of such incarceration are laid down in article 320.

For the purposes of this article the following acts shall be deemed to constitute smuggling:

(1) The importation or attempted importation, without written or oral declaration, of monopoly goods, goods which are prohibited or of which the importation or distribution is restricted, or goods subject to heavy duties, as determined by decisions of the Secretary-General published in the *Bulletin officiel*;

(2) The export or attempted export, under the same conditions, of goods which it is unlawful to export or of which the distribution or export is restricted;

(3) The transport, by vessels of all flags of less than 150 tons, anchored or hovering within twenty kilometres of the coast, except where *force majeure* is proved, of monopoly goods or goods which it is unlawful to import or export, whether or not such goods are entered in a manifest;

(4) The re-export, anchoring or movement within the maritime zone, except where *force majeure* is proved, of vessels of less than 150 tons burthen carrying goods subject to heavy duties, as determined by decisions of the Secretary-General published in the *Bulletin officiel*.

23. Mexico

- (a) FISHERIES REGULATIONS, 5 MARCH 1927. "DIARIO OFICIAL", VOL. 41, NO. 13 (15 MARCH 1927), SECTION 2, P. 1. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. National fish resources shall include all products of aquatic life which have their origin or live in the interior waters of the country, and all those which can be exploited in the maritime waters along the Mexican coasts to the extent provided for in treaties and laws on this subject; in absence of express rules or provisions this extent shall not be smaller than twenty kilometres as provided in article 5 of the Law of 18 December 1902.

- (b) REGULATIONS FOR THE OCCUPATION OF, AND CONSTRUCTION OF WORKS IN, TERRITORIAL SEA, NAVIGABLE WATERWAYS, BEACHES AND FEDERAL ZONES, 30 JANUARY 1940. "DIARIO OFICIAL", VOL. 122, NO. 49 (30 OCTOBER 1940), P. 10. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. In accordance with the provisions of article 15 of the Act relating to secretariats and departments of state of 30 December 1939, it shall be a matter for the Department of the National Marine:

I. To authorize the occupation of, and construction of works in, territorial waters, rivers and lakes which constitute general means of communication, river and lake beds under federal jurisdiction, provided that they are navigable or navigable for rafts, and beaches and federal zones;

II. To establish the scales for the levying of fees for the inspection of works constructed and for the rental of zones occupied.

Article 2. The zones to which the preceding article refers are, in accordance with the Act relating to Federal Real Property and Waters under National Ownership, as follows:

I. The territorial waters up to a distance of nine sea miles from the lowest low-water mark on the mainland or on islands forming part of the national territory;

II. The beach, or part of the land which is covered and uncovered by tidal waters, to the limit of the lowest annual ebb tide;

III. The maritime land zone, consisting of the twenty-metre strip of land not covered by the tide, contiguous to sea beaches or to the banks of rivers from their outlet to the sea to the point upstream reached by the lowest annual ebb tide;

IV. The beds of streams, rivers and estuaries throughout their extent, provided that they are navigable or navigable for rafts, the bed being understood to be the channel required to discharge the water during the greatest normal floods; nevertheless, in streams or in parts of the same which are subject to flooding, the bed shall, until such time as canalization or regulation works are constructed, be deemed to be the natural channel cut by the water or formed by a system of protective works;

V. The federal zone consisting of a ten-metre strip contiguous to the bed of streams or the bed of bodies of water under national ownership. The zone shall be reduced to five metres in the case of beds five metres or less in width;

IV. The beds of lakes, pools or estuaries, namely, the bed required to contain the water during the greatest normal floods;

VII. The banks and sides of rivers, estuaries, lakes and pools mentioned in the foregoing sub-paragraphs;

VIII. Ports, bays, roads and coves.

(c) GENERAL ACT ON NATIONAL PROPERTY, 31 DECEMBER 1941. "DIARIO OFICIAL", VOL. 133, NO. 3 (3 JULY 1942), PART I, P. 1, AND VOL. 145, NO. 49 (26 AUGUST 1944), PART I, P. 2; M. ANDRADE, "CONSTITUCIÓN POLÍTICA MEXICANA", 5TH EDITION (MEXICO, 1945), P. 213. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 17. Property subject to public use consists of:

I. The national air space;

II. The territorial sea, which comprises:

1. Coastal waters to a distance of nine nautical miles (16,668 metres), measured from low-water mark on the coast of the mainland, on the shore of islands forming part of the national territory, in estuaries connected permanently or intermittently with the sea, and in rivers flowing into the sea.

2. Inland waters, from the boundary of the coastal waters to dry land. In waters adjacent to the territorial sea the Federation may take, up to a distance established by special laws, such police or defence measures as it may consider necessary.

III. Sea beaches: that is to say land covered and uncovered by the tide, from the lowest neap mark to the highest spring mark of the year,

IV. The sea-land zone: that is to say a belt of passable land twenty metres in width, adjoining the sea beach or the banks of a river from its mouth to the point upstream reached by the highest spring tide of the year.

V. The beds of rivers, lakes, lagoons and estuaries that are national property.

VI. The banks and federal zones of rivers.

VII. Ports, bays, roads and creeks.

. . . .

Note. This Act replaced, in part, the following provisions of the Legislative Decree No. 16,859 of 18 December 1902, enumerating and classifying the immovable property of the Federation (M. Dublan and J. M. Lozano, *Legislación Mexicana*, 1902, vol. 34, p. 267):

"Article 4. The following are public property or property for public use, appertaining to the Federation:

"I. The territorial waters for a distance of three nautical miles reckoned from the line of low-water mark on the coasts of the mainland or on the shores of the islands forming part of national territory.

"II. The seashores, which shall be taken to mean those areas of land which, by the action of the sea, are covered and uncovered by water, as far as the limits of the maximum ebb-tide during the year.

"III. The maritime land zone, that is, the belt of mainland twenty metres in width contiguous to the seashores or to the banks of the rivers from their mouths in the sea to the point upstream reached by the maximum ebb-tide during the year.

"IV. The ports, bays, roadsteads and inlets.

". . . .

"Article 5. The use of the territorial waters for navigation, embarkation and disembarkation of passengers and goods, fishing, pearl-diving or for any other purpose is subject to the legal provisions and administrative regulations of the Federal Government, whatever the nationality of the persons, associations or corporations which lay claim to the use of the said waters.

"The supervision and jurisdiction of the federal authorities may be extended in the sea for fiscal purposes for a distance of twenty kilometres reckoned from the line of low-water mark on the coasts of the Republic."

Section I of article 4 of this Decree was amended by the Presidential Decree of 29 August 1935 (*Diario Oficial*, vol. 91, no. 54, 31 August 1935, p. 1055) as follows:

"I. The territorial sea, up to a distance of nine nautical miles (16,668 metres), measured from low-water mark on the coast of the mainland or the shore of the islands forming part of the national territory."

The preamble to the latter decree gave the following reasons for this change:

"That article 27 of the General Constitution of the Republic lays down that the waters of the territorial seas to the extent and in the manner fixed by international law are the property of the nation;

"That the principles of public international law can only be established either by international juridical custom or by treaties, whether collective or bilateral;

"That the International Conference for the Codification of International Law held at The Hague in 1930 found that there was no uniform standard or practice amongst States with regard to the extent of territorial waters,

for which reason it may be stated that there is no international juridical custom in this matter;

"That as Mexico has entered into no collective treaty respecting territorial waters, regard must be had to bilateral treaties and to the precedents supplied by our own country, which show that a distance of nine miles has generally been accepted as the limit of the Mexican maritime zone; this distance has even been increased in some treaties, but has in no case been reduced. Accordingly, since article 4, section I of the Act of 18 December 1902 provides that the sea shall be regarded as territorial only to a distance of three nautical miles, thus contravening Mexican precedents and having been in conflict since 1917 with article 27 of the Constitution, which lays down that the extent of territorial waters shall be fixed in conformity with the principles of international law, and since, as already stated, these principles establish a greater distance for Mexico, it is undoubtedly necessary to amend this provision."

24. Norway

- (a) ROYAL RESOLUTION OF 28 OCTOBER 1932 CONCERNING THE CUSTOMS LAW OF 22 JUNE 1928. "NORSK LOVTIDENDE", 1932, 2NEN AVDELING, 1932, P. 544. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

II. Pursuant to section 3 of the above-mentioned law it is decreed that the statutory provisions concerning the customs inspection of vessels and concerning the loading and unloading of goods from or consigned to foreign countries and the dispatch of goods within the realm shall be applicable within a boundary lying ten nautical miles out to sea from the outermost islands and islets that are not continually swept over by the sea.

Note. Similar provisions were previously embodied in section 1 of the Norwegian Customs Law of 30 September 1921 (*Norsk Lovtidende*, 2nen avdeling, 1921, p. 481) and in section 1 of the Customs Law of 14 July 1922 (*idem*, 1922, p. 350).

25. Poland

- (a) PRESIDENTIAL DECREE CONCERNING THE SEA BOUNDARY OF THE STATE, 21 OCTOBER 1932. "DZIENNIK USTAW", 1932, NO. 92, P. 1868. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 3. The boundary of the waters of the contiguous zone, in which the State is entitled to exercise sovereign rights for the purpose of shore defence, shall run at the distance of six miles from the line of the shore and parallel thereto up to the point situated at 54° 30' north latitude and 18° 45' east longitude from Greenwich, as shown on the map annexed to this decree *.

Article 4. The coastal waters of the Polish customs area are bounded by a line drawn at a distance of six miles, from the line of the shore and the boundary of internal waters, except where farther reaching rights are conferred by international agreements.

* Map omitted.

Article 5. Such sovereign rights as are exercised by the State in its territorial waters, in the contiguous zone and in the coastal waters of the Polish customs territory, may also be exercised to the same degree over the air space above these waters and over the area under them.

Note. A decree of the Polish Minister for Military Affairs of 25 October 1934, concerning the sojourn of foreign warships in Polish waters, prohibits the laying of mines and trawling by foreign warships not only in interior and territorial waters but also in the contiguous zone defined in the Decree of 21 October 1932. *Dziennik Ustaw*, 1935, no. 99, c. 904, p. 2131.

(b) CUSTOMS LAW, ENACTED BY DECREE-LAW NO. 610, 27 OCTOBER 1933. "DZIENNIK USTAW", 1933, NO. 84, PP. 1584, 1597. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 5. The area of the sea extending six nautical miles from the customs boundary constitutes the maritime customs zone.

. . .

Article 89. 1. All ships in the maritime customs zone (article 5) are subject to customs control.

2. In the maritime customs zone it is prohibited, without permission of customs authorities:

- (a) To unload or take on board any merchandise;
- (b) To lay by another vessel or to put in at an unauthorized place;
- (c) To leave the vessel or to come on board.

3. In case of a violation of the provisions contained in paragraph 2, or where there is a suspicion of smuggling, the customs officers have the right:

- (a) To stop the ship;
- (b) To go on board of the vessel and to require the presentation of any documents relating to the ship, the cargo, etc.;
- (c) To search the vessel;
- (d) To bring the vessel, by force if necessary, to the nearest customs office.

26. Portugal

(a) CUSTOMS REFORM, ENACTED BY DECREE-LAW NO. 31, 665, 22 NOVEMBER 1941. "REPÚBLICA PORTUGUESA, REFORMA ADUANEIRA" (LISBON, 1942), P. 42. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 46. The customs offices, or their authorized representatives, shall normally or continuously exercise jurisdiction over:

1. Ports, harbours, rivers and anchorages;
2. Territorial waters, which are deemed to extend out to sea to a distance of six miles;
3. A zone of ten kilometres on the landward side of the coast;
4. A zone of forty kilometres inward from the frontier, including the rivers which mark the boundary of that zone;
5. The entire area occupied by railway lines, including the railway stations and offices, and a two kilometres belt on either side of the permanent way;

6. Aerodromes and airports and a two kilometres belt around them.

Sole paragraph. The zones within which the customs offices exercise continuous jurisdiction within the meaning of this article shall be known as "fiscal zones".

Note. The customs laws of Portugal were revised previously in 1832, 1864, 1885, 1887 and 1894. Extensive amendments were also made in 1911 and 1918. A "maritime zone of respect", six miles wide, may be found also in the Customs Decree of 27 May 1911 (article 211).

27. Romania

- (a) REGULATIONS CONCERNING ADMISSION OF FOREIGN WARSHIPS, APPROVED BY ROYAL DECREE NO. 296, 7 FEBRUARY 1934. "MONITORUL OFICIAL", 1934, PART I-A, NO. 49 (28 FEBRUARY), P. 1285. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. In time of peace foreign warships are authorized normally to visit Romanian ports and to anchor in territorial waters at a distance of less than six miles from the territorial coastline of the Kingdom of Romania, on condition that notice is given through the diplomatic channel and provided further that the number of vessels belonging to the State in question, which are making the visit or which find themselves at that time on a visit in the port in territorial waters, does not exceed three.

28. Saudi Arabia

- (a) DECREE NO. 6/4/5/3711, DEFINING THE TERRITORIAL WATERS OF THE KINGDOM, 28 MAY 1949. "UMM AL QURA" (MECCA), 29 MAY 1949, SUPPLEMENT NO. 1263. TRANSLATION FROM "AMERICAN JOURNAL OF INTERNATIONAL LAW", VOL. 43 (1949), SUPPLEMENT, P. 155

Article 5. The coastal sea of Saudi Arabia lies outside the inland waters of the Kingdom and extends seaward for a distance of six nautical miles.

Article 9. With a view to assuring compliance with the laws of the Kingdom relating to security, navigation, and fiscal matters, maritime surveillance may be exercised in a contiguous zone outside the coastal sea, extending for a further distance of six nautical miles and measured from the base-lines of the coastal sea, provided, however, that nothing in this article shall be deemed to apply to the rights of the Kingdom with respect to fishing.

Note. Previously, article 2 of the Customs Law of 29 June 1930 has established a boundary zone extending "at the sea coast to a distance of four miles into the sea". For a German translation of that law, see *Deutsches Handels-Archiv*, 1932, p. 40.

29. Sweden

- (a) ACT NO. 225, CONCERNING UNLAWFUL DEALING IN ALCOHOLIC BEVERAGES AND WINES, 20 JUNE 1924. "SVERIGES RIKES LAG", 1950, P. B 626. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Chapter 1. Unlawful importation of alcoholic beverages and wines, and unlawful dealing in illegally-imported alcoholic beverages and wines

Unlawful importation into the Kingdom

Article 1. (1) Any person importing an alcoholic beverage or wine into the Kingdom without due customs declaration shall be punished for unlawful importation of goods by a fine of not less than fifteen or more than twenty-five kronor for each litre of beverage unlawfully imported but not less than fifty kronor, or by imprisonment not exceeding one year.

If under the foregoing scale the maximum fine in any case is less than 500 kronor, the fine may be increased to that amount.

If the unlawful importation was on a large scale or for gain, a sentence of hard labour for a term not exceeding one year may be imposed.

(2) The provisions of article 1, paragraph 2, of the Act of 8 June 1923 (no. 147) regarding penalties for the unlawful importation of goods shall apply where appropriate to the offence referred to in paragraph 1 above.

(3) An attempt to commit the offence referred to in paragraph 1 shall be deemed to constitute an offence.

Where two or more persons together commit the offence set forth in paragraph 1, the provisions of chapter 3 of the Penal Code shall apply.

(4) If alcoholic beverages or wines are unlawfully imported by a person against whom a previous sentence has been enforced for the same offence or for the offence referred to in article 5, or for the unlawful importation of goods other than alcoholic beverages and wines, he shall be punished by fine as provided in paragraph 1 or by imprisonment and may, if the unlawful importation was on a large scale or for gain, be sentenced to hard labour for a term not exceeding two years. If the previous offence was one established by this Act, a fine may not be imposed unless the importation was trivial and not committed with the intention of selling the beverages, and other special mitigating circumstances were present.

(5) If a person who has committed an offence referred to in this article again commits the same offence, he shall on lawful conviction, for each occasion on which a summons was issued and served, for that offence, be sentenced to the penalty prescribed therefor; provided, that the total term of imprisonment may not exceed two years.

Unlawful importation into Swedish territorial waters

Article 2. (1) Alcoholic beverages and wines may not be imported into Swedish territorial waters from international or foreign waters in vessels of less than 500 net tons.

In special circumstances the King may likewise prohibit such importation into a specified area of Swedish territorial waters in vessels of a net tonnage greater than that laid down in this article.

(2) The prohibition set forth in paragraph 1 shall not prevent the importation into Swedish territorial waters of alcoholic beverages and wines:

(a) If the beverages are part of the stores of the vessel in which they are transported, or the property of passengers in the vessel or persons employed therein, and are shown not to exceed the amount required for the voyage, or may lawfully be introduced by a passenger into the Kingdom for his personal use in accordance with regulations in force; and

(b) In passage without unnecessary stops through the Sound between Falsterbo Reef and Kullen Light from international or foreign waters to other such waters, if the circumstances clearly show no intention to import beverages illegally into the Kingdom; unless passage is made through waters within one half kilometre of the shore of Sweden.

(3) The General Customs Board may in special cases waive the prohibition referred to in this article.

Article 3. (1) Persons violating the prohibition referred to in article 2 shall incur the penalties prescribed for unlawful importation into the Kingdom.

If the circumstances clearly show no intention to import the beverages unlawfully into the Kingdom, only a fine not exceeding 500 kronor may be imposed.

If it is shown that the vessel in which the beverages were transported was compelled by an actual peril of the sea to enter and remain in Swedish territorial waters in order to save the ship, cargo or human life, the defendant shall be acquitted.

(2) Prosecutions for the offence referred to in paragraph 1 may not be instituted except with the leave of the General Customs Board.

Article 4. (1) Customs officers may, when so required in the course of their duty, carry out such inspection of a vessel as may be necessary to ascertain whether alcoholic beverages or wines are being transported in the vessel in violation of the prohibition referred to in article 2.

(2) If a chief customs or coastguard officer finds it necessary, because of suspected unlawful importation of alcoholic beverages or wines, to place a special customs guard on a vessel of under 500 net tons arriving from or sailing to a foreign port, he may, if beverages carried on board the vessel during the voyage are seized in accordance with this Act, order that the cost of such guard shall be borne by the owner of the vessel.

The cost of the guard shall be payable at the rates laid down for additional customs services and by the relevant procedure for remunerating such services.

Unlawful dealing in unlawfully imported alcoholic beverages
and wines, etc.

Article 5. (1) Any person who, though not guilty of the offence referred to in article 1, acquires, transports, conceals or keeps an alcoholic beverage or wine on his own behalf or on behalf of another, shall, if it

is evident that the beverage was unlawfully imported, be punished by a fine of not less than ten or more than twenty kronor for each litre of beverage in which he has so dealt unlawfully, but not less than thirty or more than 5,000 kronor, or to imprisonment not exceeding one year. The provisions of article 1, paragraph 1, second sub-paragraph, shall apply with regard to increase of the fine in certain cases.

If the defendant can show that at the time of the act he did not know, or had no reason to suspect, that the beverage was illegally imported, he shall be acquitted.

If the offence referred to in this paragraph is committed by a person against whom a previous sentence has been enforced for the same offence or the offence referred to in article 1, he shall be punished according to the relevant provisions of article 1, paragraph 4.

(2) An attempt to commit the offence referred in paragraph 1 shall be deemed to constitute an offence.

Where two or more persons together commit the offence set forth in paragraph 1, the provisions of chapter 3 of the Penal Code shall apply.

(3) If a person against whom proceedings are pending for the offence referred to in this paragraph, again commits the same offence, the relevant provisions of article 1, paragraph 5 shall apply.

Article 6. (1) If alcoholic beverages or wines are found concealed or hidden in a vessel or train in such manner as to show an obvious intention to import them unlawfully into the Kingdom, the person in charge of the vessel or train shall, if not liable to more severe penalties in accordance with other provisions of this Act, be punished by a fine of not more than eight kronor for each litre of beverage but not less than thirty kronor, for failing to exercise due supervision over the vessel or train. The aforesaid penalty may not be imposed if the alcoholic beverages or wines were found concealed or hidden in a passenger vessel or train in a place open to the use of passengers or if the person in charge took all due steps to prevent the unlawful importation of the beverages.

If there are reasonable grounds to believe that the person in charge of the vessel or train was aware of the acts referred to in the first sub-paragraph hereof, he shall be punished for unlawfully importing the beverages.

(2) If alcoholic beverages or wines, obviously unlawfully imported into the Kingdom, are found in a vessel engaged in the inland or coastal trade in such circumstances that their unlawful transportation must be presumed to have been intended or to have taken place, and it is found that the person in charge should reasonably have apprehended such act, the person in charge shall, if he has negligently failed to take all due steps to prevent or to stop the carriage of the beverages in the vessel, be punished by a fine of not more than eight kronor for each litre of beverage but not less than thirty kronor, for failing to exercise due supervision over the vessel.

If there are good grounds to believe that the person in charge had knowledge of the offence referred to in the first paragraph, he shall, if not liable to a more severe penalty under other provisions of this Act, be punished for unlawful transportation of the beverages.

(3) The provisions of paragraph 1, second sub-paragraph and paragraph 2, second sub-paragraph regarding the liability in certain cases

of the person in charge of the vessel shall also apply to other persons employed in the vessel in a supervisory capacity.

Confiscation, etc.

Article 7. If alcoholic beverages or wines which have obviously been unlawfully imported are found, they shall be confiscated, whether or not any person is convicted of unlawful dealing therewith; unless the circumstances clearly indicate that beverages introduced into Swedish territorial waters were not intended to be unlawfully imported into the Kingdom.

If beverages are confiscated in accordance with the foregoing provisions, the receptacles and wrappings in which they were contained shall also be confiscated.

Article 8. (1) If, in the unlawful importation of alcoholic beverages or wines in cases other than those referred to in article 3, paragraph 1, second and third sub-paragraphs, or in their unlawful transportation referred to in article 5, use was made of a vessel of less than 500 net tons or of a beast of burden or vehicle or other means of transport, the means of transport shall, whether or not any person is convicted of the offence, be confiscated if the goods transported consisted substantially of unlawfully imported alcoholic beverages or wines or if the journey for which the means of transport was used must otherwise be presumed to have taken place principally for the purpose of the unlawful importation or transportation of alcoholic beverages or wines.

The penalty of confiscation referred to in this article shall not be enforced:

(a) If it is shown that neither the owner, user or driver of the means of transport knew, or had reason to suspect, that the means of transport was being used for the unlawful importation or transportation of alcoholic beverages or wines; or

(b) If ownership of the means of transport is transferred, after its use for unlawful importation or transportation but before seizure, to a third party and it is shown that the new owner did not, at the time of assuming ownership, know or have reason to suspect the unlawful use made of the means of transport; or

(c) If confiscation of the means of transport clearly appears unreasonable, having regard to special circumstances, such as inability of the owner or of the person having control of the means of transport in place of the owner, to prevent its use for unlawful purposes.

(2) Craft of less than forty net tons, plying between the shore and a vessel lying off shore shall, if the vessel's voyage obviously took place for the purpose of committing or abetting the unlawful importation of alcoholic beverages or wines and the craft can reasonably be presumed to have so plied in pursuance of such purpose, be confiscated, even if the owner, user or person in charge of the craft cannot be convicted of the unlawful importation or transportation of the said beverages; the provisions of paragraph 1, second sub-paragraph, regarding exemption from the penalty of confiscation shall apply where appropriate.

(3) Deleted by Act of 18 June 1949.

(4) When, in accordance with the provisions of paragraphs 1 or 2, the means of transport is confiscated, stores and articles of

equipment belonging to and situated in the means of transport, and gear and weapons found in the means of transport and obviously used in, or intended to be used in, the unlawful importation or transportation of alcoholic beverages or wines or in unlawfully plying between the vessel and the shore, shall also be confiscated; and the provisions of this Act regarding the confiscation of means of transport shall apply also to such property as appropriate.

Article 9. The provisions of article 1, paragraph 10, and of articles 4, 5, 8 and 11-14 of the Act regarding penalties for the unlawful importation of goods shall apply where appropriate to the offence referred to in this chapter and to property liable to confiscation in accordance with the provisions of this chapter.

Note. While this Act applied originally only to acts committed in Swedish territorial waters, it has been extended to an additional zone outside these waters by Act No. 463 of 27 November 1925. It has been also extended to exportation of alcoholic beverages to certain States by Royal Order No. 465 of 27 November 1925 and by Royal Order No. 290 of 19 September 1929. Supplementary provisions are included in Act No. 234 of 31 May 1935. These Acts and Orders are reproduced below.

Similar provisions are contained in conventions concluded by Sweden with Denmark (28 October 1935) and Finland (3 April 1934), and in the Royal Orders enacted under these Conventions; for their texts, see part II, chapter 2, section B, nos. 3 and 10, below.

- (b) ACT NO. 463, TO EXTEND THE APPLICATION OF ACT NO. 225 OF 20 JUNE 1924 CONCERNING UNLAWFUL DEALING IN ALCOHOLIC BEVERAGES AND WINES, 27 NOVEMBER 1925. "SVENSK FÖRFATTNINGSSAMLING", 1925, p. 1115. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

If alcoholic beverages have been introduced in a vessel of less than 250 net tons register into waters situated outside Swedish territorial waters but within twelve nautical miles of the Swedish coast or of the outermost islands lying off the coast, and the circumstances clearly indicate that the vessel is in the said waters for the purpose of committing or abetting the unlawful importation of such beverages into the Kingdom, the offence of unlawful importation into Swedish territorial waters within the meaning of the Act containing special provisions concerning unlawful dealing in alcoholic beverages and wine shall be deemed to have been committed.

In frontier waters less than twenty-four nautical miles wide the boundary of the waters referred to in the first paragraph shall be deemed to coincide with the mid-line or with the frontier established by agreement, custom or otherwise.

The provisions of this Act shall not apply to vessels of a foreign nationality, unless the King orders that the Act shall apply to vessels of that nationality.

This Act shall enter into force on a date to be determined by the King and shall remain in force until and including 30 June 1926.

If an offence under this Act is committed or a seizure in pursuance thereof has been carried out during the period of operation of this Act,

the provisions thereof shall continue to apply to such offence or seizure after such period has expired.

- (c) ROYAL ORDER No. 465, CONTAINING SPECIAL PROVISIONS REGARDING THE EXPORTATION OF INTOXICATING BEVERAGES FROM THE KINGDOM, 27 NOVEMBER 1925. "SVENSK FÖRFATTNINGSSAMLING", 1925, P. 1116. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. Intoxicating beverages (alcoholic beverages and wines) may not be exported to places abroad from customs territory or elsewhere in a vessel (boat, barge) of less than 100 net tons register. This prohibition shall not apply to exportation in mechanically-propelled vessels maintaining regular services between Sweden and places abroad.

Article 2. Intoxicating beverages may not be exported to places abroad from customs territory or elsewhere in a vessel of between 100 and 500 net tons register inclusive, except by permission of the competent authority in the vessel's country of origin; but this provision shall not apply to a vessel of foreign nationality save as the King may so order.

Article 3. The permission to which article 2 refers shall be given, in respect of Swedish vessels, by the General Customs Board after hearing the shipping association or chamber of commerce concerned, for periods of three years. A licence shall be issued in proper form.

Permission may not be granted unless the owner of the vessel or his agent is a trustworthy and honest person. If the conditions for the granting of permission appear to be no longer satisfied, the permission shall be withdrawn. If the vessel is transferred to a new owner, the permission shall be deemed to have expired.

Article 4. The quantity, kind and place of destination of intoxicating beverages exported in vessels to which article 2 refers shall be entered in a special list, which shall be signed by the master, certified correct by the customs authority in the place of shipment, and attached under customs seal to the vessel's licence, which shall bear a note thereof.

Article 5. The vessels to which article 2 refers may not, if transporting intoxicating beverages, be cleared by the customs authority for a foreign port, unless:

(a) The customs authority is satisfied that there is no intention to commit or abet the unlawful importation of intoxicating beverages;

(b) A written declaration is furnished by the consignor to the effect that the intoxicating beverages are being exported for a lawful purpose, and by the master to the effect that they will be duly transported to the place of destination; and

(c) If the list shows that intoxicating beverages have previously been transported in the vessel the master furnishes a certificate issued by the customs or other public authority in the place of destination, or other satisfactory evidence, that the intoxicating beverages entered in the list were duly delivered and discharged or that there was a lawful impediment thereto.

Article 6. Any person contravening the prohibition laid down in articles 1 or 2 shall be punished by a fine of not less than 100 or more than 5,000 kronor.

An attempt to commit the offence shall be deemed to constitute the offence.

Article 7. Any person knowingly furnishing false information in the declaration to which article 5 (*b*) refers shall be punished by a fine of not less than fifty or more than 1,000 kronor.

Article 8. Fines imposed under this Order shall accrue to the Crown. A fine not paid in full shall be commuted in accordance with the general Penal Code.

Article 9. The relevant provisions of the Act of 20 June 1924 (no. 225) containing special provisions concerning unlawful dealing in alcoholic beverages and wines shall apply to the initiation of prosecutions and the determination of jurisdiction.

Article 10. This Order shall not apply to intoxicating beverages forming part of the ship's stores of the vessel in which they are carried, or the property of passengers in the vessel or persons employed therein, not exceeding the amount required for the voyage and duly declared to the customs.

This Order shall enter into force on 24 December 1925 and shall apply, in respect of exportation in vessels of foreign nationality of between 100 and 500 net tons register, only to vessels of Finnish and Norwegian nationality.

(*d*) CUSTOMS DECREE No. 391, 7 OCTOBER 1927. "SVENSK FÖRFATTNINGSSAMLING", 1927, p. 865. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The customs territory of Sweden, by which is meant Swedish territory in which the customs services are to exercise their functions, includes:

- (*a*) The land areas of the Kingdom;
- (*b*) Lakes rivers and canals in the Kingdom;
- (*c*) Ports, entrances to ports and bays on the coasts of the Kingdom as well as other maritime waters situated landwards from, or between, islands, islets and reefs alongside the coasts which are not constantly submerged; and
- (*d*) Maritime waters which extend for a distance of four nautical miles, or 7,408 metres, from the land areas of the Kingdom or from the lines delimiting the seaward boundaries of the waters mentioned under (*c*) above.

The customs territory extends in the Sund to the middle of the strait, and, at the maritime boundary between the Kingdom and Norway, to a distance of four nautical miles from that part of a straight line uniting the northernmost of the reefs known as Stora Drammen and the rock named Hejeknubb situated southeast of the island of Heja, which is on the Swedish side of that boundary.

Note. For a detailed delimitation of the customs boundary in the Sund, see Order No. 84 of 29 April 1932. *Svensk Författningssamling*, 1932, p. 130.

- (e) ROYAL ORDER NO. 290, RESPECTING THE APPLICATION TO VESSELS OF LITHUANIAN AND SOVIET NATIONALITY OF THE ACT OF 27 NOVEMBER 1925, EXTENDING THE APPLICATION OF THE ACT OF 20 JUNE 1924 CONCERNING UNLAWFUL DEALING IN ACOHOLIC BEVERAGES AND WINES, 19 SEPTEMBER 1929. "SVENSK FÖRFATTNINGSSAMLING", 1929, P. 599. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

His Majesty has been pleased to order that the Act of 27 November 1925 extending the application of the Act of 20 June 1924 containing special provisions concerning unlawful dealing in alcoholic beverages and wines, and the Order of 27 November 1925 (no. 465) containing special provisions regarding the exportation of intoxicating beverages from the Kingdom, shall, in so far as foreign vessels are concerned, apply to vessels of Lithuanian nationality, as well as to vessels of Danish, Danzig, Estonian, Finnish, Latvian, Norwegian, Polish and German nationality, from the day following the date of the publication of this Order in the Swedish Statutes Series, as indicated therein; and to vessels of Soviet nationality, from 10 October 1929. The Order first mentioned shall apply in respect of exportation in vessels of more than 100 and less than 500 net tons register.

- (f) ACT NO. 53, EMPOWERING THE KING TO MAKE ORDERS PLACING FOREIGN SURVEILLANCE STAFF ON THE SAME FOOTING AS SWEDISH CUSTOMS OFFICERS IN CERTAIN CASES, 23 MARCH 1934. "SVENSK FÖRFATTNINGSSAMLING", 1934, P. 74. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Crown may by agreement with a foreign State prescribe that in specified zones of the sea off the coast of Sweden surveillance staff of that foreign State shall, in preventing the illicit importation of alcoholic liquors and wines into Sweden, and in so far as may be prescribed by the Crown, have the same powers and enjoy the same protection and right to share in the value of goods seized or similar advantages as Swedish customs officers.

- (g) ACT NO. 234, TO SUPPLEMENT THE EXISTING REGULATIONS CONCERNING THE IMPORTATION OF ALCOHOLIC BEVERAGES AND WINES INTO SWEDISH TERRITORIAL WATERS, 31 MAY 1935. "SVENSK FÖRFATTNINGSSAMLING", 1935, P. 456. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The provisions of article 2, paragraph 2 (b), article 3, paragraph 1, article 7 and article 8, paragraph 1, of Act No. 225 of 20 June 1924, containing special rules concerning unlawful dealing in alcoholic beverages and wines with regard to cases of importation of alcoholic beverages or wines into Swedish territorial waters in which the circumstances clearly show no intention to import the beverages unlawfully into the Kingdom shall, to the extent that the King may so order, not apply to importation into territorial waters covered by an agreement with a foreign State for common supervision in order to prevent the smuggling of alcoholic liquors unless circumstances also clearly show no intention

to import the beverages unlawfully into the State with which the agreement is concluded.

Note. By Act No. 203, of 30 April 1948, this Act was continued in force until 30 June 1953. *Svensk Författningssamling*, 1948, p. 330.

30. Syria

Note. The provisions of the Fisheries Order of 14 November 1921 and of the Customs Code of 15 June 1935, issued for both Lebanon and Syria, are reproduced under Lebanon, No. 22, above. They provide, respectively, for a fishing zone of six miles and for a customs zone of twenty kilometres.

31. Turkey

- (a) CUSTOMS LAW, 11 APRIL 1918, AS AMENDED BY LAW No. 906 OF 7 JUNE 1926. "OFFICIAL GAZETTE", 30 JUNE 1926, NO. 408; J. A. RIZZO, "LA LÉCISLATION TURQUE", VOL. 4 (1925-1926), P. 564. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The customs border is formed by the sea coast, the banks of the frontier rivers and the frontiers which separate Turkey from the territories of the neighbouring States.

Article 2. In the case of land frontiers, the customs zone shall be deemed to mean the area extending from the customs border to a distance of ten kilometres inland, and, in the case of the coast, the area extending from the shore to a distance of four miles out to sea.

In the case of frontier rivers, the customs zone shall include the part of the river which constitutes territorial waters. Nevertheless, depending on local requirements, and especially in regions where rivers flow near the frontier, the area may extend further than ten kilometres on the land side or four miles out to sea.

Article 118. If a vessel weighing under 200 tons is met with in the territorial waters and if its master continues on his course without allowing the customs guards to approach, the boat carrying the guards shall hoist its colours and flags and shall fire a blank shot; if the vessel does not stop, gunfire shall be directed at the superstructure. If the master fails to comply with this order and continues on his course, force must be used to make him obey. Such vessels may be pursued even outside territorial waters if they attempt to flee.

32. United Kingdom

- (a) CUSTOMS CONSOLIDATION ACT, 24 JULY 1876. 39 & 40 VICT. c. 36; GREAT BRITAIN, "STATUTES" (2ND EDITION, 1889), VOL. 14, PP. 60, 97-99

Section 53. The master of every ship arriving from parts beyond the seas shall at the time of making report answer all such questions relating to the ship, cargo, crew, and voyage as shall be put to him by the col-

lector or other proper officer; and if he refuses to answer or does not answer truly, or if after the arrival within four leagues of the coast of the United Kingdom bulk shall be broken, or any alteration made in the stowage of the cargo of such ship so as to facilitate the unloading of any part of such cargo before report of such ship and cargo, or if any part be staved, destroyed, or thrown overboard, or any package be opened, unless cause be shown to the satisfaction of the Commissioners of Customs, in every such case the master shall forfeit the sum of 100 pounds.

. . .

Section 179. If any ship or boat shall be found or discovered to have been within any port, bay, harbour, river or creek of the United Kingdom or the Channel Islands, or within three leagues of the coast thereof if belonging wholly or in part to British subjects, or having half the persons on board subjects of Her Majesty, or within one league if not British, having false bulkheads, false bows, double sides or bottom, or any secret or disguised place adapted for concealing goods, or any hole, tube, pipe, or device adapted for running goods, or having on board or in any manner attached thereto, or conveying or having conveyed in any manner any spirits, tobacco, or snuff, in packages of any size and character in which they are prohibited to be imported into the United Kingdom or the Channel Islands, or any spirits or tobacco or snuff imported contrary to the Customs Acts, or any tobacco stalks, tobacco stalk flour, or snuff work, or which shall be found or discovered to have been within three leagues of any part of the coast of the United Kingdom from which any part of the lading of such ship or boat shall be or have been thrown overboard, or on board which any goods shall be or have been staved or destroyed to prevent seizure, every such ship or boat, together with any such spirits, tobacco, or snuff, tobacco stalks, tobacco stalk flour, or snuff work, and all packages, casks, or other vessels containing the same, and everything packed therein, and also any cordage, or other articles adapted and prepared for slinging or sinking small casks, or any casks or other vessels whatsoever of less size or content than twenty gallons of the description used for the smuggling of spirits found on board, shall be forfeited; and every person who shall be found or discovered to have been on board any ship or boat liable to forfeiture as aforesaid, within three leagues of the coast if a British subject, or within one league if a foreigner, or on board any vessel in Her Majesty's service, or on board any foreign post office packet employed in carrying mails between any foreign country and the United Kingdom having on board any spirits or tobacco in such packages as aforesaid, or any tobacco stalks, tobacco stalk flour or snuff work, shall forfeit a sum not exceeding 100 pounds, and every such person may be detained and taken before any justice, to be dealt with as hereinafter directed; provided that no person shall be detained whilst actually on board any vessel in the service of a foreign State or country.

Note. The following words were added to this section by the Amendment Act of 1887 (50 & 51 Vict. c. 7): "And provided also, that no person shall be liable to conviction under this section unless there shall be reasonable cause to believe that such person was concerned in, or privy to, the illegal act or thing proved to have been committed."

The provisions of this section with respect to forfeiture of ships were modified by the Amendment Act of 18 August 1890 (53 & 54 Vict. c. 56), as follows:

"1. No ship or boat shall be liable to forfeiture under the said section for having or having had on board, or in any manner attached thereto, or conveying or having conveyed, any goods as therein specified, or for any unloading, throwing overboard, or destruction of goods, unless such ship or boat shall be under 250 tons burden.

"2. With regard to any ship or boat of or exceeding 250 tons burden which but for this Act would be liable to forfeiture as aforesaid, the following provisions shall apply:

"(a) It shall be lawful for the Commissioners of Customs, hereinafter called 'the Commissioners', subject to appeal to *the Lords Commissioners of * the Treasury*, to have power to fine any such ship or boat in any sum not exceeding fifty pounds in any case where in their opinion a responsible officer (as hereinafter defined) of such ship or boat is implicated either actually or by neglect:

"(b) For the purpose of enforcing such fine the Commissioners shall have power to require the deposit in the hands of the Collector of Customs at the port where such ship or boat shall be of such sum, not exceeding fifty pounds, as they may think right, pending their ultimate decision, and in default of payment of such deposit the Commissioners shall have power to detain the said ship or boat:

"(c) If in any case the Commissioners shall consider that the fine of fifty pounds aforesaid will not be an adequate penalty against any such ship or boat for the offence committed thereon it shall be lawful for them to take proceedings before the justices of the peace for condemnation of the said ship or boat in a sum not exceeding 500 pounds at the discretion of such justices, or such proceedings may be taken by the Commissioners before the Courts and in manner prescribed by the Customs Consolidation Act, 1876 and the Acts amending the same. And for this purpose the Commissioners may as to any ship or boat referred to in this section require the deposit in the hands of the collector as aforesaid of a sum not exceeding five hundred pounds to abide the decision of the Court, and in default of payment of such deposit the Commissioners may detain such ship or boat:

"(d) No claim shall be made against the Commissioners for damages in respect of the payment of any deposit or the detention of any ship or boat under this section.

"3. The expression 'responsible officer' in this Act shall mean and include the master, mates, and engineers of any ship, and in the case of a ship carrying a passenger certificate the purser or chief steward and where the ship is manned by Asiatic seamen the *serang* or other leading Asiatic officer. The expression 'neglect' in this Act shall include cases where goods unowned by any of the crew are discovered in a place or places in which they could not reasonably have been put if the responsible officer of officers having supervision of such place or places had exercised proper care at the time of the loading of the ship or subsequently; and the expression 'burden' in this Act shall mean the same as it does in the Customs Consolidation Act, 1876, that is to say, 'registered tonnage.'

"4. For the purpose of the forfeiture under the said one hundred and seventy-ninth section of goods, packages, casks, and the like, and the detaining and dealing with persons found or discovered to have been on board any ship or boat liable to forfeiture by the said section (as amended by the Customs Consolidation Act, 1876, Amendment Act, 1887), ships or boats of or exceeding 250 tons burden shall still be deemed, but for such purposes only, to be ships or boats liable to forfeiture by the said section."

* The words in italics were repealed by 8 Edw. 7 c. 49.

Section 180. If any ship or boat belonging wholly or in part to Her Majesty's subjects, or having one half of the persons on board subjects of Her Majesty, shall not bring to upon signal made by any vessel or boat in Her Majesty's service or in the service of the Revenue, by hoisting the proper pendant and ensign, whereupon chase shall be given, and any person on board such ship or boat shall, during chase or before such ship or boat shall bring to, throw overboard any part of her lading, or shall stave or destroy any part thereof, to prevent seizure, such ship or boat shall be forfeited; and all persons escaping from any such ship or boat during chase shall be deemed subjects of Her Majesty, unless the contrary be proved.

Section 181. If any ship or boat liable to seizure or examination under the Customs Act shall not bring to when required so to do, the master of such ship or boat shall forfeit the sum of twenty pounds; and on such ship or boat being chased by any vessel or boat in Her Majesty's navy, having the proper pendant and ensign of Her Majesty's ships hoisted, or by any vessel or boat duly employed for the prevention of smuggling, having a proper pendant and ensign hoisted, it shall be lawful for the captain, master, or other person having the charge or command of such vessel or boat in Her Majesty's navy, or employed as aforesaid (first causing a gun to be fired as a signal!), to fire at or into such ship or boat, and such captain, master, or other person acting in his aid or by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing.

. . .

Note. In its letter of 6 December 1928 to the Preparatory Committee for Conference for the Codification of International Law, the British Government declared that "no claim is made by His Majesty's Government in Great Britain to exercise rights over the high seas outside the belt of territorial waters". League of Nations publ. 1929. V. 2, p. 162. With respect to the British practice prior to the Customs Act of 1876 and under that Act, see W. E. Masterson, *Jurisdiction in Marginal Seas* (New York, 1929), pp. 1-162.

33. United States of America

(a) TARIFF ACT, 17 JUNE 1930, AS AMENDED. "U.S. CODE" (1946 EDITION), TITLE 19 (CUSTOMS DUTIES), SECTIONS 1581-1587

Section 1581. Boarding vessels

(a) Any officer of the customs may at any time go on board of any vessel at any place in the United States or within the customs waters or, as he may be authorized, within a customs-enforcement area established under sections 1701-1711 of this title, or at any other authorized place, without as well as within his district, and examine the manifest and other documents and papers and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance.

(b) Officers of the Department of the Treasury and other persons authorized by such department may go on board of any vessel at any

place in the United States or within the customs waters and hail, stop, and board such vessel in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the navigation laws.

(c) Any master of a vessel being examined as herein provided, who presents any forged, altered, or false document or paper to the examining officer, knowing the same to be forged, altered, or false and without revealing the fact shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than \$ 5,000 nor less than \$ 500.

(d) Any vessel or vehicle which, at any authorized place, is required to come to a stop by any officer of the customs, or is required to come to a stop by signal made by any vessel employed in the service of the customs displaying the ensign and pennant prescribed for such vessel by the President, shall come to a stop, and upon failure to comply, a vessel so required to come to a stop shall become subject to pursuit and the master thereof shall be liable to a fine of not more than \$ 5,000 nor less than \$ 1,000. It shall be the duty of the several officers of the customs to pursue any vessel which may become subject to pursuit, and to board and examine the same, and to examine any person or merchandise on board, without as well as within their respective districts and at any place upon the high seas or, if permitted by the appropriate foreign authority, elsewhere where the vessel may be pursued as well as at any other authorized place.

(e) If upon the examination of any vessel or vehicle it shall appear that a breach of the laws of the United States is being or has been committed so as to render such vessel or vehicle, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel or vehicle, liable to forfeiture or to secure any fine or penalty, the same shall be seized and any person who has engaged in such breach shall be arrested.

(f) It shall be the duty of the several officers of the customs to seize and secure any vessel, vehicle, or merchandise which shall become liable to seizure, and to arrest any person who shall become liable to arrest, by virtue of any law respecting the revenue, as well without as within their respective districts, and to use all necessary force to seize or arrest the same.

(g) Any vessel, within or without the customs waters, from which any merchandise is being, or has been, unlawfully introduced into the United States by means of any boat belonging to, or owned, controlled, or managed in common with, said vessel, shall be deemed to be employed within the United States and, as such, subject to the provisions of this section.

(h) The provisions of this section shall not be construed to authorize or require any officer of the United States to enforce any law of the United States upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon said vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government. (June 17, 1930, ch. 497, title IV, section 581, 46 Stat. 747; Aug. 5, 1935,

ch. 438, title II, section 203, 49 Stat. 521; 1946 Reorg. Plan No. 3, sections 101-104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097).

Section 1582. Search of persons and baggage: regulations

The Secretary of the Treasury may prescribe regulations for the search of persons and baggage and he is authorized to employ female inspectors for the examination and search of persons of their own sex; and all persons coming into the United States from foreign countries shall be liable to detention and search by authorities or agents of the Government under such regulations. (June 17, 1930, Ch. 947, title IV, section 582, 46 Stat. 748.)

Section 1583. Certification of manifest

The master of every vessel and the person in charge of every vehicle bound to a port or place in the United States shall deliver to the officer of the customs or coast guard who shall first demand it of him, the original and one copy of the manifest of such vessel or vehicle, and such officer shall certify on the back of the original manifest to the inspection thereof and return the same to the master or other person in charge. (June 17, 1930, ch. 497, title IV, section 583, 46 Stat. 748.)

Section 1584. Falsity or lack of manifest; penalties

Any master of any vessel and any person in charge of any vehicle bound to the United States who does not produce the manifest to the officer demanding the same shall be liable to a penalty of \$ 500, and if any merchandise, including sea stores, is found on board of or after having been unladen from such vessel or vehicle which is not included or described in said manifest or does not agree therewith, the master of such vessel or the person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty equal to the value of the merchandise so found or unladen, and any such merchandise belonging or consigned to the master or other officer or to any of the crew of such vessel, or to the owner or person in charge of such vehicle, shall be subject to forfeiture, and if any merchandise described in such manifest is not found on board the vessel or vehicle the master or other person in charge or the owner of such vessel or vehicle shall be subject to a penalty of \$ 500: *Provided*, That if the collector shall be satisfied that the manifest was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake and that no part of the merchandise not found on board was unshipped or discharged except as specified in the report of the master, said penalties shall not be incurred.

If any of such merchandise so found consists of heroin, morphine, cocaine, isonipecaine, or opiate, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$ 50 for each ounce thereof so found. If any of such merchandise so found consists of smoking opium, opium prepared for smoking, or marihuana, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$ 25 for each ounce thereof so found. If any of such merchandise so found consists of crude opium, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle

shall be liable to a penalty of \$ 10 for each ounce thereof so found. Such penalties shall, notwithstanding the proviso in section 1594 of this title (relating to the immunity of vessels or vehicles used as common carriers), constitute a lien upon such vessel which may be enforced by a libel *in rem*; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalties and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel, knew, and could not, by the exercise of the highest degree of care and diligence, have known that such narcotic drugs were on board. Clearance of any such vessel may be withheld until such penalties are paid or until a bond, satisfactory to the collector, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law. The words isonipécaine, opiate, and marihuana as used in this paragraph shall have the same meaning as defined in sections 3228 (*e*), 3228 (*f*) and 3228 (*b*), respectively, of title 26.

If any of such merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors for the importation of which into the United States a certificate is required under section 1707 of this title and the required certificate be not shown, be so found upon any vessel not exceeding 500 net tons, the vessel shall, in addition to any other penalties herein or by law provided, be seized and forfeited, and, if any manifested merchandise (sea stores excepted) consisting of any such spirits, wines, or other alcoholic liquors be found upon any such vessel and the required certificate be not shown, the master of the vessel shall be liable to the penalty herein provided in the case of merchandise not duly manifested: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred. (June 17, 1930, ch. 497, title IV, Section 584, 46 Stat. 748; Aug. 5, 1935, ch. 438, title II, Section 204, 49 Stat. 523; July 1, 1944, ch. 377, Section 10, 58 Stat. 722; Mar. 8, 1946, ch. 81, Section 9, 60 Stat. 39.)

Section 1585. Departure before report or entry

If any vessel or vehicle from a foreign port or place arrives within the limits of any collection district and departs or attempts to depart, except from stress of weather or other necessity, without making a report or entry under the provisions of this chapter, or if any merchandise is unladen therefrom before such report or entry, the master of such vessel shall be liable to a penalty of \$ 5,000, and the person in charge of such vehicle shall be liable to a penalty of \$ 500, and any such vessel or vehicle shall be forfeited, and any officer of the customs may cause such vessel or vehicle to be arrested and brought back to the most convenient port of the United States. (June 17, 1930, ch. 497, title IV, section 585, 46 Stat. 749; Aug. 5, 1935, ch. 438, title III, section 303, 49 Stat. 527.)

Section 1586. Unlawful unloading or transshipment

(a) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) to be unladen from such vessel at any time after its arrival within the customs waters and before such vessel has come to the proper place for the discharge of such merchandise, and before he has received a permit to unlade, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$ 1,000, and such vessel and its cargo and the merchandise so unladen shall be seized and forfeited.

(b) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen from his vessel at any place upon the high seas adjacent to the customs waters of the United States to be transhipped to or placed in or received on any vessel of any description, with knowledge, or under circumstances indicating the purpose to render it possible, that such merchandise, or any part thereof, may be introduced, or attempted to be introduced, into the United States in violation of law, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$ 1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

(c) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) destined to the United States, the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen, without permit to unlade, at any place upon the high seas adjacent to the customs waters of the United States, to be transhipped to or placed in or received on any vessel of the United States or any other vessel which is owned by any person a citizen of, or domiciled in the United States, or any corporation incorporated in the United States, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$ 1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

(d) If any merchandise (including sea stores) unladen in violation of the provisions of this section is transhipped to or placed in or received on any other vessel, the master of the vessel on which such merchandise is placed, and any person aiding or assisting therein, shall be liable to a penalty equal to twice the value of the merchandise, but not less than \$ 1,000 and such vessel, and its cargo and such merchandise, shall be seized and forfeited.

(e) Whoever, at any place, if a citizen of the United States, or at any place in the United States or within one league of the coast of the United States, if a foreign national, shall engage or aid or assist in any unloading or transshipment of any merchandise in consequence of which any vessel becomes subject to forfeiture under the provisions of this section shall, in addition to any other penalties provided by law, be liable to imprisonment for not more than two years.

(f) Whenever any part of the cargo or stores of a vessel has been unladen or transhipped because of accident, stress of weather, or other necessity, the master of such vessel and the master of any vessel to which

such cargo or stores has been transhipped shall, as soon as possible thereafter, notify the collector of the district within which such unloading or transshipping has occurred, or the collector within the district at which such vessel shall first arrive thereafter, and shall furnish proof that such unloading or transshipment was made necessary by accident, stress of weather, or other unavoidable cause, and if the collector is satisfied that the unloading or transshipment was in fact due to accident, stress of weather, or other necessity, the penalties described in this section shall not be incurred. (June 17, 1930, ch. 497, title IV, section 586, 46 Stat. 749; Aug. 5, 1935, ch. 438, title II, section 205, 49 Stat. 524.)

Section 1587. Examination of hovering vessels

(a) Any hovering vessel, or any vessel which fails (except for unavoidable cause), at any place within the customs waters or within a customs-enforcement area established under sections 1701-1711 of this title, to display lights as required by law, or which has become subject to pursuit as provided in section 1581 of this title, or which, being a foreign vessel to which subsection (h) of said section 1581 applies, is permitted by special arrangement with a foreign government to be so examined without the customs waters of the United States, may at any time be boarded and examined by any officer of the customs, and the provisions of said section 1581 shall apply thereto, as well without as within his district, and in examining the same, any such officer may also examine the master upon oath respecting the cargo and voyage of the vessel, and may also bring the vessel into the most convenient port of the United States to examine the cargo, and if the master of said vessel refuses to comply with the lawful directions of such officer or does not truly answer such questions as put to him respecting the vessel, its cargo, or voyage, he shall be liable to a penalty of not more than \$ 5,000 nor less than \$ 500. If, upon the examination of any such vessel or its cargo by any officer of the customs, any dutiable merchandise destined to the United States is found, or discovered to have been, on board thereof, the vessel and its cargo shall be seized and forfeited. It shall be presumed that any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, so found, or discovered to have been, on board thereof, is destined to the United States.

(b) If any vessel laden with cargo be found at any place in the United States or within the customs waters or within a customs-enforcement area established under sections 1701-1711 of this title and such vessel afterwards is found light or in ballast or having discharged its cargo or any part thereof, and the master is unable to give a due account of the port or place at which the cargo, or any part thereof, consisting of any merchandise the importation of which into the United States is prohibited or any spirits, wines, or other alcoholic liquors, was lawfully discharged, the vessel shall be seized and forfeited.

(c) Nothing contained in this section shall be construed to render any vessel liable to forfeiture which is *bona fide* bound from one foreign port to another foreign port, and which is pursuing her course, wind and weather permitting. (June 17, 1930, ch. 497, title IV, section 587, 46 Stat. 749; Aug. 5, 1935, ch. 438, title II, section 206, 49 Stat. 525.)

(b) ANTI-SMUGGLING ACT, 5 AUGUST 1935, AS AMENDED. "U.S. CODE" (1946 EDITION), TITLE 19, §§ 1701-1709

Section 1701. Customs-enforcement area: (a) Establishment; extent and duration; enforcement of laws applicable to waters adjacent to customs waters

Whenever the President finds and declares that at any place or within any area on the high seas adjacent to but outside customs waters any vessel or vessels hover or are being kept off the coast of the United States and that, by virtue of the presence of any such vessel or vessels at such place or within such area, the unlawful introduction or removal into or from the United States of any merchandise or person is being or may be occasioned, promoted, or threatened, the place or area so found and declared shall constitute a customs-enforcement area for the purposes of this chapter. Only such waters on the high seas shall be within a customs-enforcement area as the President finds and declares are in such proximity to such vessel or vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessel or vessels. No customs-enforcement area shall include any waters more than 100 nautical miles from the place or immediate area where the President declares such vessel or vessels are hovering or are being kept and, notwithstanding the foregoing provision, shall not include any waters more than fifty nautical miles outwards from the outer limit of customs waters. Whenever the President finds that, within any customs-enforcement area, the circumstances no longer exist which gave rise to the declaration of such area as a customs-enforcement area, he shall so declare, and thereafter, and until a further finding and declaration is made under this subsection with respect to waters within such area, no waters within such area shall constitute a part of such customs-enforcement area. The provisions of law applying to the high seas adjacent to customs waters of the United States shall be enforced in a customs-enforcement area upon any vessel, merchandise, or person found therein.

(b) Boarding vessels; arrest and seizure; compliance with treaty provisions; authority of Secretary of Commerce unaffected

At any place within a customs-enforcement area the several officers of the customs may go on board of any vessel and examine the vessel and any merchandise or person on board, and bring the same into port, and, subject to regulations of the Secretary of the Treasury, it shall be their duty to pursue and seize or arrest and otherwise enforce upon such vessel, merchandise, or person, the provisions of law which are made effective thereto in pursuance of subsection (a) of this section in the same manner as such officers are or may be authorized or required to do in like case at any place in the United States by virtue of any law respecting the revenue: *Provided*, That nothing contained in this section or in any other provision of law respecting the revenue shall be construed to authorize or to require any officer of the United States to enforce any law thereof upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government:

Provided further, That none of the provisions of this chapter shall be construed to relieve the Secretary of Commerce of any authority, responsibility, or jurisdiction now vested in or imposed on that officer. (Aug. 5, 1935, ch. 438, title I, section 1, 49 Stat. 517.)

Section 1702. Smuggling into territory of foreign government: (a) Allowing vessel owned or controlled to engage in smuggling; persons aiding or assisting vessel; penalty

Any person owning in whole or in part any vessel of the United States who employs, or participates in, or allows the employment of, such vessel for the purpose of smuggling, or attempting to smuggle, or assisting in smuggling, any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, and any citizen of, or person domiciled in, or any corporation incorporated in, the United States, controlling or substantially participating in the control of any such vessel, directly or indirectly, whether through ownership of corporate shares or otherwise, and allowing the employment of said vessel for any such purpose, and any person found, or discovered to have been, on board of any such vessel so employed and participating or assisting in any such purpose, shall be liable to a fine of not more than \$ 5,000 or to imprisonment for not more than two years, or to both such fine and imprisonment.

(b) Lessor or charterer of vessel with knowledge of purpose to smuggle as within section

It shall constitute an offence under this section to hire out or charter a vessel if the lessor or charterer has knowledge that, or if such vessel is leased or chartered under circumstances which would give rise to a reasonable belief that, the lessee or person chartering the vessel intends to employ such vessel for any of the purposes described in subsection (a) and if such vessel is, during the time such lease or charter is in effect, employed for any such purpose. (Aug. 5, 1935, ch. 438, title I, section 2, 49 Stat. 518.)

Section 1703. Seizure and forfeiture of vessels: (a) Vessels subject to seizure and forfeiture

Whenever any vessel which shall have been built, purchased, fitted out in whole or in part, or held, in the United States or elsewhere, for the purpose of being employed to defraud the revenue or to smuggle any merchandise into the United States, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever any vessel which shall be found, or discovered to have been, employed, or attempted to be employed, within the United States for any such purpose, or in anywise in assistance thereof, or whenever any vessel of the United States which shall be found, or discovered to have been, employed, or attempted to be employed at any place, for any such purpose, or in anywise in assistance thereof, if not subsequently forfeited to the United States or to a foreign govern-

ment, is found at any place at which any such vessel may be examined by an officer of the customs in the enforcement of any law respecting the revenue, the said vessel and its cargo shall be seized and forfeited.

(b) "*Vessels of the United States*"

Every vessel which is documented, owned, or controlled in the United States, and every vessel of foreign registry which is, directly or indirectly, substantially owned or controlled by any citizen of or corporation incorporated, owned, or controlled in, the United States, shall, for the purposes of this section, be deemed a vessel of the United States.

(c) *Acts constituting prima facie evidence vessel engaged in smuggling*

For the purpose of this section, the fact that a vessel has become subject to pursuit as provided in section 1581 of this title, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display lights as required by law, shall be *prima facie* evidence that such vessel is being, or has been, or is attempted to be employed to defraud the revenue of the United States. (Aug. 5, 1935, ch. 438, title I, section 3, 49 Stat. 518.)

Section 1704. Refusal or revocation of registry, enrollment, license or number on evidence that vessel engaging in smuggling; appeal; immunity from liability

Subject to appeal to the Secretary of the Treasury and under such regulations as he may prescribe, whenever either the collector of customs of the district in which any vessel is, or is sought to be, registered, enrolled, or licensed, or the Commandant of the Coast Guard in the case of any vessel which is, or is sought to be numbered, is shown upon evidence which he deems sufficient that such vessel is being, or is intended to be, employed to smuggle, transport, or otherwise assist in the unlawful introduction or importation into the United States of any merchandise or person, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever, from the design or fittings of any vessel or the nature of any repairs made thereon, it is apparent to such collector or Commandant that such vessel has been built or adapted for the purpose of smuggling merchandise, the said collector or Commandant shall revoke the registry, enrollment, license, or number of said vessel or refuse the same if application be made therefor, as the case may be. Such collector or Commandant and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for carrying out the provisions of this section. (Aug. 5, 1935, ch. 438, title I, section 4, 49 Stat. 519; 1946 Reorg. Plan No. 3, eff. July 16, 1946, sections 101-104, 11 F.R. 7875, 60 Stat. 1097.)

Section 1705. Destruction of forfeited vessel

Any vessel or vehicle forfeited to the United States, whether summarily or by a decree of any court, for violation of any law respecting the revenue, may, in the discretion of the Secretary of the Treasury, if he

deems it necessary to protect the revenue of the United States, be destroyed in lieu of the sale thereof under existing law. (Aug. 5, 1935, ch. 438, title I, section 5, 49 Stat. 519.)

Section 1706. Importation in vessels under thirty tons and aircraft; licenses; labels as prima facie evidence of foreign origin of merchandise

Except into the districts adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port or place, or from any hovering vessel, in any vessel of less than thirty net tons burden without special license granted by the Secretary of the Treasury under such conditions as he may prescribe, nor in any other manner than by sea, except by aircraft duly licensed in accordance with law, or landed or unladen at any other port than is directed by law, under the penalty of seizure and forfeiture of all such unlicensed vessels or aircraft and of the merchandise imported therein, landed or unladen in any manner. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any such vessel or aircraft, shall be *prima facie* evidence of the foreign origin of such merchandise. (Aug. 5, 1935, ch. 438, title I, section 6, 49 Stat. 519.)

Section 1707. Certificate for importation of alcoholic liquors in small vessels; bond where liquor destined to foreign port; penalty for failure to carry; lost, defaced, or incorrect certificate as relieving from penalty

In addition to any other requirement of law, every vessel, not exceeding 500 net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. Any spirits, wines, or other alcoholic liquors (sea stores excepted), found, or discovered to have been, upon any such vessel at any place in the United States, or within the customs waters, without said certificate on board, which are not shown to have a *bona fide* destination without the United States, shall be seized and forfeited and, in the case of any such merchandise so destined to a foreign port or place, a bond shall be required in double the amount of the duties to which such merchandise would be subject if imported into the United States, conditioned upon the delivery of said merchandise at such foreign port or place as may be certified by a consular officer of the United States or otherwise as provided in said regulations: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred nor shall such bond be required. This section shall take effect on the sixtieth day following Aug. 5, 1935. (Aug. 5, 1935, ch. 438, title I, section 7, 49 Stat. 520.)

*Section 1708. Lading vessel in foreign port with liquor for importation—
(a) Allowing lading without certificate for importation; liability
of master*

If the master of any vessel of the United States not exceeding 500 net tons, allows such vessel to be laden at any foreign port or other place without the United States with any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors (sea stores excepted), which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, without certificate issued for the importation of such merchandise into the United States as required by section 1707 of this title, the master of such vessel shall, in addition to any other penalties provided by law, be liable to a penalty equal to the value of the said merchandise but not less than \$ 1,000 and such vessel and such merchandise shall be seized and forfeited.

*(b) Procuring lading with intent to defraud revenue laws; liability of citizen,
master, and members of crew of United States vessel*

Whoever, being a citizen of the United States or a master or a member of the crew of a vessel of the United States, if such vessel does not exceed 500 net tons, shall, with intent to defraud the revenue of the United States, procure, or aid or assist in procuring, any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors, without certificate issued for the importation thereof into the United States as required by section 1707 of this title, to be laden upon such vessel at any foreign port or other place without the United States, which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, shall, in addition to any other penalties provided by law, be liable to a fine of not more than \$ 1,000 or to imprisonment for not more than two years, or to both such fine and imprisonment. (Aug. 5, 1935, ch. 438, title I, section 8, 49 Stat. 520.)

Section 1709. Definitions

When used in this act:

. . .

(c) The term "customs waters" means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

(d) The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws

respecting the revenue. (Aug. 5, 1935, ch. 438, title IV, section 401, 49 Stat. 529; June 25, 1938, ch. 679, section 2, 52 Stat. 1077.)

Note. With respect to the development of American laws concerning smuggling, see W. E. Masterson, *Jurisdiction in Marginal Seas* (New York, 1929), pp. 175-252. Concerning the Anti-Smuggling Act of 1935, see H. W. Briggs, *Les Etats-Unis et la loi de 1935 sur le contrebande*, *Revue de droit international et de législation comparée*, 3rd series, vol. 20 (1939), pp. 217-55. P. C. Jessup, The Anti-Smuggling Act of 1935, *American Journal of International Law*, vol. 31, (1937), pp. 101-6.

- (c) PRESIDENTIAL PROCLAMATION NO. 2668, CONCERNING THE POLICY OF THE UNITED STATES WITH RESPECT TO COASTAL FISHERIES IN CERTAIN AREAS OF THE HIGH SEAS, 28 SEPTEMBER 1945. "STATUTES AT LARGE" VOL. 59 (1945), P. 885; "FEDERAL REGISTER" VOL. 10 (1945), P. 12304; "DEPARTMENT OF STATE BULLETIN", VOL. 13 (1945), P. 486

Whereas for some years the Government of the United States of America has viewed with concern the inadequacy of present arrangements for the protection and perpetuation of the fishery resources contiguous to its coasts, and in view of the potentially disturbing effect of this situation, has carefully studied the possibility of improving the jurisdictional basis for conservation measures and international co-operation in this field; and

Whereas such fishery resources have a special importance to coastal communities as a source of livelihood and to the nation as a food and industrial resource; and

Whereas the progressive development of new methods and techniques contributes to intensified fishing over wide sea areas and in certain cases seriously threatens fisheries with depletion; and

Whereas there is an urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal State and of any other State which may have established a legitimate interest therein;

Now, therefore, I, Harry S. Truman, President of the United States of America, do hereby proclaim the following policy of the United States of America with respect to coastal fisheries in certain areas of the high seas:

In view of the pressing need for conservation and protection of fishery resources, the Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale. Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be legitimately developed and maintained jointly by nationals of the United States and nationals of other States, explicitly bounded conservation zones may be established under agreements between the United States and such other States; and all fishing activities in such zones shall be subject to regulation

and control as provided in such agreements. The right of any State to establish conservation zones off its shores in accordance with the above principles is conceded, provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas. The character as high seas of the areas in which such conservation zones are established and the right to their free and unimpeded navigation are in no way thus affected.

Note. The purpose of this Proclamation has been explained as follows in an accompanying press release:

"Until the present the only high-seas fisheries in the regulation of which the United States has participated, under treaties or conventions, are those for whales, Pacific halibut, and fur seals.

"In areas where fisheries have been or shall hereafter be developed and maintained by nationals of the United States alone, explicitly bounded zones will be set up in which the United States may regulate and control all fishing activities.

"In other areas where the nationals of other countries as well as our own have developed or shall hereafter legitimately develop fisheries, zones may be established by agreements between the United States and such other states, and joint regulations and control will be put into effect.

"The United States will recognize the rights of other countries to establish conservation zones off their own coasts where the interests of nationals of the United States are recognized in the same manner that we recognize the interests of the nationals of the other countries.

"The assertion of this policy has long been advocated by conservationists, including a substantial section of the fishing industry of the United States, since regulation of a fishery resource within territorial waters cannot control the misuse or prevent the depletion of that resource through uncontrolled fishery activities conducted outside of the commonly accepted limits of territorial jurisdiction.

"As a result of the establishment of this new policy, the United States will be able to protect effectively, for instance, its most valuable fishery, that for the Alaska salmon. Through painstaking conservation efforts and scientific management the United States has made excellent progress in maintaining the salmon at high levels. However, since the salmon spends a considerable portion of its life in the open sea, uncontrolled fishery activities on the high seas, by nationals of either the United States or other countries, have constituted an ever-present menace to the salmon fishery." *Department of State Bulletin*, vol. 13 (1945), p. 484.

(d) EXECUTIVE ORDER NO. 9634, PROVIDING FOR THE ESTABLISHMENT OF FISHERY CONSERVATION ZONES, 28 SEPTEMBER 1945. "FEDERAL REGISTER" VOL. 10 (1945), P. 12305; "DEPARTMENT OF STATE BULLETIN", VOL. 13 (1945), P. 487

By virtue of and pursuant to the authority vested in me as President of the United States, it is hereby ordered that the Secretary of State and the Secretary of the Interior shall from time to time jointly recommend the establishment by Executive orders of fishery conservation zones in areas of the high seas contiguous to the coasts of the United States, pursuant to the proclamation entitled "Policy of the United States With Respect to Coastal Fisheries in Certain Areas of the High Seas", this day signed by me, and said Secretaries shall in each case recommend provisions to be incorporated in such orders relating to the administration, regulation and control of the fishery resources of and fishing activities in such zones, pursuant to authority of law heretofore or hereafter provided.

(e) LOUISIANA

- (i) *Act No. 55, to declare the sovereignty of Louisiana along its seacoast and to fix its present seacoast boundary and ownership, 30 June 1938. "Acts passed by the Legislature of the State of Louisiana", 1938, p. 169*

Whereas dominion, with its consequent use, ownership and jurisdiction, over its marginal waters by a State has found support because it is the duty of a State to protect its citizens whose livelihood depends on fishing, or taking from said marginal waters the natural products they are capable of yielding; also, has found support in that sufficient security must exist for the lives and property of the citizens of the State;

Whereas, according to the ancient principles of international law it was generally recognized by the nations of the world that the boundary of each sovereign State along the seacoast was located three marine miles distant in the sea, from low-water mark along its coast on the open sea;

Whereas, the seaward boundary of each sovereign State as so fixed is generally known as the three-mile limit of such State;

Whereas, the said three-mile limit was so recognized as the seaward boundary of each sovereign State, because at the time it became so fixed, three marine miles was the distance of a cannon shot and was considered the distance at which a State could make its authority effective on the sea by the use of artillery located on the shore;

Whereas, since the said three-mile limit was so established as the seaward boundary of each sovereign State, modern cannon have been improved to such an extent that now many cannon shoot twenty-seven marine miles and more and by the use of artillery located on its shore a State can now make its authority at least twenty-seven marine miles out to sea from low-water mark;

Whereas, by the Act of Congress of February 20th, 1811, by which the State of Louisiana was admitted to the United States as a State, the southern boundary of Louisiana was fixed as follows: "thence bounded by the said gulf to the place of beginning, including all islands within three leagues of the coast;"

Whereas, therefore, the gulfward boundary of Louisiana is already located in the Gulf of Mexico three leagues distant from the shore, a width of marginal area made greater, by the above Act and agreement, than the well-accepted and inherent three-mile limit;

Whereas, a State can define its limits on the sea;

Whereas, the State of Louisiana owns the waters of the sea and the waters of the arms of the sea and the bed of the sea, the bed of the arms of the sea, and the scashore and the shores of all arms of the sea as far inland as the high-water mark within the territory of the State of Louisiana; and

Whereas, the State of Louisiana, including all parts thereof and all territory that may be added thereto, forms a part of the United States of America, over which the said United States is authorized to exercise and exercises such powers and jurisdiction as the said United States is authorized by the Constitution of the United States to exercise thereover;

Section 1. Be it enacted by the Legislature of Louisiana, That the gulfward boundary of the State of Louisiana, is hereby fixed and declared to be a line located in the Gulf of Mexico parallel to the three-mile limit

as determined according to said ancient principles of international law, which gulfward boundary is located twenty-four marine miles further out in the Gulf of Mexico than the said three-mile limit.

Section 2. That, subject to the right of the government of the United States to regulate foreign and interstate commerce under section 8 of article 1 of the Constitution of the United States, and to the power of the Government of the United States over cases of admiralty and maritime jurisdiction under section 2 of article 3 of the Constitution of the United States, the State of Louisiana has full sovereignty over all of the waters of the Gulf of Mexico and of the arms of the Gulf of Mexico within the boundaries of Louisiana, as herein fixed, and over the beds and shores of the Gulf of Mexico and all arms of the said Gulf within the boundaries of Louisiana, as herein fixed.

Section 3. That the State of Louisiana owns in full and complete ownership the waters of the Gulf of Mexico and of the arms of the said Gulf and the beds and shores of the Gulf of Mexico and the arms of the Gulf of Mexico, including all lands that are covered by the waters of the said Gulf and its arms either at low tide or high tide, within the boundaries of Louisiana, as herein fixed.

Section 4. That this Act shall never be construed as containing a relinquishment by the State of Louisiana of any dominion, sovereignty, territory, property or rights that the State of Louisiana already had before the passage of this Act.

Note. In a suit by the United States against the State of Louisiana, the United States Government alleged that the United States was and is "the owner in fee simple of, or possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of Louisiana and outside of the inland waters, extending seaward twenty-seven marine miles and bounded on the east and west, respectively, by the eastern and western boundaries of the State of Louisiana." The Supreme Court of the United States applied in this case its decision in *United States v. California* (332 U.S. 19); it pointed out that "There is one difference, however, between Louisiana's claim and California's. The latter claimed rights in the three-mile belt. Louisiana claims rights twenty-four miles seaward of the three-mile belt. We need note only briefly this difference. We intimate no opinion on the power of a State to extend, define, or establish its external territorial limits or on the consequences of any such extension *vis-à-vis* persons other than the United States or those acting on behalf of or pursuant to its authority. The matter of state boundaries has no bearing on the present problem. If, as we held in California's case, the three-mile belt is in the domain of the nation rather than that of the separate States, it follows *a fortiori* that the ocean beyond that limit also is. The ocean seaward of the marginal belt is perhaps even more directly related to the national defense, the conduct of foreign affairs, and world commerce than is the marginal sea. Certainly it is not less so. So far as the issues presented here are concerned, Louisiana's enlargement of her boundary emphasizes the strength of the claim of the United States to this part of the ocean and the resources of the soil under that area, including oil". U.S. Supreme Court, 5 June 1950, *Official Reports of the Supreme Court*, vol. 339, pp. 699, 701, 705.

34. Union of Soviet Socialist Republics

- (a) DECREE CONCERNING THE PROTECTION OF FISHERIES AND GAME RESERVES IN THE ARCTIC OCEAN AND THE WHITE SEA, 24 MAY 1921. RSFSR, "SOBRANIE UZAKONYENII I RASPORYAZHENII", 1921, c. 259, p. 351. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

1. The RSFSR shall have the exclusive right to utilize fisheries and game areas within the following boundaries:

In the White Sea, south of a straight line connecting Cape Svyatoy Nos and Cape Kanin Nos; in the Chesskaya Bay, to the south of a line drawn from Cape Mikulin to Cape Svyatoy Nos; and in the Arctic Ocean, along the whole shore from the national frontier with Finland to the northern extremity of Novaya Zemlya—to a distance of twelve sea miles seaward from the low-water mark along both continental and insular shores.

2. In the said sea area, the right to engage in commercial fishing and hunting may be granted only Russian citizens by special written permission of the local authorities of the Central Department for Fishing and the Fishing Industry (*Glavryba*).

3. The People's Commissariat of Food shall have the right, by agreement with the People's Commissariat of Maritime Affairs and where appropriate with the People's Commissariat of Foreign Affairs, to issue instructions under this decree and lay down regulations and procedure for commercial fishing and hunting in the area described in article 1, including the right to prohibit the same in specified places, at specified times or for specified periods, or by means of specified implements or methods.

4. Persons guilty of violating this decree or the instructions or regulations issued in application of it by the People's Commissariat for Food shall be committed to the People's Court for the imposition of penalties, which may include the confiscation of the vessels and other implements with which the occupation was carried on, together with all equipment and cargo on board.

5. The fisheries and game areas within the boundaries described in article 1 of this decree shall be protected by the Navy and the frontier defence service of the RSFSR.

- (b) REGULATIONS FOR THE DEFENCE OF THE STATE FRONTIERS OF THE USSR, 15 June 1927. "SOBRANIE ZAKONOV I RASPORYAZHENII SSR", 1927, no. 62, c. 625, p. 1218. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

I. General

. . . .

II. Frontier Zones

9. For the defence of the State frontier of the USSR, the following zones shall be established:

- (a) Along land frontiers: 4-metre, 500-metre, 7½-kilometre and 22-kilometre frontier zones measured inward from the line of the State frontier;

(b) Along coastal frontiers: 7½-kilometre and 22-kilometre coastal frontier zones, measured inland from the line of the highest flood-tide;

(c) Along coastal frontiers: a maritime zone extending seaward from the line of the lowest ebb-tide on the mainland and on islands to a distance of twelve miles, except where otherwise provided by international agreements concluded with the USSR.

Note 1. In areas where cordons are stationed at a considerable distance from the State frontier of the USSR and where defence cannot be ensured along the actual line of the state frontier of the USSR, the 7½-kilometre and the 22-kilometre frontier zones shall be measured inward from the line along which the cordons are stationed. In such cases the local population shall be admitted to the territory between the cordons and the frontier according to regulations to be drawn up by the competent authorities of the Unified State Political Department by agreement with the local provincial and area (and corresponding) executive committees.

Note 2. Frontier zones along frontiers following the course of rivers, lakes and artificial waterways shall be measured from the shore line.

10. The 4-metre zone shall be marked by special signs on the ground. Other frontier zones and the twelve mile maritime zone shall be marked on large-scale maps.

. . .

III. Frontier Defence

A. On land

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B. On water

23. Along the whole extent of the State water frontiers of the USSR, and in the maritime zone (article 9, paragraph (c)) of the open seas surrounding the coasts of the USSR, all civilian vessels without distinction of flag shall be subject to control by the frontier defence service of the Unified State Political Department.

Note. This article applies also to civilian flying and aeronautical machines.

24. Control of military vessels by the frontier defence service shall be carried out without distinction of flag according to special regulations.

25. Civilian vessels in the area under the control of the frontier defence service of the Unified State Political Department may without distinction of flag be stopped and searched by the frontier defence service. The captain of a vessel subjected to search shall be obliged to present all the documents in his possession relating to the vessel and cargo.

Note. The signal to stop shall be given by vessels of the frontier defence service of the Unified State Political Department as follows: in the daytime, by hoisting the international signal agreed on for this purpose; at night, by displaying on the mast (above the masthead light) two vertically-arranged green lights. A vessel to which such signal is given shall be obliged to stop and may go ahead only after receiving permission to do so from the vessel which has stopped it.

26. Civilian vessels may be arrested without distinction of flag in the following circumstances:

(a) When the captain does not present all the relevant documents relating to the vessel and cargo;

(b) When in the maritime zone (article 9, paragraph (c)), or at any point on the shore not mentioned in article 7, the vessel proceeds to load or unload cargo or to embark or disembark persons without the proper permission;

(c) When, within the boundaries of the maritime zone (article 9, paragraph (c)), the vessel engages in fishing or hunting or in any other maritime occupation in a prohibited area, or in a free area without proper documents or by unlawful means.

27. The pursuit of a vessel which has failed to comply with the demands of the frontier defence service within the maritime zone (article 9, paragraph (c)) may be continued beyond that zone into the open sea, but must in all circumstances be discontinued on the entry of the pursued vessel into the waters of a foreign State, and the pursuit of a vessel flying a foreign flag must be finally relinquished on the entry of the vessel into a foreign port.

28. If on a civilian vessel, under whatever flag it is sailing, persons are found who have boarded it with the purpose of travelling beyond the boundaries of the USSR without proper permission or have committed offences and are liable to arrest under the law of the USSR or a Union republic, only such persons and not the vessel shall be liable to arrest.

Persons discovered on board a vessel who are there for the purpose of being set ashore on the territory of the USSR without proper permission shall not be taken from the vessel but shall remain on board in the charge of the captain and shall not be allowed ashore.

Note. If in the circumstances mentioned in the first part of this article an unlawful act is committed in respect of a vessel flying the flag of the USSR, the vessel may be arrested.

29. If a vessel is subjected to search or arrest, a special report shall be drawn up and signed by the competent commanding officer of the frontier defence service and by the captain of the vessel subjected to search or arrest.

If the search discloses no violation of an act or regulation, it shall not be necessary to make a report unless the captain of the vessel subjected to search so requests.

The report shall be written in Russian and signed by both parties. If the captain of the vessel subjected to arrest or search requests a copy of the report at the time of signature, he shall forthwith be given a copy in Russian. If, however, the circumstances prevent his being given a copy of the report, forthwith, it shall be sent to the address indicated by him.

30. When a vessel is arrested, all the ship's papers and freight documents shall be taken from the captain and a general list of them shall be drawn up by him. The documents shall be sewn and tied together, sealed with the seals of the competent commanding officer of the frontier defence service and the captain of the vessel, and attached to the report.

31. If the captain of a stopped or arrested vessel considers the action of the frontier defence service to be irregular or does not agree with the contents of the report, he may make a reservation to that effect

in any language on the report itself or as a separate document to be attached thereto.

32. The frontier defence service shall ensure that no fires are lit on the shore which might be taken for guide lights or distinguishing signs.

33. In case of need vessels of the frontier defence service of the Unified State Political Department may navigate at night without regulation lights within the maritime zone (article 9, paragraph (c)).

34. In case of need the frontier defence service may request assistance from the nearest naval vessels of the USSR in accordance with regulations to be laid down by the Unified State Political Department in agreement with the People's Commissariat for Military and Naval Affairs.

IV. *Use of weapons*

35. The frontier defence service shall use weapons in the following circumstances:

- (a) To repel armed attacks and put down armed resistance;
- (b) To repel an attack or suppress resistance which, though not armed, is conducted by several persons, or by one person in such a way as to expose members of the frontier defence service to evident danger;
- (c) When persons under arrest attempt to escape and cannot be prevented from doing so by any other means;
- (d) When persons subject to arrest within the 22-kilometre zone or on a frontier river, lake or artificial water-way do not stop after the challenge "Stop!" has been uttered twice and a preliminary warning shot has been fired into the air, and there is no other means of arresting them;
- (e) When, after warning by one blank round and two shotted rounds (across bow and stern), a vessel fails to obey the command to stop or discontinue the loading or unloading of cargo or the embarkation or disembarkation of persons;
- (f) When flying or aeronautical machines fly over the frontier of the USSR at an unauthorized point or in violation of the regulations.

36. It is prohibited to fire so that a projectile may fall on the territory of an adjacent State.

37. Members of the frontier defence service using weapons unlawfully shall be liable to disciplinary or criminal proceedings according to the nature of the offence.

Note. The Russian law concerning the extension of the maritime customs area, of 10/23 December 1909 (*Papers relating to the Foreign Relations of the United States*, 1912, p. 1288), has provided similarly that:

"The surface of the water for twelve marine miles from extreme low-water mark from the seacoasts of the Russian Empire, whether mainland or islands, is recognized as the Marine Customs Area, within the limits of which every vessel, whether Russian or foreign, is subject to supervision by those Russian authorities in whose charge is the guarding of the frontiers of the Empire."

- (c) ACT No. 221, CONCERNING PROPERTY SUNKEN AT SEA, 17 APRIL 1928.
 "SOBRANIE ZAKONOV I RASPORYAZHENII", 1928, NO. 25, P. 501.
 TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Council of People's Commissars of the USSR resolves as follows:

1. The owner of property (a ship, portions of a ship, articles of ship's equipment, cargo, etc.) sunken within the boundaries of the coastal area mentioned in article 9, paragraph c, of the Order of 15 June 1927 regarding the defence of the national frontiers of the USSR (*Sobranie Zakonov Soiuz SSSR*, USSR Statutes Series, 1927 no. 62, p. 625), or in inland waters of the USSR, shall be entitled to salvage such property within a period of two years from the date on which it sank.

2. When the property is sunken in a harbour or fairway, or near the boundaries of a commercial port, and is obstructing navigation or harbour works, the authorities of the commercial port may fix a time-limit for the completion of the salvage work shorter than that mentioned in article 1 but sufficient in the circumstances, and may also fix a special time-limit for notification by the owner of his intention to salvage the property. If the owner of the sunken property is unknown, the port authorities shall insert in the *Izvestiye TsIK Soiuz SSSR i VTsIK* ("News of the Central Executive Committee of the USSR and the All-Russian Central Executive Committee") a single notice inviting the owner to notify his intention of salvaging the property and to carry out the work of salvage within time-limits specified by them.

If the flag but not the owner of a sunken foreign vessel is known, then in addition to the fixing of time-limits the matter shall be reported to the People's Commissariat for Foreign Affairs.

3. If the owner of the sunken property desires to exercise his right to salvage it and is not a State institution or undertaking of the USSR, he must obtain permission to carry out the work from the appropriate authority of the frontier defence service of the USSR; and if the owner of the property is a State institution or undertaking of the USSR or an allied Republic, it must inform such authority concerning the proposed operations.

If in the former case the authority of the frontier defence service of the USSR refuses to grant permission for the work to be carried out by the owner of the sunken property or by another person on his behalf, the owner may arrange for the salvage work to be done by the State salvage authorities of the USSR.

For the salvaging of property sunken within the boundaries of a naval base or a fortified area it shall be necessary, besides obtaining permission from and, where necessary, notifying the authorities of the frontier defence service of the USSR, also to obtain permission from the competent authorities of the People's Commissariat for Military and Naval Affairs.

4. If the owner of sunken property as referred to in article 2 fails to notify the port authorities of his intention of salvaging the property, or to salvage it, within the time-limit, the port authorities shall take steps to salvage the property or, where necessary, to destroy or remove it by other means,

5. The owner of the sunken property shall forfeit his rights therein:

(a) Where a special time-limit has been fixed for notification of intention to salvage the sunken property, from the moment when he waives his right to raise the property or, if he makes no express waiver, from the moment of the expiry of such time-limit;

(b) In all other cases, on the expiry of the time-limit for the raising of the sunken property.

Note: In cases falling under the provisions of the Statute of the Commission for the Establishment of a Special Fund for financing Non-Ferrous Metallurgy (*Komsvyetfond*), sunken vessels that have become Treasury property shall be disposed of by the Commission.

6. If it is necessary immediately to remove the sunken property because it directly endangers navigation, the port authorities may take the steps described in article 4 without setting the owner of the property the time-limits mentioned in article 2; but if the owner is known they shall inform him of the steps that have been taken, and if he is not known they shall insert a suitable notice in the *Izvestiye TsIK Soinza SSR i VTsIK* ("News of the Central Executive Committee of the USSR and the All-Russian Central Executive Committee").

7. Property salvaged by port authorities in accordance with article 6 or, if to keep it would be impossible or inadvisable, the proceeds of its sale shall be delivered to its owner if he presents himself not later than two years from the date on which the property sank. On the expiry of this time-limit the consequences mentioned in article 5 shall take place.

8. The authorities of the commercial port shall be reimbursed out of the value of the property for the expenses incurred by them in salvaging the property in accordance with articles 4 and 6.

9. If sunken property is salvaged accidentally, the salvager shall be obliged to surrender it to the port authorities concerned but shall be entitled to a reward equal to one-third of its value.

10. Except for article 9, the provisions of this Order shall apply to property sunken before this Order was issued.

Note: Owners of foreign vessels sunken during the ten years preceding the issue of this Order shall be entitled within a period of six months from the moment of its issue to notify their intention of salvaging the said vessels within one year of such notification, or their claims to sunken vessels salvaged before this Order was issued.

(d) ACT No. 431, CONCERNING THE USE OF RADIO EQUIPMENT ON FOREIGN VESSELS WITHIN THE TERRITORIAL WATERS OF THE UNION, 24 JULY 1928. "SOBRANIE ZAKONOV I RASPORYAZHENII", 1928, NO. 48, P. 900. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Council of People's Commissars of the USSR decrees:

I

1. Foreign military and non-military vessels in the marginal seas or inland waters of the USSR at a distance of ten miles from the shore may use their radio equipment only in accordance with the provisions of this Order.

2. Non-military vessels within the transmission area of radio stations on the shore may not exchange radio telegrams except in the cases mentioned in article 7 of this Order.

3. Foreign non-military vessels in ports more than ten miles in a direct line from the nearest shore radio station, and foreign non-military vessels in the Sea of Azov, may use their radio equipment only by special written permission of the master of the commercial port, specifying a time-limit or issued on each separate occasion on which the vessel visits the port or inland waters of the USSR.

If the nearest shore radio station belonging to the People's Commissariat for Military and Naval Affairs or to some other public authority is situated not more than ten miles in a direct line from a commercial port, foreign vessels as aforesaid may receive permission from the master of such commercial port to exchange radio messages only by agreement with the local representatives of the competent authorities.

4. The local naval authorities shall be entitled to restrict the exchange of radio messages by foreign military vessels within the ten-mile limit in respect of time, the areas in which conversations may be conducted, and wave-length.

5. The master of the nearest commercial port shall be responsible for securing compliance with the provisions of article 2 of this Order.

He shall close and seal the radio equipment of foreign non-military vessels for the whole duration of the stay of such vessels in the port or within the ten-mile limit mentioned in article 1 of this Order.

6. Foreign vessels anchored in quarantine and requiring to communicate by radio with the local shore radio station may in emergency use their chief transmitter at minimum power or their lowest-powered set at the days and hours notified to them by the said station.

7. The restrictions on the use of the ship's radio equipment laid down in articles 2 to 6 of this Order shall not apply:

- (a) To vessels in danger or transmitting messages to avert an accident;
- (b) To vessels assisting other vessels in distress; and
- (c) In convoying vessels through ice.

On entering ports with shore radio stations, foreign vessels may on especially important occasions conclude a radio conversation commenced with the port, but only if they transfer to minimum power or to their lowest-powered set.

8. Whenever ship's radio equipment is used in accordance with this Order, foreign military and non-military vessels shall comply with the applicable regulations for international radio communication adopted by the USSR and also with the regulations relating to internal radio communications within the USSR. On their arrival in ports of the USSR, foreign vessels shall be informed by the competent local military and naval authorities or by the port authorities of unpublished regulations relating to internal radio communication.

9. Radio messages transmitted by foreign military and non-military vessels must be in clear and must not contain any symbol or code, except conventional signals under the official international rules for radio communication and the international code of signals.

10. The commander or captain of a foreign vessel shall be the person empowered to negotiate with the authorities on all questions arising out of this Order.

11. The provisions of this Order shall have effect only if the USSR is not at war and only in respect of vessels flying the flag of a non-belligerent State.

12. Persons who violate the regulations set forth in this Order shall be liable under the criminal law of the Union Republic concerned.

13. Instructions for giving effect to this Order shall be issued by the People's Commissariat of Communications by agreement with the People's Commissariat for Military and Naval Affairs, the Unified State Political Department (OGPU), the People's Commissariat for Foreign Affairs and the People's Commissariat for Posts and Telegraphs.

II

14. The regulations relating to the use of wireless telegraphy by foreign vessels on the coasts or in inland waters of the RSFSR and the Soviet Union Republics, confirmed on 16 January 1923 by the Council of People's Commissars of the RSFSR (*Sobranie Uzakoneniye RSFSR*, 1923, no. 6, p. 93), are hereby repealed.

(e) DECREE OF THE CENTRAL EXECUTIVE COMMITTEE AND THE COUNCIL OF PEOPLE'S COMMISSARS, CONCERNING THE WATERS IN THE GULF OF FINLAND TO WHICH THE JURISDICTION OF THE USSR AND RSFSR AUTHORITIES EXTENDS, 3 AUGUST 1930. "SOBRANIE ZAKONOV I RAS-PORYAZHENII", 1930, NO. 44, C. 450, P. 822. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Central Executive Committee and the Council of People's Commissars hereby decree:

1. In the Gulf of Finland the jurisdiction of the authorities of the Union of Soviet Socialist Republics and the Russian Soviet Federative Socialist Republic extends to the waters which lie between the coast of the Union of Soviet Socialist Republics and a line drawn as follows:

From the point at which the land frontier between the Union of Soviet Socialist Republics and Finland emerges on the Gulf of Finland, following the parallel westwards until its intersection with a line running at a distance of $1\frac{1}{2}$ nautical miles from the coast of Finland;

Thence, along the said line to the meridian of the Stirsudensky light-house in latitude $60^{\circ} 08' 9''$ following a straight line connecting that point with a point situated south of the Island of Seiskari at latitude $59^{\circ} 58' 8''$ and longitude $28^{\circ} 24' 5''$;

Thence following a straight line to a point situated in latitude $59^{\circ} 58' 0''$ and longitude $27^{\circ} 55' 0''$;

Thence, in a straight line to the Bigrund tower to the point at which the line so drawn intersects a line running four nautical miles from the coast of the Union of Soviet Socialist Republics;

Thence, southwards along a line running four nautical miles from the coast of the Union of Soviet Socialist Republics up to its intersection with a line representing a continuation of the land frontier between the Union of Soviet Socialist Republics and Estonia.

2. In addition, the authorities of the Union of Soviet Socialist Republics and the Russian Soviet Federative Socialist Republic shall exercise customs control and combat smuggling in the parts of the Gulf of Finland which lie between the waters specified in article 1 and lines drawn as follows:

(a) From a point four miles from the coast of Finland and situated on a straight line connecting a point on the meridian of the Stirsudensky lighthouse in a latitude $60^{\circ} 08' 9''$ and a point in latitude $59^{\circ} 58' 8''$ and longitude $28^{\circ} 24' 5''$, in a straight line westwards to a point situated in latitude $60^{\circ} 07' 2''$ and longitude $28^{\circ} 51' 7''$;

Thence, northwards along a line running six nautical miles from the coast of Finland to a point situated in latitude $60^{\circ} 09' 7''$ and longitude $28^{\circ} 48' 7''$;

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

Thence, southwards following a line running three nautical miles from the coast of the Island of Seiskari to a point situated in latitude $60^{\circ} 00' 5''$ and longitude $28^{\circ} 31' 4''$;

(b) From a point situated in latitude $59^{\circ} 54' 6''$ and longitude $27^{\circ} 52' 2''$ westwards along a line running three nautical miles from the coast of the Island of Lavansaari to a point situated in latitude $59^{\circ} 54' 9''$ and longitude $27^{\circ} 48' 2''$;

Thence, southwards along a line running six nautical miles from the coast of the Union of Soviet Socialist Republics to a point situated in latitude $59^{\circ} 49' 0''$ and longitude $27^{\circ} 46' 8''$;

Thence, eastwards along parallel $59^{\circ} 40' 0''$ to a point situated four nautical miles from the coast of the Union of Soviet Socialist Republics.

Note to articles 1 and 2. The distances "from the coast" referred to in articles 1 and 2 shall be taken to mean, in places where there are skerries, the distances from the islands and rocks, furthest from the coast, which rise above the surface of the water.

The longitudes referred to in articles 1 and 2 shall be taken to mean longitudes from Greenwich.

(f) ORDER OF THE COUNCIL OF PEOPLE'S COMMISSARS, NO. 2157, FOR THE REGULATION OF FISHING AND THE CONSERVATION OF FISHERIES RESOURCES, 25 SEPTEMBER 1935. "SOBRANIE ZAKONOV I RASPORYAZHENII SSSR", 1935, NO. 50, C. 420, P. 741. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

For the purpose of regulating and improving the management of fisheries and of conserving and increasing their resources, the Council of People's Commissars of the USSR orders as follows:

1. All waters used for the catching of fish, water mammals, crustaceans and other water animals and products shall be regarded as fishing waters.

2. Fishing waters are divided into: (1) riverine and lacustrine, and (2) marine.

Riverine and lacustrine fishing waters embrace all rivers, lakes and ponds, including their frontier waters.

Marine fishing waters embrace all inland maritime waters of the USSR and a maritime coastal zone twelve sea miles in breadth.

Note. In the Gulf of Finland the fishing waters shall cover the maritime zone described in article 1 of the Order of the Central Executive Committee and the Council of People's Commissars of the USSR of 3 August 1930 on the water area of the Gulf of Finland under USSR and RSFSR authorities (*Sobranie Zakonov SSSR*, 1930, no. 44, c. 450).

3. Riverine, lacustrine and marine fishing waters are divided into industrial and non-industrial fisheries. The latter consist of fisheries generally used only by the local population to supply their own needs.

4. Industrial fisheries are subdivided into Union, republican and local fisheries.

A list of Union fisheries and a list of other fisheries to which Union fisheries' regulations apply are appended hereto (see schedules 1 and 2).

Lists of republican fisheries shall be drawn up by councils of people's commissars of Union republics.

Lists of local industrial fisheries shall be drawn up by people's commissariats for local industry of Union republics.

5. The People's Commissariat for the Food Industry (Central Department for the Protection and Regulation of Fishing, Pisciculture and Fisheries Improvement—*Glavrybvod*) shall manage Union fisheries, regulate fishing therein, supervise them and apply measures to maintain and protect their resources.

The People's Commissariat for the Food Industry, through the *Glavrybvod*, shall also regulate and supervise fishing in the fisheries enumerated in schedule 2, and apply measures to maintain and protect the resources thereof. Such fisheries shall be managed by the people's commissariats for local industry of the Union republics (fisheries departments).

The people's commissariats for local industry of the Union republics (fisheries departments) shall manage other fisheries, regulate fishing therein, supervise them and apply measures to maintain and protect their resources.

6. Fisheries authorities shall divide commercial fisheries into separate fishing lots and give to each lot a name and number.

7. To meet the requirements of fishing industries an area of land shall be allocated sufficient to accommodate fisheries' equipment and buildings, which shall be of a nature and type befitting the requirements of the industry in each lot and the length of time during which the lot is to be used. On lots situated within the boundaries of a town such equipment and buildings may be erected only by agreement with the town Soviet.

The procedure for allocating areas of land shall be determined by the law of the Union republic concerned.

8. [Fishing lots in Union fresh water fisheries].

9. Fishing lots in salt water fisheries shall be leased to the State fishery trusts, collective fishery undertakings, co-operatives and others for periods of from one to five years. State fishery trusts and collective fishery undertakings may take part in the auction of fishing-lot leases even though they hold other fishing lots leased to them without auction.

10. Fishing and other aquatic industries employing special fishing vessels shall be carried on in salt water fisheries and in Union lakes (cf. schedule 1) by licence of authorities of the *Glavrybvod* and in accordance with the fisheries regulations laid down by that body.

11. Fishing and other aquatic industries may be carried on in the open sea from vessels flying the flag of the USSR and licensed by authorities of the *Glavrybvod* to carry on a particular industry, subject to observance of the regulations relating to the protection of fish, sea animals and other sea products laid down by the *Glavrybvod* and in international treaties concluded by the USSR.

12. Foreign nationals and foreign legal persons may not carry on fishing or any other aquatic industry in any USSR fishery, except as provided for by an international treaty concluded by the USSR or under a concession granted by the Government of the USSR.

Note. The procedure to be followed in allocating and utilizing areas of land attached to fishing lots in the cases provided for by this article shall be laid down by the Council of People's Commissars of the USSR.

13. Fishing to supply personal requirements shall be allowed to all workers in all fisheries except in prohibited areas, fish nurseries and fishpond farms in accordance with the regulations laid down by the fisheries authorities.

14. Fishing and other aquatic industries and fishing to supply personal requirements in frontier waters of the USSR must be carried on in accordance with the law and with the regulations made by the frontier defence authorities of the People's Commissariat of Internal Affairs relating to the frontier régime and the prevention of piracy by foreign vessels.

15. Separate fishing regulations shall be issued for each fishing area and shall specify:

- (a) Areas permanently or temporarily closed to fishing;
- (b) Close seasons for fishing;
- (c) Size of mesh in fishing equipment and restrictions on the use of particular fishing equipment or instruments;
- (d) The minimum size of fish and sea animals which may be caught;
- (e) The maximum quantities of each kind of fish, sea animal and other marine product that may be caught.

16. It is forbidden:

- (a) To use for fishing any explosive, toxic or narcotic substance;
- (b) To cover more than two-thirds of the width of a river or channel with fixed or floating fishing equipment, or to infringe the regulations for navigation and floatage or for the use of various types of hydraulic construction;
- (c) To embank for agricultural purposes plots of land which are spawning grounds, or to restore embankments on plots formerly embanked, without the consent of the fisheries authorities;
- (d) To erect obstructions or obstacles on channels connecting estuaries, marshes, lakes and residual floodwaters with main fisheries and with each other, or to drain water from them (except for sanitary water-works carried out by land authorities under a plan by agreement with fisheries authorities);
- (e) In floating timber, to litter rivers used for spawning or paths leading to them.

17. In respect of Union fisheries and the fisheries mentioned in schedule 2, the People's Commissariat for the Food Industry through the *Glavrybvod*, and in respect of other fisheries, the fisheries departments of the people's commissariats for local industry shall:

(a) By agreement with land authorities, issue and enforce regulations governing the use of fisheries for agricultural purposes;

(b) Draw up and carry out plans for improvements and piscicultural works to maintain and extend fisheries resources;

(c) Approve and supervise the execution of improvement plans and of plans for works to protect fry and increase stocks of fish carried out by fisheries organizations to which fishing lots have been allocated (and in particular leased) for use.

18. Fisheries authorities shall mark on the spot by means of conspicuous signs (e.g., beacons, posts, boundary marks or buoys) the boundaries of areas closed to fishing and of spawning grounds in rivers, and shall maintain such signs at all times in good condition.

On all navigable fisheries the procedure for setting up distinguishing signs and the form thereof shall be determined by agreement with the local authorities of the People's Commissariat for Water Transport.

19. Fishing vessels may not stop within prohibited fishing areas except at permanent settlements and in acute emergency (e.g. storm, fog or damage).

20. Organizations and persons granted the use (particularly under lease) of fishing lots shall:

(a) Take steps to keep fishing grounds, delta waters, channels and springs clean and prevent their pollution;

(b) Admit breeding fish into spawning grounds;

(c) Under contract, supply hatcheries with breeding fish and share in the expense of fish breeding;

(d) Carry out the most simple breeding operations and improvements under the instructions and control of the fisheries authorities, or share in the expense of such work under contract;

(e) Take steps to rescue fry of commercially valuable fish from lakes and marshes shut off from rivers, under the instructions and control of the fisheries authorities;

(f) At the end of the fishing season, clear fishing lots of all gear fouling the bottom or littering the water;

(g) Not carry out on fishing lots without special permission from the fisheries authorities work altering the natural conditions therein.

21. A fishing log shall be kept for each fishing lot and vessel in respect of which a fishing licence has been issued and presented on request to the authority supervising commercial fishing.

22. In planning hydraulic power and irrigation works and in constructing plants which would discharge effluents harmful to fish, planning and constructing organizations shall provide in their plans and estimates for special measures to protect fish reserves (and in particular to allow the passage of fish), and for the use of newly-formed reservoirs by the fishing industry, and shall agree to such measures with the People's Commissariat for the Food Industry or with people's commissariats for local industry of Union republics, as the case may be (article 5).

23. To enforce the regulations for fishing and conserve fisheries and other aquatic resources, a fisheries control service shall be organized.

. . .

24. If fishing or any other aquatic industry is carried on in Union or republican fisheries, or in the local fisheries described in schedule 2,

by any person whatsoever without the proper permission or during the close season or in prohibited areas or with prohibited implements, means or methods, the fisheries control authorities shall arrest the offenders and seize the unlawfully taken catch and the fishing implements, and shall refer the case to the court for the trial of the offenders. The seized catch shall be sold at the established prices to fish-products factories (or, where there is no fish-products factory, to trade organizations), and the fishing implements shall be held until the sentence of the court is pronounced.

In the event of commission of an offence described in this article (whatever the nature of the fishery) or of systematic breach of contract or of failure to use a fishing lot by the organization or person to whom its use has been granted (or in particular leased), the contract may be rescinded by process of law, and its effect may be suspended by the fisheries authorities pending the judgment of the court. In the event of the commission of an offence described in this article, the licence to carry on commercial fishing from vessels may be withdrawn by the fisheries authorities.

25. In the event of violation of fisheries regulations other than those mentioned in the first part of article 24, head officers and senior inspectors of the fisheries control service may impose on the offenders a fine not exceeding 300 roubles, and area inspectors a fine not exceeding 100 roubles and may seize the unlawful catch and sell it to fish-products factories (or, where there is no fish-products factory, to trade organizations) at the established prices.

Note. Payment of a fine shall not exempt from payment of any penalty due for breach of contract.

26. Amendments to the legislation of the USSR consequential on the present Order shall be presented by the People's Commissariat for the Food Industry within twenty days for approval by the Council of People's Commissars of the USSR.

Schedule 1. List of Union fisheries

<i>Name</i>	<i>Extent and boundaries</i>
1. Caspian Sea	Within the frontiers of the USSR
2. River Volga	
3. River Ural	
4. River Terek	
5. River Samur	
6. River Sulak	
7. River Kura	
8. Sea of Azov	The whole area, together with all bays, river mouths and estuaries.
9. River Kuban	
10. Black Sea	The waters described in article 2 of the Order on the regulation of fishing and the conservation of fishery resources.
11. River Don	
12. River Dnieper	
13. Southern Bug River	

<i>Name</i>	<i>Extent and boundaries</i>
14. Gulf of Finland	The waters mentioned in article 1 of the Order of the Central Executive Committee and the Council of People's Commissars of the USSR of 3 August 1930 on the water area of the Gulf of Finland under USSR and RSFSR authorities (<i>Sobraniye Zakonov SSSR</i> , 1930, no. 44, c. 450).
15. Lakes Ladoga, Chudskoye, Tioploye and Pskovskoye	
16. Arctic Ocean	The waters described in article 2 of the present Order.
17. River Tuloma	
18. White Sea	The whole area to the south of a line joining Cape Svyatoy Nos and Cape Kanin.
19. Rivers Ponoy, Varzuga and Uмба	
20. River Onega	
21. River Pechora	
22. Gulf of Ob	The whole area.
23. River Ob	
24. Bering Sea, Sea of Okhotsk and Sea of Japan, Tatarskie Straits and other waters of the Pacific Ocean	The waters described in article 2 of the Order on the regulation of fishing and the conservation of fisheries resources, together with the rivers flowing into those fisheries within the territory of the USSR and providing spawning grounds for fish of the salmon type.
25. Amur Estuary	Within the following boundaries: to the north, a line joining Cape Petrovski and Cape Vitovtov; and to the south, a line joining Cape Lazarev and Cape Pogibi.
26. River Amur	
27. Lake Khanka	
28. Lakes: Kizi, Kadi, Udy, Aki, Orel, Chlya, Tyoploye and Bolon	
29. Sea of Aral	The whole area.
30. River Syr-Darya	
31. River Amu-Darya	
32. Lake Balkhash	The whole area.

Schedule 2. List of local fisheries.

[35 rivers and lakes.]

Note. Less detailed provisions were contained in the Russian rules for sea fishing industries in the Maritime Governor-Generalship, annexed to Law No. 1066 of 29 May/11 June 1911 (*Papers relating to the Foreign Relations of the United States, 1912*, p. 1303), which read as follows:

"1. Where the extent of the seashore radius is not defined by special international enactment or treaties, the present rules cover the coastal sea to a distance of three geographical miles (= 12.02 marine miles = 20.87 versts), counting from the line of the lowest ebb-tide, or from the extremity of the coastal standing ice.

"The present rules do not cover the Amur estuary from a line connecting Cape Lazareff on the mainland to Cape Pogobi on the island of Saghalin, to a line connecting Cape Perovski on the mainland with the northern tributaries to the Baikal Gulf on the island of Saghalin.

"2. The carrying on of sea-fishing industries is permitted (that is, the catching of fish and their preparation) on sites defined for this purpose, which constitutes special governmental quit-rent locations, and also from trading-vessels.

"The trading sites, consisting of a defined area, shall be leased either: (1) for the catching and preparation of fish, with the right of fishing in the waters adjacent to the shore over a surface of the width of one marine mile; or (2) only for the preparation of fish, without the right of fishing.

"Outside the limits of one marine mile from the shore the fishing shall be carried on from vessels with an arrangement of special permits.

"The Chief Manager of Land Works and Agriculture, in agreement with the Maritime Governor-General, has the right to declare, for a definite time, separate rayons of the coastal waters as closed altogether to fishing, or to separate phases of fishing (catching fish or their preparation), and also to establish periods when fishing is not allowed."

35. Uruguay

- (a) PRESIDENTIAL DECREE ESTABLISHING RULES OF NEUTRALITY TO BE OBSERVED IN THE PORTS, ROADSTADS AND TERRITORIAL WATERS OF URUGUAY, 7 AUGUST 1914. "REGISTRO NACIONAL DE LEYES", 1914, P. 393. TRANSLATION FROM U.S. NAVAL WAR COLLEGE, "INTERNATIONAL LAW TOPICS", 1916, P. 106

Article 1. In case of war between two or more countries, the Republic remaining neutral, the following rules will be applied with respect to the ports, roadsteads, and territorial waters of the same.

Article 2. In accordance with the principle established by the treaty of Montevideo in 1889 (Penal Law, article 12), and with the principles generally accepted in these matters, the waters will be considered as territorial waters to a distance of five miles from the coast of the mainland and islands, from the visible outlying shoals, and the fixed marks which determine the limit of the banks not visible. With regard to bays, the distance of five miles will be measured along a straight line run across the bay at the point nearest its entrance. In addition to the bays or roadsteads established as such by law and custom, those places on the coast will be considered as such which possess their characteristic form and also have an opening of not more than ten miles. For the other boundary waters the rule will be according to each case, the middle line, the *thalweg* (channel) or the common jurisdiction as determined by the various treaties and situations.

36. Venezuela

- (a) PRESIDENTIAL DECREE CONCERNING THE EXTENT OF TERRITORIAL WATERS FOR NEUTRALITY PURPOSES, 15 SEPTEMBER 1939. "GACETA OFICIAL", VOL. 67, NO. 19,981, P. 124,325. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Eleazar Lopez Contreras, President of the United States of Venezuela, in view of the state of neutrality of Venezuela, declared in the Executive Decree of 4 September 1939,

Decrees :

Article 1. For the purposes of the international conventions relating to the rights and duties of neutral States, and of the Laws, Decrees, and Resolutions concerning the neutrality of Venezuela, the phrase "territorial waters of the Republic" is understood as referring to those waters which extend from low-water mark, for a distance of five kilometres and 556 metres (three nautical miles) toward the sea, along the coasts of the continental and insular territory of Venezuela.

Article 2. In the case of bays, gulfs, and inlets subject to the exclusive jurisdiction of the Republic, "territorial waters" are those of the maritime region which extends for five kilometres and 556 metres (three nautical miles) toward the sea, as measured from a straight line drawn across the opening.

Article 3. In the waters adjacent to the territorial sea, the necessary measures with respect to security and customs and sanitation police may be taken within a region extending for sixteen kilometres and 668 metres (nine nautical miles), reckoned from the outer boundary of the territorial sea.

Article 4. The provisions of the present Decree shall not affect the situations created either by international conventions or in accordance with the principles of international law.

(b) NAVIGATION LAW, 9 AUGUST 1944. "GACETA OFICIAL", VOL. 72, NO. 21,479 (9 AUGUST 1944), P. 144,022. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. As territorial waters shall be considered the waters of the sea extending to a distance of five kilometres and 556 metres (three nautical miles), measured from the low-water mark toward the sea, along the continental and insular coasts of the Republic.

Section 1. For the purposes of maritime vigilance, to guard the security of the nation and to protect its interests, the distance of five kilometres and 556 metres may be extended over the contiguous waters up to sixteen kilometres and 668 metres (nine nautical miles) measured from the exterior limit of the territorial sea.

Section 2. As the limit between the territorial waters and the internal waters of the bays, gulfs, lakes and rivers shall be considered the straight line which unites, at the level of the lowest tide, the corresponding points on both sides of the entrance.

37. Yugoslavia

(a) CUSTOMS ACT, 12 OCTOBER 1948. "SLUŽBENI LIST", VOL. 4, NO. 90 (20 OCTOBER 1948), C. 773, P. 1405. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. The customs area is bounded by the customs border which is the State frontier on land, on sea and on the frontier lakes.

Article 3. The frontier customs zone on land is the customs area adjacent to the customs border; the width of this zone and the measures

for the exercise of customs supervision shall be determined by the Minister of Foreign Trade.

The frontier customs zone at sea and on frontier lakes and rivers, aerodromes and air routes shall be fixed by the Minister of Foreign Trade as being located at the boundaries of the territorial waters or frontiers of the Federal People's Republic of Yugoslavia.

Article 11. Navigation in Yugoslav coastal waters, on the Yugoslav sector of the Danube, on the Naretva from Metkovic to where it enters the sea and on the Yugoslav sectors of frontier lakes shall be subject to customs supervision.

Vessels plying in Yugoslav coastal waters, on the Yugoslav sectors of frontier lakes and international navigable rivers and aircraft engaged in international traffic, with or without cargo, must carry a manifest. The conditions under which Yugoslav vessels may be exempted from this requirement shall be determined by the Minister of Foreign Trade in agreement with the Minister of Marine.

The master of the vessel or captain of the aircraft shall be responsible for the accuracy of the manifest.

Deviations not exceeding 8 per cent in the weight of goods as shown on the manifest shall be allowed, depending on the nature and quality of the goods.

Article 12. Yugoslav naval vessels and foreign warships which have permission to sojourn shall not be subject to customs supervision.

If such vessels transport goods or passengers, the goods and passengers and any communication between such vessels and the shore shall be subject to customs supervision on shore.

- (b) ACT CONCERNING THE COASTAL WATERS OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA, 1 DECEMBER 1948. "SLUŽBENI LIST", VOL. 4, NO. 106 (8 DECEMBER 1948), C. 876, P. 1739. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

I. General Provisions

Article 1. With a view to ensuring undisturbed maritime and commercial relations with foreign countries and for the exercise of the sovereign rights of the Federal People's Republic of Yugoslavia the present Act lays down regulations concerning the coastal waters of the Federal People's Republic of Yugoslavia.

Article 2. The coastal waters of the Federal People's Republic of Yugoslavia shall comprise the inland waters and the territorial sea.

Article 3. The inland waters of the Federal People's Republic of Yugoslavia shall include:

- (1) The Bay of Budva from a line drawn joining Cape Skoci Devojka—Cape Piatamon;
- (2) The Bay of Traste, from a line drawn joining Cape Zukovace—Cape Vesla;
- (3) Boka Kotorska, from a line drawn joining Cape Vesla—Cape Ostri;

(4) The sea waters in the area between the mainland and the following lines: Cape Zarubac—southern shore of the island of Mirkan—southern shore of the island of Kolocep—Cape Kuk (southwest cape of the island of Lopud)—Cape Gruj (eastern cape of the island of Mljet)—southern shore of the island of Mljet—the lighthouse on the island of Glavat—southern shore of the Lastovski cliffs, the island of Lastovo and the island of Kopiste—Cape Velo Dance (southwest cape of the island of Korcula)—Cape Proizd (northwest cape of the island of Korcula)—the island of Lukavec—the southern shore of the Paklen islands—the island of Vodnjak (western island of the Paklen islands)—Cape Pelegrin—southern cape of the Sanj ridge on the island of Solta—the island of Stipanska—Cape Rat (western cape of the island of Drvenik Mali)—Cape Ploca—the island of Mulo—the island of Mazirin—southern shore of the island of Zirje—southwestern shore of the Kornat islands—the islands of Sestrice Tejerske—southwestern shore of Dugi island—Veli Rat—southwestern shore of the island of Skarda and Premuda—Tovarnjak—Cape Krivica on the island Losinj—the island of Srakana Mala—Cape Vnetak (the island Unije)—the islet of Galiola—Cape Kamenjak;

(5) The Bay of Pulj from Cape Kompare—Cape Peneda to the island of Brioni Veliki—the western shore of the Brioni islet to Cape Barbariga;

(6) All other bays and estuaries the width of which, measured from the shortest point of junction to the opposite shore in the direction of the mainland shore does not exceed twelve nautical miles;

(7) Ports and anchorages not included under paragraphs 1-6 of this article.

Article 4. All the decrees of the Federal People's Republic of Yugoslavia shall be valid and applicable in the zone of the inland waters.

Article 5. The territorial waters of the Federal People's Republic of Yugoslavia shall comprise the strip of sea extending six miles towards the open sea, measured from the boundary of the inland waters or from the lowest ebb-tide shore line of the mainland or of an island situated outside the inland waters of the Federal People's Republic of Yugoslavia.

Article 6. Vessels under foreign flags may travel through the territorial waters of the Federal People's Republic of Yugoslavia on peaceful passage.

The passage of a foreign vessel is not peaceful if it uses the territorial waters of the Federal People's Republic of Yugoslavia for engaging in any actions which threaten the safety and public order of the Federal People's Republic of Yugoslavia or its material or public health interests or the safety of navigation in such maritime zone.

The stopping and anchoring of vessels for navigational or nautical causes consequent upon an accident at sea or *force majeure* shall, for such time as the cause exists, also be regarded as passage through the territorial waters of the Federal People's Republic of Yugoslavia. The termination of such cause shall be confirmed by the competent authority of the Federal People's Republic of Yugoslavia.

Article 7. Special zones may be designated within the boundaries of the territorial waters of the Federal People's Republic of Yugoslavia as military areas.

The boundaries of such zones and the conditions for navigation therein shall be laid down by the Government of the Federal People's Republic

of Yugoslavia by decree published in the *Oglas za pomorce* (Seamen's Gazette).

Article 8. In order to safeguard the customs interests and the coastal security of the Federal People's Republic of Yugoslavia, the competent authorities of the Federal People's Republic of Yugoslavia may, in cases where suspicion is justifiable, inspect ship's papers and, if necessary, search vessels under foreign flags even in a maritime zone four nautical miles wide reckoning from the outer edge of the territorial waters of the Federal People's Republic of Yugoslavia in the direction of the open sea.

The competent authorities of the Federal People's Republic of Yugoslavia may exercise control and take such restrictive measures as are deemed necessary for the protection of the riches of the sea in such area.

Further regulations for the exercise of such supervision shall be issued by decree of the Government of the Federal People's Republic of Yugoslavia.

II. *Special Provisions*

Article 9. The Federal People's Republic of Yugoslavia shall regulate coastwise shipping and the exploitation of marine and subsoil resources in its coastal waters.

Ships under foreign flags may undertake the salvage of sunken vessels, their appurtenances or cargo in the coastal waters of the Federal People's Republic of Yugoslavia only by special authorization of the competent authority of the Federal People's Republic of Yugoslavia.

Article 10. The use of radio-telegraph and radio-telephone transmitters in the coastal waters of the Federal People's Republic of Yugoslavia shall be regulated by decree of the Government of the Federal People's Republic of Yugoslavia.

Article 11. Foreign civil aircraft may fly over the coastal waters of the Federal People's Republic of Yugoslavia, always provided that they observe the regulations of the Federal People's Republic of Yugoslavia governing flights over its territory.

Article 12. Vessels under foreign flags shall be liable for breaches of the provisions of this Act and the regulations issued on the basis thereof, in accordance with the generally recognized rules and usage of international law and the statutes of the Federal People's Republic of Yugoslavia.

The pursuit of a vessel under a foreign flag for contravention of this Act or of other statutes of the Federal People's Republic of Yugoslavia, if begun in the coastal waters of the Federal People's Republic of Yugoslavia, shall be continued beyond the boundaries of Yugoslav coastal waters provided that such pursuit is uninterrupted. The pursuit shall cease if the vessel pursued enters the coastal waters of another country.

If such a vessel is captured, the Government of the Federal People's Republic of Yugoslavia shall notify, through the diplomatic channel, the government under whose flag the captured vessel is plying.

III. *Final Provisions*

Article 13. The provisions of this Act shall not apply to naval vessels flying foreign flags nor to other vessels flying foreign flags assimilated to naval vessels. The entrance, movements and stay of foreign naval vessels

in the coastal waters of the Federal People's Republic of Yugoslavia shall be regulated by a special decree of the Government of the Federal People's Republic of Yugoslavia.

The provisions of this Act shall not apply to a military conflict in which the Federal People's Republic of Yugoslavia is a belligerent.

The Government of the Federal People's Republic of Yugoslavia shall be empowered to enact regulations concerning coastal waters in the event of a military conflict in which the Federal People's Republic of Yugoslavia is neutral.

Article 14. Further regulations for the execution of this Act shall be issued by the Government of the Federal People's Republic of Yugoslavia.

Note. New fishing regulations, which deal also with fishing in Yugoslav territorial waters, were enacted on 23 January 1950. *Službeni List*, vol. 6, no. 12 (18 February 1950), c. 114, p. 285.

- (c) REGULATIONS FOR THE EXECUTION OF THE CUSTOMS ACT, 2 FEBRUARY 1949. "SLUŽBENI LIST", VOL. 5, NO. 12 (9 FEBRUARY 1949), C. 100, P. 157. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 4. The frontier customs zone on land is the area of Yugoslav territory which extends for fifteen miles inland from the customs border.

The frontier customs zone on frontier rivers and lakes is constituted by the sections of such rivers and lakes belonging to the Federal People's Republic of Yugoslavia.

The frontier customs zone at customs airports is the area at an airport required for the performance of customs services.

The frontier customs zone on customs air routes is the area extending from the customs border to the customs airport between the points fixed in agreements on air traffic.

The inland waters of the Federal People's Republic of Yugoslavia are defined in article 3 of the Act concerning Coastal Waters, and all the decrees of the Federal People's Republic of Yugoslavia shall apply in them.

The frontier customs zone at sea is the sea area extending for six nautical miles in the direction of the open sea measured from the boundary of the inland waters or from the lowest ebb-tide shore line of the mainland or of an island situated outside the inner seas of the Federal People's Republic of Yugoslavia.

The inland waters and the frontier customs zone at sea form the coastal waters of the Federal People's Republic of Yugoslavia.

. . .

Article 8. Provided they are open to international traffic, international water routes by sea, on frontier rivers and frontier lakes as well as ports and harbours, are customs waterways.

. . .

Article 19. Vessels plying in the waters of the Federal People's Republic of Yugoslavia and in the frontier customs zone on frontier rivers and lakes, with the exception of vessels in specially authorized service (article 77 of these regulations) are subject to customs inspection.

Customs inspection comprises: moving, stopping, inspection, search and all loading, unloading and transshipping of goods and passengers.

Article 20. Vessels plying in the coastal waters of the Federal People's Republic of Yugoslavia and in the frontier customs zone on frontier lakes and rivers, with the exception of those in specially authorized service (article 77 of these regulations), must be provided with a manifest in addition to the other ship's papers. A foreign manifest will be accepted in the case of ships arriving from abroad.

Particulars of the cargo are entered in the manifest on the basis of customs documents or freight lists.

. . .

Article 22. The inspection of a vessel consists in checking the cargo with the ship's manifest. Such inspection is carried out under the terms of these regulations by customs control officials. For this purpose they may also engage experts and, where necessary, if the vessel is under way, may direct it to the nearest port (harbour) for inspection.

If there are well-founded suspicions, a vessel may be searched in order to discover concealed merchandise. If such merchandise is found the vessel may, if necessary, be escorted to the nearest customhouse.

The master of the vessel will, upon his request, be given a certificate concerning the results of the inspection or search.

Note. Provisions with respect to customs zones were previously contained in article 213 of the Customs Ordinance of 23 January 1899, as amended by article 229 of the Finance Law of 31 March 1924 and article 115 of the Finance Law of 28 March 1928 (*Službeni Novine*, 1 April 1924 and 29 March 1928; *Deutsches Handels-Archiv*, 1924, p. 1233, and 1928, p. 2118). This article read as follows: "A 10-kilometre wide strip of territory along the whole frontier of the State forms the customs zone. Where the frontier is formed by the seacoast, the customs zone shall extend into the sea for a distance of 11 kilometres and 100 metres. In straits, in which only one coast belongs to Yugoslavia, the frontier zone shall in no case extend beyond the middle of the strait."

CHAPTER 2. INTERNATIONAL TREATIES AND SUPPLEMENTARY LEGISLATION

SECTION A. MULTIPARTITE TREATIES

1. Contraband traffic in alcoholic liquors

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signed at Helsingfors, 19 August 1925. Entered into force on 23 December 1925.

"League of Nations Treaty Series", vol. 42, p. 85; Hudson, "International Legislation", vol. 3, p. 1679. Translation by the Secretariat of the League of Nations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The other delegates have taken note of this declaration.

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

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

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

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

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

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

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

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

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

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

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

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

To the north:

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

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

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

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

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

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

To the south:

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

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

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

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

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

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

Note. All longitudes are reckoned from Greenwich.

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

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

(e) DENMARK

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

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

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

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

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

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

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

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

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

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

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

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

2. Declaration of Panama

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

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

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

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

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

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

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

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

For these reasons the Governments of the American Republics

Resolve and hereby declare:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. International Penal Law

(a) TREATY ON INTERNATIONAL PENAL LAW

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

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

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

SECTION B. BIPARTITE TREATIES

1. China — Mexico

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

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

2. Czechoslovakia — Finland

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

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

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

. . .

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Denmark — Sweden

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

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

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

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

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

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

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

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

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

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

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

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

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

. . .

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

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

(b) DENMARK

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

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

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

(c) SWEDEN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Dominican Republic — Mexico

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

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

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

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

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

5. Ecuador — Mexico

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

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

6. Egypt — Germany

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

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

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

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

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

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

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

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

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

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

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

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

7. Egypt — United Kingdom

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

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

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

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

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

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

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

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

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

8. El Salvador — Mexico

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

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

9. Finland — Hungary

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

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

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

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

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

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

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

10. Finland — Sweden

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

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

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

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

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

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

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

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

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

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

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

(*b*) SWEDEN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Finland — Union of Soviet Socialist Republics

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The contracting States may summon special conferences when required.

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

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

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

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

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

(b) CUSTOMS SUPERVISION IN THE GULF OF FINLAND

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

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

. . .

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

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

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

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

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

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

Thence, along the boundary of the continuous territorial waters of Finland to a point situated in latitude 60° 03' 5" north and longitude 27° 10' 9" east;

Thence, in a straight line, to a point situated in latitude 60° 04' 1" north and longitude 27° 14' 7" east;

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

Thence, in a straight line, to a point situated in latitude 60° 08' 3" north and longitude 27° 39' 3" east;

Thence, along the boundary of Finnish continuous territorial waters to their intersection by the parallel of latitude 60° 09' 9" north;

Thence, in a straight line, to a point situated in latitude 60° 10' 8" north and longitude 27° 53' 8" east;

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

Thence, along the boundary of the southwestern, southern and eastern section of Finnish territorial waters at the Island of Narvi, to the point where this boundary intersects the meridian of longitude 28° 00' 8" east;

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

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

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

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

From a point situated in latitude 59° 55' 3" north and longitude 26° 42' 0" east to a point situated in latitude 59° 47' 0" north and longitude 26° 49' 5" east;

From a point situated in latitude 59° 44' 2" north and longitude 27° 00' 0" east to a point situated in latitude 59° 47' 3" north and longitude 27° 15' 0" east.

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

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

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

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

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

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

Note: All longitudes are reckoned from Greenwich.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. Finland — United Kingdom

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. France — Mexico

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

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

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

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

14. Germany — Mexico

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

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

15. Iran — Union of Soviet Socialist Republics

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

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

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

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

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

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

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

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

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

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

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

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

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

16. Mexico — Netherlands

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

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

17. Mexico — Norway and Sweden

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

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

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

18. Mexico — United Kingdom

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

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

19. Sweden — United States of America

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

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

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

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

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

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

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

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

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

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

20. Union of Soviet Socialist Republics — United Kingdom

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

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

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

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

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

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

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

21. United Kingdom — United States of America

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

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

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

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

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

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

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

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

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

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

**PART III. SUPERVISION OF FOREIGN VESSELS
ON THE HIGH SEAS**

CHAPTER I. FISHERY TREATIES AND SUPPLEMENTARY LEGISLATION

1. North Sea fisheries

(a) CONVENTION FOR REGULATING THE POLICE OF THE NORTH SEA FISHERIES

Signed at The Hague, 6 May 1882. Entered into force 14 May 1884. Ratified by Belgium, Denmark, France, Germany, Netherlands and the United Kingdom. "British and Foreign State Papers", vol. 73, p. 39; Martens, "Nouveau Recueil général des Traités", 2nd series, vol. 9, p. 556. Translation from First Schedule to 46 & 47 Vict., c. 22; Great Britain, "The Statutes" (2nd edition, 1900), vol. 15, p. 728.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the Emperor of Germany, King of Prussia; His Majesty the King of the Belgians; His Majesty the King of Denmark; the President of the French Republic; and His Majesty the King of the Netherlands, having recognized the necessity of regulating the police of the fisheries in the North Sea, outside territorial waters, have resolved to conclude for this purpose a Convention, and have named their Plenipotentiaries ...

Who, after having communicated the one to the other their full powers, found in good and due form, have agreed upon the following articles:

Article I. The provisions of the present Convention, the object of which is to regulate the police of the fisheries in the North Sea outside territorial waters, shall apply to the subjects of the high contracting parties.

Article II. The fishermen of each country shall enjoy the exclusive right of fishery within the distance of three miles from low water mark along the whole extent of the coasts of their respective countries, as well as of the dependent islands and banks.

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

The present article shall not in any way prejudice the freedom of navigation and anchorage in territorial waters accorded to fishing boats, provided they conform to the special police regulations enacted by the Powers to whom the shore belongs.

Article III. The miles mentioned in the preceding article are geographical miles, whereof sixty make a degree of latitude.

Article IV. For the purpose of applying the provisions of the present Convention, the limits of the North Sea shall be fixed as follows:

1. On the north by the parallel of the 61st degree of latitude;
2. On the east and south:
 - (1) By the coasts of Norway between the parallel of the 61st degree of latitude and Lindesnaes Lighthouse (Norway);

- (2) By a straight line drawn from Lindesnaes Lighthouse (Norway) to Hanstholm Lighthouse (Denmark);
- (3) By the coasts of Denmark, Germany, the Netherlands, Belgium, and France, as far as Gris Nez Lighthouse;
3. On the west:
 - (1) By a straight line drawn from Gris Nez Lighthouse (France) to the easternmost lighthouse at South Foreland (England);
 - (2) By the eastern coasts of England and Scotland;
 - (3) By a straight line joining Duncansby Head (Scotland) and the southern point of South Ronaldsha (Orkney Islands);
 - (4) By the eastern coasts of the Orkney Islands;
 - (5) By a straight line joining North Ronaldsha Lighthouse (Orkney Islands) and Sumburgh Head Lighthouse (Shetland Islands);
 - (6) By the eastern coasts of the Shetland Islands;
 - (7) By the meridian of North Unst Lighthouse (Shetland Islands) as far as the parallel of the 61st degree of latitude.

Article V. The fishing boats of the high contracting parties shall be registered in accordance with the administrative regulations of each country. For each port there shall be a consecutive series of numbers, preceded by one or more initial letters, which shall be specified by the superior competent authority.

Each government shall draw up a list showing these initial letters.

This list, together with all modifications which may subsequently be made in it, shall be notified to the other contracting Powers.

Article VI. Fishing boats shall bear the initial letter or letters of the port to which they belong, and the registry number in the series of numbers for that port.

Article VII. The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the boat, in letters which shall be at least eight centimetres in height and twelve millimetres in breadth.

Article VIII. The letter or letters and numbers shall be placed on each bow of the boat, eight or ten centimetres below the gunwale, and so as to be clearly visible. They shall be painted in white oil colour on a black ground.

The distance above mentioned shall not, however, be obligatory for boats of small burden, which may not have sufficient space below the gunwale.

For boats of fifteen tons burden and upwards the dimensions of the letters and numbers shall be forty-five centimetres in height and six centimetres in breadth.

For boats of less than fifteen tons burden the dimensions shall be twenty-five centimetres in height and four centimetres in breadth.

The same letter or letters and numbers shall also be painted on each side of the mainsail of the boat, immediately above the close reef, in

black oil colour on white or tanned sails, and in white oil colour on black sails. *

The letter or letters and numbers on the sails shall be one-third larger in every way than those placed on the bows of the boat.

Article IX. Fishing boats may not have, either on their outside or on their sails, any names, letters, or numbers other than those prescribed by articles VI, VII, and VIII of the present Convention.

Article X. The names, letters, and numbers placed on the boats and on their sails shall not be effaced, altered, made illegible, covered, or concealed in any manner whatsoever.

Article XI. All the small boats, buoys, principal floats, trawls, grapnels, anchors, and generally all fishing implements, shall be marked with the letter or letters and numbers of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they think proper.

Article XII. The master of each boat must have with him an official document, issued by the proper authority in his own country, for the purpose of enabling him to establish the nationality of the boat.

This document must always give the letter or letters and number of the boat, as well as her description and the name or names of the owner or the name of the firm or association to which she belongs.

Article XIII. The nationality of a boat must not be concealed in any manner whatsoever.

Article XIV. No fishing boat shall anchor, between sunset and sunrise, on grounds where drift-net fishing is actually going on.

This prohibition shall not, however, apply to anchorings which may take place in consequence of accidents or of any other compulsory circumstances.

Article XV. Boats arriving on the fishing grounds shall not either place themselves or shoot their nets in such a way as to injure each other, or as to interfere with fishermen who have already commenced their operations.

Article XVI. Whenever, with a view of drift-net fishing, decked boats and undecked boats commence shooting their nets at the same time, the undecked boats shall shoot their nets to windward of the decked boats.

The decked boats, on their part, shall shoot their nets to leeward of the undecked boats.

* A Declaration signed at The Hague on 1 February 1889 replaced paragraph 5 of article VIII of the Convention by the following provision:

"The same letters and numbers shall also be painted in oil colour on each side of the main-sail of the boat, immediately above the close reef, and in such a manner as to be plainly visible; they shall be painted, on white sails in black, on black sails in white, and on sails of an intermediate shade in black or in white, as the superior competent authority shall deem the more effective." For the text of this Declaration, see Martens, *Nouveau Recueil Général*, 2nd series, vol. 15, p. 568; for an English translation, see Hertslet's *Commercial Treaties*, vol. 18, p. 931.

As a rule, if decked boats shoot their nets to windward of undecked boats which have begun fishing, or if undecked boats shoot their nets to leeward of decked boats which have begun fishing, the responsibility as regards any damages to nets which may result shall rest with the boats which last began fishing, unless they can prove that they were under stress of compulsory circumstances, or that the damage was not caused by their fault.

Article XVII. No net or any other fishing engine shall be set or anchored on grounds where drift-net fishing is actually going on.

Article XVIII. No fisherman shall make fast or hold on his boat to the nets, buoys, floats, or any other part of the fishing tackle of another fisherman.

Article XIX. When trawl fishermen are in sight of drift-net or of long-line fishermen, they shall take all necessary steps in order to avoid doing injury to the latter. Where damage is caused, the responsibility shall lie on the trawlers, unless they can prove that they were under stress of compulsory circumstances, or that the loss sustained did not result from their fault.

Article XX. When nets belonging to different fishermen get foul of each other, they shall not be cut without the consent of both parties.

All responsibility shall cease if the impossibility of disengaging the nets by any other means is proved.

Article XXI. When a boat fishing with long lines entangles her lines in those of another boat, the person who hauls up the lines shall not cut them except under stress of compulsory circumstances, in which case any line which may be cut shall be immediately joined together again.

Article XXII. Except in cases of salvage and the cases to which the two preceding articles relate, no fisherman shall, under any pretext whatever, cut, hook, or lift up nets, lines, or other gear not belonging to him.

Article XXIII. The use of any instrument or engine which serves only to cut or destroy nets is forbidden.

The presence of any such engine on board a boat is also forbidden.

The high contracting parties engage to take the necessary measures for preventing the embarkation of such engines on board fishing boats.

Article XXIV. Fishing boats shall conform to the general rules respecting lights which have been, or may be, adopted by mutual arrangement between the high contracting parties with the view of preventing collisions at sea.

Article XXV. All fishing boats, all their small boats, all rigging gear or other appurtenances of fishing boats, all nets, lines, buoys, floats, or other fishing implements whatsoever found or picked up at sea, whether marked or unmarked, shall as soon as possible be delivered to the competent authority of the first port to which the salving boat returns or puts in.

Such authority shall inform the consul or consular agent of the country to which the boat of the salvor belongs, and of the nation of the owner of the articles found. They [the same authority] shall restore

the articles to the owners thereof or to their representatives, as soon as such articles are claimed and the interests of the salvors have been properly guaranteed.

The administrative or judicial authorities, according as the laws of the different countries may provide, shall fix the amount which the owners shall pay to the salvors.

It is, however, agreed that this provision shall not in any way prejudice such conventions respecting this matter as are already in force, and that the high contracting parties reserve the right of regulating, by special arrangements between themselves, the amount of salvage at a fixed rate per net salvaged.

Fishing implements of any kind found unmarked shall be treated as wreck.

Article XXVI. The superintendence of the fisheries shall be exercised by vessels belonging to the national navies of the high contracting parties. In the case of Belgium, such vessels may be vessels belonging to the State, commanded by captains who hold commissions.

Article XXVII. The execution of the regulations respecting the document establishing nationality, the marking and numbering of boats, etc., and of fishing implements, as well as the presence on board of instruments which are forbidden (articles VI, VII, VIII, IX, X, XI, XII, XIII, and XXIII, section 2), is placed under the exclusive superintendence of the cruisers of the nation of each fishing boat.

Nevertheless, the commanders of cruisers shall acquaint each other with any infractions of the above-mentioned regulations committed by the fishermen of another nation.

Article XXVIII. The cruisers of all the high contracting parties shall be competent to authenticate all infractions of the regulations prescribed by the present convention, other than those referred to in article XXVII, and all offences relating to fishing operations, whichever may be the nation to which the fishermen guilty of such infractions may belong.

Article XXIX. When the commanders of cruisers have reason to believe that an infraction of the provisions of the present convention has been committed, they may require the master of the boat inculpated to exhibit the official document establishing her nationality. The fact of such document having been exhibited shall then be endorsed upon it immediately.

The commanders of cruisers shall not pursue further their visit or search on board a fishing boat which is not of their own nationality, unless it should be necessary for the purpose of obtaining proof of an offence or of a contravention of regulations respecting the police of the fisheries.

Article XXX. The commanders of the cruisers of the Signatory Powers shall exercise their judgment as to the gravity of facts brought to their knowledge, and of which they are empowered to take cognizance, and shall verify the damage, from whatever cause arising, which may be sustained by fishing boats of the nationalities of the high contracting parties.

They shall draw up, if there is occasion for it, a formal statement of the verification of the facts as elicited both from the declarations of the parties interested and from the testimony of those present.

The commander of the cruiser may, if the case appears to him sufficiently serious to justify the step, take the offending boat into a port of the nation to which the fishermen belong. He may even take on board the cruiser a part of the crew of the fishing boat in order to hand them over to the authorities of her nation.

Article XXXI. The formal statement referred to in the preceding article shall be drawn up in the language of the commander of the cruiser, and according to the forms in use in his country.

The accused and the witnesses shall be entitled to add, or to have added, to such statement, in their own language, any observations or evidence which they make think suitable. Such declarations must be duly signed.

Article XXXII. Resistance to the directions of commanders of cruisers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruiser, be considered as resistance to the authority of the nation of the fishing boat.

Article XXXIII. When the act alleged is not of a serious character, but has nevertheless caused damage to any fisherman, the commanders of cruisers shall be at liberty, should the parties concerned agree to it, to arbitrate at sea between them, and to fix the compensation to be paid.

Where one of the parties is not in a position to settle the matter at once, the commanders shall cause the parties concerned to sign in duplicate a formal document specifying the compensation to be paid.

One copy of this document shall remain on board the cruiser, and the other shall be handed to the master of the boat to which compensation is due, in order that he may, if necessary, be able to make use of it before the courts of the country to which the debtor belongs.

Where, on the contrary, the parties do not consent to arbitration, the commanders shall act in accordance with the provisions of article XXX.

Article XXXIV. The prosecutions for offences against, or contraventions of, the present convention shall be instituted by, or in the name of, the State.

Article XXXV. The high contracting parties engage to propose to their respective legislatures the necessary measures for ensuring the execution of the present convention, and particularly for the punishment by either fine or imprisonment, or by both, of persons who may contravene the provisions of articles VI to XXIII inclusive.

Article XXXVI. In all cases of assault committed, or of wilful damage or loss inflicted, by fishermen of one of the contracting countries upon fishermen of another nationality, the courts of the country to which the boats of the offenders belong shall be empowered to try them.

The same rule shall apply with regard to offences against, and contraventions of, the present convention.

Article XXXVII. The proceedings and trial in cases of infraction of the provisions of the present convention shall take place as summarily as the laws and regulations in force will permit.

Article XXXVIII. The present convention shall be ratified. The ratifications shall be exchanged at The Hague as soon as possible.

Article XXXIX. The present convention shall be brought into force from and after a day to be agreed upon by the high contracting parties.

The convention shall continue in operation for five years from the above day; and, unless one of the high contracting parties shall, twelve months before the expiration of the said period of five years, give notice of intention to terminate its operation, shall continue in force one year longer, and so on from year to year. If, however, one of the Signatory Powers should give notice to terminate the convention, the same shall be maintained between the other contracting parties, unless they give a similar notice.

Note. This Convention was prepared at conferences held at The Hague in October 1881 and May 1882, the *procès-verbaux* of which are published in Martens, *Nouveau Recueil général de Traités*, 2nd series, vol. 9, pp. 503-556. The International Fisheries Conference, held at London in October 1943, drafted a new convention intended to replace the Convention of 1882; for the text of that draft, see *British Parliamentary Papers*, Misc. No. 5 (1943), Cmd. 6496, p. 6.

Article 272 of the Treaty of Versailles of 28 June 1919 provided that: "Germany agrees that, notwithstanding any stipulation to the contrary contained in the Conventions relating to the North Sea fisheries and liquor traffic, all rights of inspection and police shall, in the case of fishing-boats of the Allied Powers, be exercised solely by ships belonging to those Powers."

Laws of Belgium and the United Kingdom, enacted under article 35 of this Convention, are reproduced below. In other States parties to the 1882 Convention the relevant laws and regulations follow quite closely the text of the Convention. With respect to Denmark, see, for instance, Act No. 114, of 27 April 1883, as amended by Act No. 36 of 22 March 1890, and Royal Order No. 26 of 29 March 1884, as amended by Order No. 22 of 12 February 1890. (*Danmarks Love, 1665-1946*, p. 313; *Lovtidende, 1884*, p. 77; *idem, 1890*, p. 42). With respect to France, see Act of 15 January 1884 (*Journal officiel, 17 January 1884; Bulletin des lois, 1884*, p. 441).

(b) BELGIUM

Act concerning the punishment of violations of the provisions of the Convention on the North Sea fisheries, 4 September 1891. "Moniteur belge", 6 September 1891; J. Servais and E. Mechelynck, "Les codes et les lois spéciales les plus usuelles en vigueur en Belgique", 27th edition (1947), p. 1764. Translation by the Secretariat of the United Nations

Article 1. Apart from the officers of the judicial police responsible for detecting and reporting offences against common law, maritime commissaries and their agents, customs officials, commissioned captains commanding State vessels and officers commanding foreign cruising vessels, the latter within the limits laid down in the Convention, shall be responsible for reporting infringements of the provisions of the International Convention of 6 May 1882 for Regulating the Police of the North Sea

Fisheries, as modified by the International Declaration of 1 February 1889.

The reports of the commanding officers of foreign cruising vessels shall be evidence until the contrary is proved.

Article 2. Infringements of the provisions of articles 6 to 13 of the Convention and of article 1, paragraph 2, of the international declaration of 1 February 1889 shall be punishable by imprisonment for not less than one nor more than seven days and by a fine of not less than one nor more than twenty-five francs, or by one of these penalties only.

Article 3. Infringements of the provisions of articles 14 to 22 of the Convention shall be punishable by imprisonment for not less than eight nor more than fifteen days and by a fine of not less than twenty-six nor more than fifty francs, or by one of these penalties only.

Article 4. Any person resisting the orders of the commanding officers of registered vessels of the fishing police or of persons acting on their instructions shall be punished in accordance with article 3, without prejudice to the disciplinary penalties laid down in the Penal Code in cases of resistance to public authorities.

Article 5. In the case of a repeated offence, the judge shall pass the maximum sentence of imprisonment in addition to the fine.

A repetition of the offence shall be deemed to have occurred if the offender has already been sentenced within the preceding two years for any of the offences covered by this Act or by the Act of 27 March 1882.

Article 6. Masters sentenced for the offences covered by article 3, if damage has resulted therefrom, and by article 4, and also masters sentenced under the Act of 27 March 1882, may, in addition, be forbidden to command any fishing vessel for a period of not less than three months nor more than two years and, in the case of a repeated offence, for a period of not less than two nor more than five years, from the date when the sentence was passed.

. . .

Article 8. The court of summary jurisdiction of the district or the police court of the canton where the home port of the accused person's vessel is situated shall be competent, according to the case, to pass judgment on offences punishable under this Act.

(c) UNITED KINGDOM

Sea Fisheries Act, 2 August 1883. 46 & 47 Vict. c. 22; "Halsbury's Statutes of England", 2nd edition, vol. 10, pp. 200-213

Preliminary

1. *Short title.* This Act may be cited as the Sea Fisheries Act, 1883.

Confirmation of Convention

2. *Confirmation of Convention.* The Convention set out in the first schedule to this Act (referred to in this Act as the Convention) is hereby confirmed, and the articles thereof shall be of the same force as if they were enacted in the body of this Act.

Fishery regulations

3. *Power to make regulations.* It shall be lawful for Her Majesty from time to time, by Order in Council, to make, alter, and revoke regulations for carrying into execution this Act, and the intent and object thereof, and for the maintenance of good order among sea-fishing boats, and the persons belonging thereto, and to impose fines not exceeding ten pounds for the breach of such regulations.

4. *Punishment for violation of articles 13 to 22 of Convention, and for other offences.* If within the exclusive fishery limits of the British Islands any person, or if outside those limits any person belonging to a British sea-fishing boat,

(a) Acts in contravention of articles 13 to 22 (both inclusive) of the first schedule to this Act, or any of them; or

(b) Causes injury to any person in any one or more of the following ways, namely, by assaulting anyone belonging to another sea-fishing boat, or by causing damage to another sea-fishing boat, or to any property on board thereof, or belonging thereto; or

(c) Fishes for oysters or has on board his boat any oyster dredge within any seas and during any time within and during which oyster fishing is prohibited by law, or by any convention, treaty, or arrangement to which this Act may be hereafter applied; such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour.

5. *Punishment for violation of article 23 of Convention.* If within the exclusive fishery limits of the British Islands, any person, or if outside those limits any person belonging to a British sea-fishing boat,

(a) Uses any instrument for the purpose of damaging or destroying, by cutting or otherwise, any fishing implement belonging to another sea-fishing boat, except in the cases provided for by articles 20 and 21 of the first schedule to this Act; or

(b) Takes on board or has on board such boat any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise;

such person shall be liable on summary conviction to a fine not exceeding fifty pounds, or in the discretion of the court to imprisonment for a term not exceeding three months, with or without hard labour, and the instrument shall be liable to be forfeited.

6. *Regulations as to lights for sea-fishing boats.* The regulations respecting lights for the time being in force under the Acts relating to merchant shipping shall, so far as they relate to sea-fishing boats, be deemed to be provisions of this Act, and may be enforced accordingly, and a sea-fishery officer shall for that purpose, in addition to his powers under this Act, have the same powers as are given to any officer by the said Acts relating to merchant shipping.

Exclusive fishery limits

7. *Regulations as to foreign sea-fishing boats within exclusive fishery limits.* (1) A foreign sea-fishing boat shall not enter within the exclusive fishery limits of the British Islands, except for purposes recognized by international law, or by any convention, treaty, or arrangement for the time

being in force between Her Majesty and any foreign State, or for any lawful purpose.

(2) If a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands,

(a) The boat shall return outside of the said limits so soon as the purpose for which it entered has been answered;

(b) No person on board the boat shall fish or attempt to fish while the boat remains within the said limits;

(c) Such regulations as Her Majesty may from time to time prescribe by Order in Council shall be duly observed.

(3) In the event of any contravention of this section on the part of any foreign sea-fishing boat, or of any person belonging thereto, the master or person for the time being in charge of such boat shall be liable on summary conviction to a fine not exceeding, in the case of the first offence, [fifty] pounds, and in the case of a second or any subsequent offence, [one hundred] pounds.

8. (*Repealed by the Merchant Shipping Act, 1894 (c.60), s. 745 and twenty-second schedule.*)

Miscellaneous

9. *Prohibition of manufacture and sale of instruments for destroying fishing implements.* (1) There shall not be manufactured or sold or exposed for sale at any place within the British Islands, any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise.

(2) In the event of any contravention of this section a person guilty thereof shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour, and the instrument shall be liable to be forfeited.

10. *Provision as to wreck (article 25 of Convention).* The boats and things specified in article 25 of the first schedule to this Act shall be deemed to be "wreck" within the meaning of any Acts relating to merchant shipping, so, however, that the provisions of the said article shall be duly observed.

Enforcement of Act

11. *Who are to be British and foreign sea-fishery officers.* (1) The provisions of this Act and of any Order in Council under this Act or under the sections of the Sea Fisheries Act, 1868, amended by this Act shall be enforced by sea-fishery officers, either British or foreign.

(2) The following persons shall be British sea-fishery officers; that is to say, every officer of or appointed by the Board of Trade, every commissioned officer of any of Her Majesty's ships on full pay, every officer authorized in that behalf by the Admiralty, every British consular officer, every collector and principal officer of customs in any place in the British Islands, and every officer of customs in the British Islands authorized in that behalf by the Commissioners of Customs, every divisional officer of the coastguard, and every principal officer of a coastguard station.

(3) The following persons shall be foreign sea-fishery officers, that is to say, the commander of any vessel belonging to the government of any foreign State bound by the Convention, and any officer appointed by a

foreign State for the purpose of enforcing the Convention, or otherwise recognized by Her Majesty as a sea-fishery officer of a foreign State.

12. *Powers of British sea-fishery officers.* For the purpose of enforcing the provisions of this Act and of any Order in Council under this Act or under the Sea Fisheries Act, 1868, as amended by this Act, a British sea-fishery officer may with respect to any sea-fishing boat within the exclusive limits of the British Islands and with respect to any British sea-fishing boat outside of those limits, exercise the following powers:

- (1) He may go on board it;
- (2) He may require the owner, master, and crew, or any of them, to produce any certificates of registry, licences, official logbooks, official papers, article of agreement, muster rolls, and other documents relating to the boat, or to the crew, or to any member thereof, or to any person on board the boat, which are in their respective possession or control on board the boat, and may take copies thereof or of any part thereof;
- (3) He may muster the crew of the boat;
- (4) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents, or any of them;
- (5) He may examine all sails, lights, small boats, anchors, grapnels, and fishing implements belonging to the boat;
- (6) He may seize any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise, which is found on board the boat or in the possession of any person belonging to the boat;
- (7) He may make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Act, or of any such Order of Council as aforesaid has been committed, or to fix the amount of compensation due for any damage done to another sea-fishing boat, or to any person or property on board thereof or belonging thereto, and may administer an oath for such purpose; and
- (8) In the case of any person who appears to him to have committed any such contravention he may, without summons, warrant, or other process, both take the offender and the boat to which he belongs and the crew thereof to the nearest or most convenient port, and bring him or them before a competent court, and detain him, it, and them in the port until the alleged contravention has been adjudicated upon.

13. *Powers of British and foreign sea-fishery officers.* For the purpose of carrying into effect the Convention, and of exercising and performing the powers and duties thereby vested in and imposed on cruisers and commanders of cruisers, a foreign sea-fishery officer may, with respect to any British sea-fishing boat, and any sea-fishery officer, whether British or foreign, may, with respect to any foreign sea-fishing boat to which this Act for the time being applies, exercise any of the powers conferred by this Act on British sea-fishery officers.

Provided that:

- (a) Nothing in this section shall authorize a sea-fishery officer to do anything not authorized by the Convention; and
- (b) The port to which any sea-fishing boat or any person belonging thereto is taken shall, except where the nationality of such boat is not

evidenced by official papers, be a port of the State to which such boat belongs.

14. *Protection of and punishment for obstructing sea-fishery officers.* (1) A sea-fishery officer shall be entitled to the same protection in respect of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this Act, as is given to any officer of customs by the Customs Consolidation Act, 1876, or any Act amending the same, and (with reference to the seizure or detention of any ship) by any Act relating to the registry of British ships.

(2) If any person obstructs any sea-fishery officer in acting under the powers conferred by this Act, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, any sea-fishery officer in pursuance of this Act, such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

Legal proceedings

15. *Compensation for damage caused by offence.* (1) Where on the conviction of any person under this Act for an offence it appears to the court that any injury to person or property has been caused by the offence, the court may by such conviction adjudge the person convicted to pay in addition to any fine a reasonable sum as compensation for such injury, and such sum may be recovered as a fine under this Act and when recovered shall be paid to the person injured.

(2) Any compensation specified in a document signed in accordance with article 33 of the first schedule to this Act or fixed by a sea-fishery officer in accordance with any submission to arbitration may be recovered as a simple contract debt, and in England may also be recovered as a civil debt before a court of summary jurisdiction.

(3) In a proceeding against any person for the recovery of such last-mentioned compensation, the formal document referred to in the said article, or an award of a sea-fishery officer in pursuance of a submission to arbitration signed by the person liable to pay such compensation, shall be sufficient evidence that such person is liable to pay the compensation specified in such document or award.

16. *Summary prosecution of offences and recovery of fines.* (1) Offences under this Act may (save as otherwise provided) be prosecuted, and fines under this Act may be recovered in a summary manner; that is to say:

(a) In England before a justice or justices, in manner provided by the Summary Jurisdiction (English) Acts;

(b) In Scotland in manner provided by the Summary Jurisdiction (Scotland) Acts, 1864 and 1881;

(c) In Ireland within the police district of Dublin metropolis in manner provided by the Acts regulating the powers and duties of the justices of the peace of such district, or of the police of such district, and elsewhere in Ireland in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same;

(d) In the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark respectively, before any court, governor, deputy governor, deemster, jurat, or other magistrate, in the manner in which the like

offences and fines are by law prosecuted and recovered, or as near thereto as circumstances admit.

(2) If any person feels aggrieved by any conviction under this Act by a court of summary jurisdiction, or by any determination or adjudication of such court with respect to any compensation under this Act, he may, where imprisonment is awarded without the option of a fine, or the sum adjudged to be paid exceeds five pounds, appeal therefrom as follows:

(a) In England the appeal shall be to quarter sessions in manner provided by the Summary Jurisdiction (English) Acts;

(b) In Ireland the appeal shall be to the court of quarter sessions in manner directed by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same;

(c) In Scotland, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark, the appeal shall be to the court and in the manner in which appeals from the like convictions and determinations and adjudications are made.

17. *Evidence.* (1) Any document drawn up in pursuance of the first schedule to this Act shall be admissible in any proceeding, civil or criminal, as evidence of the facts or matters therein stated.

(2) If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the sea-fishery officer drawing up such document may certify the said facts, or any of them.

(3) Any document or certificate in this section mentioned purporting to be signed by a sea-fishery officer shall be admissible in evidence without proof of such signature, and, if purporting to be signed by any other person, shall, if certified by a sea-fishery officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

(4) If any person forges the signature of a sea-fishery officer to any such document as above mentioned, or makes use of any such document knowing the signature thereto to be forged such person shall be liable on summary conviction to imprisonment for a term not exceeding three months with or without hard labour ...

18. *Jurisdiction of courts.* For the purpose of giving jurisdiction to courts under this Act, a sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship, and every court shall have the same jurisdiction over a foreign sea-fishing boat within the exclusive fishery limits of the British Islands, and persons belonging thereto, as such court would have if such boat were a British sea-fishing boat.

19. *Service to be good if made personally or on board ship.* Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

20. *Masters of boats liable to fines imposed.* (1) Where any offence against this Act has been committed by some person belonging to a sea-fishing boat, the master or person for the time being in charge of such boat

shall in every case be liable to be deemed guilty of such offence; provided that if he proves that he issued proper orders for the observance, and used due diligence to enforce the observance, of this Act, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all practicable means in his power to prosecute such offender (if alive) to conviction, he shall not be liable to any further punishment than payment of compensation for any injury caused by the offence.

(2) Any fine or compensation adjudged under this Act may be recovered in the ordinary way, or, if the court think fit so to order, by distress or pounding and sale of the sea-fishing boat to which the offender belongs, and her tackle, apparel, and furniture and any property on board thereof or belonging thereto, or any part thereof; provided that, where the boat is a foreign sea-fishing boat, the court may order that in lieu of any such distress the boat may be detained in some port in the British Islands for a period not exceeding three months from the date of the conviction, and the boat may be detained accordingly, and in such case shall not be distrained.

21. *Application of fines.* (1) The court adjudging any fine or forfeiture under this Act may, if it think fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, all fines and the proceeds of all forfeitures recovered under this Act shall, notwithstanding anything in any Act relating to municipal corporations or otherwise, be paid into the Exchequer in such manner as the ... Treasury may direct.

(2) Forfeitures may be destroyed, sold, and disposed of as the court adjudging the forfeiture may direct.

22. *Saving of liability and rights.* (1) Nothing in this Act shall prevent any person being liable under any other Act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this Act, so that no person be punished twice for the same offence.

(2) Nothing in this Act, or in any Order in Council made thereunder, nor any proceedings under such Act or Order with respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

Application of Act

23. *Extension of Act by Order in Council.* If at any time after the commencement of this Act any convention, treaty, or arrangement respecting sea fisheries is made between Her Majesty and any foreign State, it shall be lawful for Her Majesty by Order in Council to direct that all or any of the provisions of this Act shall, and the same shall accordingly (subject to the exceptions, restrictions, and conditions, if any, in the Order mentioned) apply to the said convention, treaty, or arrangement, and have effect in like manner as if the said convention, treaty, or arrangement were set forth in the first schedule to this Act, and were part of that schedule and were the Convention referred to in this Act.

24. *Application of Act to seas between British Islands and France, and continuance of 6 & 7 Vict. c. 79, as to French Convention.* If the provisions of this Act are applied by Order in Council to any convention, treaty, or

arrangement made in substitution for the Convention set forth in the first schedule to the Sea Fisheries Act 1868 or for the Convention and articles set forth in the schedule to the Sea Fisheries Act, 1843, that last-mentioned Act shall, after the date fixed by the said Order for the application of this Act be repealed, but such last-mentioned Act shall, until the said date or any earlier date at which the Convention set forth in the first schedule to the Sea Fisheries Act, 1868, comes into operation, continue in force so far as regards French sea-fishing boats and persons belonging thereto within the seas to which the said Convention and articles set forth in the schedule thereto apply, so far as those seas are outside the exclusive fishery limits of the British Islands, and are not within the North Sea as defined in the first schedule to this Act.

25. *General application of Act.* This Act, so far as it applies to foreign sea-fishing boats outside of the exclusive fishery limits of the British Islands, and persons belonging thereto, and to foreign sea-fishery officers, shall apply only within the North Sea as defined by article 4 of the first schedule to this Act, or within the seas specified in any convention, treaty, or arrangement to which this Act may be applied by Order in Council made in pursuance of this Act, and to the boats and officers of a foreign State bound by the Convention in the first schedule to this Act or by any convention, treaty, or arrangement to which this Act may be applied, but save as aforesaid this Act shall apply to the whole of the British Islands as defined by this Act, and to the seas surrounding the same, whether within or without the exclusive fishery limits of the British Islands, and the Royal Courts of Guernsey and Jersey shall register this Act in their respective courts.

Supplemental

26. *Publication of Orders in Council.* Orders in Council made in pursuance of this Act shall be published in the *London Gazette* or otherwise published in such manner as the Board of Trade may direct for such sufficient time before they come into force as to prevent inconvenience.

27. (*Amends the Sea Fisheries Act, 1868 (c. 45), s. 18 ...*)

28. *Definitions.* In this Act:

“Sea-fishing”: The expression “sea-fishing” shall not include fishing for salmon as defined by any Act relating to salmon but save as aforesaid means the fishing for every description both of fish, and shell fish found in the seas to which this Act applies; and the expression “sea-fisherman” and other expressions relating to sea-fishing shall be construed accordingly.

“Sea-fishing boat”: The expression “sea-fishing boat” includes every vessel of whatever size and in whatever way propelled which is used by any person in sea-fishing, or in carrying on the business of a sea-fisherman.

“Fishing implements”: The expression “fishing implement” means any net, line, float, barrel, buoy, or other instrument, engine, or implement used or intended to be used for the purpose of sea-fishing.

“British Islands”: The expression “British Islands” includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the Islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies.

“Exclusive fishery limits”: The expression “exclusive fishery limits of the British Islands” means that portion of the seas surrounding the British Islands within which Her Majesty’s subjects have, by international law, the exclusive right of fishing, and where such portion is defined by the terms of convention, treaty, or arrangement for the time being in force between Her Majesty and any foreign State, includes, as regards the sea-fishing boats and officers and subjects of that State, the portion so defined...

“Person”: The expression “person” includes a body of persons corporate or unincorporate.

“Court”: The expression “court” includes any tribunal or magistrate exercising jurisdiction under this Act.

29. (*Repealed by the S.L.R. Act, 1898 (c. 22).*)

30. *Repeal.*

(1) (*Repealed by the S.L.R. Act, 1898 (c. 22).*)

(2) ... The Acts specified in the second part of the second schedule to this Act shall be repealed to the extent specified in the third column of that schedule:

Provided that, until the date hereinafter mentioned at which such repeal takes full effect, the repeal of the enactments specified in the said second part shall, except within the North Sea as defined by the first schedule to this Act, be subject to the following limitations:

(a) The repeal shall not extend to section 12 of the Sea Fisheries Act, 1868 (which section relates to oyster fishing), nor to the recovery of any penalty for a violation of that section;

(b) The repeal shall extend only to officers and boats within the exclusive fishery limits of the British Islands and to British sea-fishing boats when outside the exclusive fishery limits of the British Islands;

(c) The repeal shall not affect the power of French sea-fishery officers and French courts over British sea-fishing boats when outside the exclusive fishery limits of the British Islands, or the power of British and French sea-fishery officers and British courts over French sea-fishing boats brought within the exclusive fishery limits of the British Islands for offences committed outside those limits;

(d) The repeal shall not alter the power of receiving as evidence any depositions, minutes, and other documents which by the said Acts are made receivable as evidence;

(e) If the Convention set forth in the first schedule to the Sea Fisheries Act, 1868, comes into operation, then, upon notice thereof being given in the *London Gazette*, the said enactments shall, subject to the provisions of this section, be in force for the purposes of such Convention.

If this Act is applied by Order in Council to French sea-fishery officers and French sea-fishing boats within the seas to which the Convention set forth in the first schedule to the Sea Fisheries Act, 1868, applies, the said repeal of the enactments specified in the second part of the second schedule to this Act shall take full effect as from the date at which such application of this Act takes effect.

(3) (*Repealed by the S.L.R. Act, 1898 (c. 22).*)

31. *Continuance of Act.* So much of this Act as has effect outside of the exclusive fishery limits of the British Islands shall, if the Convention ceases to be binding on Her Majesty, cease to apply to the boats and

officers of any foreign State bound by the Convention, and if the Convention ceases to be binding on any foreign State shall cease to apply to the boats and officers of such State, but subject as aforesaid this Act shall continue in force notwithstanding the determination of the Convention.

[Schedules omitted.]

Note. The Criminal Justice Act of 1948 (c. 58, sections 1 and 83) abolished hard labour, and all references in the Sea Fisheries Act of 1883 to "imprisonment with hard labour" should be construed as referring merely to "imprisonment". The fines in section 7 were increased from "ten" and "twenty" pounds by the Sea Fish Industry Act of 1938 (c. 30, section 54). The last sentence in section 17 was repealed by the Forgery Act of 1913 (c. 27, section 20). The words omitted in sections 21 and 27 were repealed by the Statute Law Revision Act of 1898 (c. 22).

2. Canada — United States of America

(a) SOCKEYE SALMON FISHERIES

- (i) *Convention for protection, preservation and extension of sockeye salmon fisheries, 26 May 1930. "U.S. Treaty Series", no. 918; "Treaties, Conventions, etc., between the United States of America and Other Powers", vol. 4, p. 4002*

The President of the United States of America and His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, recognizing that the protection, preservation and extension of the sockeye salmon fisheries in the Fraser River system are of common concern to the United States of America and the Dominion of Canada; that the supply of this fish in recent years has been greatly depleted and that it is of importance in the mutual interest of both countries that this source of wealth should be restored and maintained, have resolved to conclude a Convention and to that end have named as their respective plenipotentiaries;

The President of the United States of America: Mr. Henry L. Stimson, Secretary of State of the United States of America; and

His Majesty, for the Dominion of Canada: The Honorable Vincent Massey, a member of His Majesty's Privy Council for Canada and His Envoy Extraordinary and Minister Plenipotentiary for Canada at Washington;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

Article 1. The provisions of this Convention and the orders and regulations issued under the authority thereof shall apply, in the manner and to the extent hereinafter provided in this Convention, to the following waters:

1. The territorial waters and the high seas westward from the western coast of the United States of America and the Dominion of Canada and from a direct line drawn from Bonilla Point, Vancouver Island, to the lighthouse on Tatoosh Island, Washington—which line marks

the entrance to Juan de Fuca Strait—and embraced between 48 and 49 degrees north latitude, excepting therefrom, however, all the waters of Barklay Sound, eastward of a straight line drawn from Amphitrite Point to Cape Beale and all the waters of Nitinat Lake and the entrance thereto.

2. The waters included within the following boundaries:

Beginning at Bonilla Point, Vancouver Island, thence along the aforesaid direct line drawn from Bonilla Point to Tatoosh Lighthouse, Washington, described in paragraph 1 of this article, then to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula, thence in a straight line to Point Partridge on Whidbey Island, thence following the western shore of the said Whidbey Island, to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough, in line with the track of the Great Northern Railway, thence northerly following the shore line of the mainland to Atkinson Point at the northerly entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Bowen Island, thence westerly following the southern shore of Bowen Island to Cape Roger Curtis, thence in a straight line to Gower Point, thence westerly following the shore line to Welcome Point on Seachelt Peninsula, thence in a straight line to Point Young on Lasqueti Island, thence in a straight line to Dorcas Point on Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island to the starting point at Bonilla Point, as shown on the United States Coast and Geodetic Survey Chart Number 6300, as corrected to 14 March 1930, and on the British Admiralty Chart Number 579, copies of which are annexed to this Convention and made a part thereof.

3. The Fraser River and the streams and lakes tributary thereto.

The high contracting parties engage to have prepared as soon as practicable charts of the waters described in this article, with the above described boundaries thereof and the international boundary indicated thereon. Such charts, when approved by the appropriate authorities of the Governments of the United States of America and the Dominion of Canada, shall be considered to have been substituted for the charts annexed to this Convention and shall be authentic for the purposes of the Convention.

The high contracting parties further agree to establish within the territory of the United States of America and the territory of the Dominion of Canada such buoys and marks for the purposes of this Convention as may be recommended by the Commission hereinafter authorized to be established, and to refer such recommendations as the Commission may make as relate to the establishment of buoys or marks at points on the international boundary to the International Boundary Commission, United States-Alaska and Canada, for action pursuant to the provisions of the Treaty between the United States of America and His Majesty, in respect of Canada, respecting the boundary between the United States of America and the Dominion of Canada, signed 24 February 1925.

Article 2. The high contracting parties agree to establish and maintain a Commission to be known as the International Pacific Salmon Fisheries Commission, hereinafter called the Commission, consisting of six members, three on the part of the United States of America and three on the part of the Dominion of Canada.

The Commissioners on the part of the United States of America shall be appointed by the President of the United States of America. The Commissioners on the part of the Dominion of Canada shall be appointed by His Majesty on the recommendation of the Governor General in Council.

The Commissioners appointed by each of the high contracting parties shall hold office during the pleasure of the high contracting party by which they were appointed.

The Commission shall continue in existence so long as this Convention shall continue in force, and each high contracting party shall have power to fill and shall fill from time to time vacancies which may occur in its representation on the Commission in the same manner as the original appointments are made. Each high contracting party shall pay the salaries and expenses of its own Commissioners, and joint expenses incurred by the Commission shall be paid by the two high contracting parties in equal moieties.

Article 3. The Commission shall make a thorough investigation into the natural history of the Fraser River sockeye salmon, into hatchery methods, spawning ground conditions and other related matters. It shall conduct the sockeye salmon fish cultural operations in the waters described in paragraphs 2 and 3 of article 1 of this Convention, and to that end it shall have power to improve spawning grounds, construct and maintain hatcheries, rearing ponds and other such facilities as it may determine to be necessary for the propagation of sockeye salmon in any of the waters covered by this Convention, and to stock any such waters with sockeye salmon by such methods as it may determine to be most advisable. The Commission shall also have authority to recommend to the governments of the high contracting parties removing or otherwise overcoming obstructions to the ascent of sockeye salmon, that may now exist or may from time to time occur, in any of the waters covered by this Convention, where investigation may show removal of or other action to overcome obstructions to be desirable. The Commission shall make an annual report to the two governments as to the investigations which it has made and other action which it has taken in execution of the provisions of this article, or of other articles of this Convention.

The cost of all work done pursuant to the provisions of this article, or of other articles of this Convention, including removing or otherwise overcoming obstructions that may be approved, shall be borne equally by the two governments, and the said governments agree to appropriate annually such money as each may deem desirable for such work in the light of the reports of the Commission.

Article 4. The Commission is hereby empowered to limit or prohibit taking sockeye salmon in respect of all or any of the waters described in article 1 of this Convention, provided that when any order is adopted by the Commission limiting or prohibiting taking sockeye salmon in any of the territorial waters or on the high seas described in paragraph 1 of

article 1, such order shall extend to all such territorial waters and high seas, and, similarly, when in any of the waters of the United States of America embraced in paragraph 2 of article 1, such order shall extend to all such waters of the United States of America, and when in any of the Canadian waters embraced in paragraphs 2 and 3 of article 1, such order shall extend to all such Canadian waters, and provided further, that no order limiting or prohibiting taking sockeye salmon adopted by the Commission shall be construed to suspend or otherwise affect the requirements of the laws of the State of Washington or of the Dominion of Canada as to the procuring of a licence to fish in the waters on their respective sides of the boundary, or in their respective territorial waters embraced in paragraph 1 of article 1 of this Convention, and provided further that any order adopted by the Commission limiting or prohibiting taking sockeye salmon on the high seas embraced in paragraph 1 of article 1 of this Convention shall apply only to nationals and inhabitants and vessels and boats of the United States of America and the Dominion of Canada.

Any order adopted by the Commission limiting or prohibiting taking sockeye salmon in the waters covered by this Convention, or any part thereof, shall remain in full force and effect unless and until the same be modified or set aside by the Commission. Taking sockeye salmon in said waters in violation of an order of the Commission shall be prohibited.

Article 5. In order to secure a proper escapement of sockeye salmon during the spring or chinook salmon fishing season, the Commission may prescribe the size of the meshes in all fishing gear and appliances that may be operated during said season in the waters of the United States of America and/or the Canadian waters described in article 1 of this Convention. At all seasons of the year the Commission may prescribe the size of the meshes in all salmon fishing gear and appliances that may be operated on the high seas embraced in paragraph number 1 of article 1 of this Convention, provided, however, that in so far as concerns the high seas, requirements prescribed by the Commission under the authority of this paragraph shall apply only to nationals and inhabitants and vessels and boats of the United States of America and the Dominion of Canada.

Whenever, at any other time than the spring or chinook salmon fishing season, the taking of sockeye salmon in waters of the United States of America or in Canadian waters is not prohibited under an order adopted by the Commission, any fishing gear or appliance authorized by the State of Washington may be used in waters of the United States of America by any person thereunto authorized by the State of Washington, and any fishing gear or appliance authorized by the laws of the Dominion of Canada may be used in Canadian waters by any person thereunto duly authorized. Whenever the taking of sockeye salmon on the high seas embraced in paragraph 1 of article 1 of this Convention is not prohibited, under an order adopted by the Commission, to the nationals or inhabitants or vessels or boats of the United States of America or the Dominion of Canada, only such salmon fishing gear and appliances as may have been approved by the Commission may be used on such high seas by said nationals, inhabitants, vessels or boats.

Article 6. No action taken by the Commission under the authority of this Convention shall be effective unless it is affirmatively voted for by at least two of the Commissioners of each high contracting party.

Article 7. Inasmuch as the purpose of this Convention is to establish for the high contracting parties, by their joint effort and expense, a fishery that is now largely nonexistent, it is agreed by the high contracting parties that they should share equally in the fishery. The Commission shall, consequently, regulate the fishery with a view to allowing, as nearly as may be practicable, an equal portion of the fish that may be caught each year to be taken by the fishermen of each high contracting party.

Article 8. Each high contracting party shall be responsible for the enforcement of the orders and regulations adopted by the Commission under the authority of this Convention, in the portion of its waters covered by the Convention.

Except as hereinafter provided in article 9 of this Convention, each high contracting party shall be responsible, in respect of its own nationals and inhabitants and vessels and boats, for the enforcement of the orders and regulations adopted by the Commission, under the authority of this Convention, on the high seas embraced in paragraph 1 of article 1 of the Convention.

Each high contracting party shall acquire and place at the disposition of the Commission any land within its territory required for the construction and maintenance of hatcheries, rearing ponds, and other such facilities as set forth in article 3.

Article 9. Every national or inhabitant, vessel or boat of the United States of America or of the Dominion of Canada, that engages in sockeye salmon fishing on the high seas embraced in paragraph 1 of article 1 of this Convention, in violation of an order or regulation adopted by the Commission, under the authority of this Convention, may be seized and detained by the duly authorized officers of either high contracting party, and when so seized and detained shall be delivered by the said officers, as soon as practicable, to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizures, or elsewhere, as may be agreed upon with the competent authorities. The authorities of the country to which a person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of any order or regulation, adopted by the Commission in respect of fishing for sockeye salmon on the high seas embraced in paragraph 1 of article 1 of this Convention, or of any law or regulation which either high contracting party may have made to carry such order or regulation of the Commission into effect, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other high contracting party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

Article 10. The high contracting parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and the orders and regulations adopted by the Commission under the authority thereof, with appropriate penalties for violations.

Note. This Convention was ratified by the United States subject to the following understandings: "(1) That the International Pacific Salmon

Fisheries Commission shall have no power to authorize any type of fishing gear contrary to the laws of the State of Washington or the Dominion of Canada; (2) That the Commission shall not promulgate or enforce regulations until the scientific investigations provided for in the Convention have been made, covering two cycles of sockeye salmon runs, or 8 years; and (3) That the Commission shall set up an advisory Committee composed of five persons from each country who shall be representatives of the various branches of the industry (purse seine, gill net, troll, sport fishing, and one other), which advisory committee shall be invited to all nonexecutive meetings of the Commission and shall be given full opportunity to examine and to be heard on all proposed orders, regulations, or recommendations." *Treaties, Conventions, etc., between the United States of America and Other Powers*, vol. 4, p. 4007.

National acts for the enforcement of this Convention are reproduced below. Special regulations, adopted annually by the International Pacific Salmon Fisheries Commission, have been put into force by Canadian Orders in Council and by Orders of the Director of the Department of Fisheries of the State of Washington. For the text of the 1948 regulations, see *International Pacific Salmon Fisheries Commission, Annual Report, 1948* (New Westminster, Canada, 1949), pp. 8-10; *Canada Gazette*, vol. 82 (1948), part II (Statutory Orders and Regulations), p. 1654.

(ii) *Canada*

Act respecting the Convention relating to the protection of the sockeye salmon fisheries, 30 May 1930. 20-21 George V, c. 10; "Statutes, 1930", p. 143

1. The Convention relating to the protection, preservation and extension of the sockeye salmon fisheries in the Fraser River System between His Majesty in respect of Canada and the United States of America, signed at Washington on the 26th day of May, 1930, and set out in the schedule to this Act is hereby confirmed and sanctioned.

2. Any law of Canada repugnant to the provisions of the said Convention is hereby amended and altered so as to permit, authorize and sanction the performance of the obligations undertaken by His Majesty in and under the said Convention; and so as to sanction, confer and impose the various rights, duties and disabilities intended by the said Convention to be conferred or imposed or to exist in Canada.

3. Section 82 and all sections following, except section 90 of the Fisheries Act, chapter 73 of the Revised Statutes of Canada, 1927, shall be deemed to apply, *mutatis mutandis*, for all purposes of this Act and shall have effect as if enacted herein.

4. (1) The owner or master of every vessel or any other person who:

(a) Uses any port or place within Canada for the purpose of furnishing, providing, preparing or outfitting in any manner, whether in whole or in part, any vessel for the purpose of engaging in the sockeye salmon fishery in contravention of any regulation or order made in pursuance of the said Convention; or

(b) Causes or permits any vessel to depart from any such port or place with the intention of fishing for sockeye salmon in contravention of any regulation or order made in pursuance of the said Convention; shall be guilty of an offence against this Act.

(2) The owner or master of any vessel shall, if the said vessel enter or come to any port or place in Canada while upon or in the prosecution of any voyage at any time during which the said vessel fished or was

used in fishing for sockeye salmon as aforesaid, or having on board the said vessel any sockeye salmon so caught, be guilty of an offence against this Act.

5. Every person who contravenes any provision of this Act or of any order or regulation made by the International Pacific Salmon Fisheries Commission, shall be guilty of an offence, and shall be liable upon summary conviction to a penalty of not less than 100 dollars and not more than 1,000 dollars, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

6. This Act may be repealed by the Governor in Council provided that it shall not be so repealed during the existence of the International Pacific Salmon Fisheries Commission.

(iii) *United States*

Sockeye Salmon Fishery Act, 29 July 1947. "U. S. Statutes at Large", vol. 61, c./345, p. 511.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

This Act may be cited as the "Sockeye Salmon Fishery Act of 1947".

Sec. 2. When used in this Act:

(a) *Convention:* The word "convention" means the convention between the United States of America and the Dominion of Canada for the protection, preservation, and extension of the sockeye salmon fishery of the Fraser River system, signed at Washington on the 26th day of May 1930.

(b) *Commission:* The word "Commission" means the International Pacific Salmon Fisheries Commission provided for by article II of the convention.

(c) *Person:* The word "person" includes individuals, partnerships, associations, and corporations.

(d) *Convention waters:* The term "convention waters" means those waters described in article I of the convention.

(e) *Sockeye salmon:* The term "sockeye salmon" means that species of salmon known by the scientific name *Oncorhynchus nerka*.

(f) *Vessel:* The word "vessel" includes every type of description of water craft or other contrivance used, or capable of being used, as a means of transportation in water.

(g) *Fishing:* The word "fishing" means the fishing for, catching, or taking, or the attempted fishing for, catching, or taking, of any sockeye salmon in convention waters.

(h) *Fishing gear:* The term "fishing gear" means any net, trap, hook, or other device, appurtenance or equipment, of whatever kind or description, used or capable of being used, for the purpose of capturing fish or as an aid in capturing fish.

Sec. 3. (a) It shall be unlawful for any person to engage in fishing for sockeye salmon in convention waters in violation of the convention or of this Act or of any regulation of the Commission.

(b) It shall be unlawful for any person to ship, transport, purchase, sell, offer for sale, import, export, or have in possession any sockeye

salmon taken in violation of the convention or of this Act or of any regulation of the Commission.

(c) It shall be unlawful for any person or vessel to use any port or harbor or other place subject to the jurisdiction of the United States for any purpose connected in any way with fishing in violation of the convention or of this Act or of any regulation made by the Commission.

(d) It shall be unlawful for any person or vessel to engage in fishing for sockeye salmon in convention waters without first having obtained such license or licenses as may be used by or required by the Commission, or to fail to produce such license, upon demand, for inspection by an authorized enforcement officer.

(e) It shall be unlawful for any person to fail to make, keep, submit, or furnish any record or report required of him by the Commission or to refuse to permit any officer authorized to enforce the convention, this Act, and the regulations of the Commission, or any authorized representative of the Commission, to inspect any such record or report at any reasonable time.

(f) It shall be unlawful for any person to molest, interfere with, tamper with, damage, or destroy any boat, net, equipment, stores, provisions, fish-cultural stations, rearing pond, weir, fishway, or any other structure, installation, experiment, property, or facility acquired, constructed, or maintained by the Commission.

(g) It shall be unlawful for any person or vessel to do any act prohibited or to fail to do any act required by the convention or by this Act or by any regulation of the Commission.

Sec. 4. Any person who fails to make, keep, or furnish any catch return, statistical record, or any report that may be required by the Commission, or any person who furnishes a false return, record, or report, upon conviction shall be subject to such fine as may be imposed by the court not to exceed \$ 1,000, and shall in addition be prohibited from fishing for and from shipping, transporting, purchasing, selling, offering for sale, importing, exporting, or possessing sockeye salmon from the date of conviction until such time as any delinquent return, record, or report shall have been submitted or any false return, record, or report shall have been replaced by a duly certified correct and true return, record, or report to the satisfaction of the court. The penalties imposed by section 5 of this Act shall not be invoked for failure to comply with requirements respecting returns, records, and reports.

Sec. 5 (a) Except as provided in section 4, any person violating any provision of the convention or of this Act or the regulation of the Commission upon conviction shall be fined not more than \$ 1,000 or be imprisoned not more than one year, or both, and the court may prohibit such person from fishing for, or from shipping, transporting, purchasing, selling, offering for sale, importing, exporting, or possessing sockeye salmon for such period of time as it may determine.

(b) The catch of fish of every vessel or of any fishing gear employed in any manner, or any fish caught, shipped, transported, purchased, sold, offered for sale, imported, exported, or possessed in violation of this Act or the regulations of the Commission shall be forfeited; and upon a second and subsequent violation the catch of fish shall be forfeited

and every such vessel and any fishing gear and appurtenances involved in the violation may be forfeited.

(c) All procedures of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws and the disposition of such vessel or the proceeds from the sale thereof shall apply to seizures, forfeitures, and condemnations incurred, or alleged to have been incurred, under the provisions of this Act in so far as such provisions of law are applicable and not inconsistent with this Act.

(d) In cases of minor violations of the provisions of the convention or of this Act or the regulations of the Commission, and in cases where immediate arrest of the person or seizure of fish, fishing gear, or of a vessel, together with its tackle, apparel, furniture, appurtenances, and cargo, would impose an unreasonable hardship, the person authorized to make such arrest or seizure or any court of competent jurisdiction may, in his or its discretion, issue a citation requiring such person to appear before the proper official of the court having jurisdiction thereof within a specified time, not exceeding fifteen days; or in the case of property, post such citation upon the said property and require its delivery to such court within such specified time. Upon the issuance of such citation and the filing of a copy thereof with the clerk of the appropriate court the person so cited and the property so seized and posted shall thereupon be subject to the jurisdiction of the court to answer the order of the court in such cause. Any property so seized shall not be disposed of except pursuant to the order of such court or the provisions of subsection (e) of this section.

(e) When a warrant of arrest or other process *in rem*, including that specified in subsection (d) of this section, is issued in any cause of admiralty jurisdiction under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation with sufficient sureties of approved corporate surety in such sum as the court shall order, conditioned to deliver the property seized, if condemned, without impairment in value (or, in the case of sockeye salmon, to pay its equivalent in money) or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in the event of any breach of the conditions thereof as determined by the court.

Sec. 6. (a) The President of the United States shall designate a Federal agency which shall be responsible for the enforcement of the provisions of the convention and this Act and the regulations of the Commission, except to the extent otherwise provided for in the convention and this Act. It shall be the duty of the Federal agency so designated to take appropriate measures for enforcement at such times and to such extent as it may deem necessary to insure effective enforcement and for this purpose to cooperate with other Federal agencies, State officers, the Commission, and with the authorized officers of the Dominion of Canada.

(b) The Federal agency designated by the President for enforcement purposes may authorize officers and employees of the State of Washington to enforce the provisions of the convention and of this Act and the regulations of the Commission. When so authorized such officers may function as Federal law-enforcement officers for the purposes of this Act.

(c) Enforcement of the convention and this Act and the regulations of the Commission shall be subject to and in accordance with the provisions of article IX of the convention.

(d) Any duly authorized officer or employee of the Federal agency designated by the President for enforcement purposes under the provisions of subsection (a) of this section 6; any officer or employee of the State of Washington who is authorized by the Federal agency so designated by the President; any enforcement officer of the Fish and Wildlife Service of the Department of the Interior, any Coast Guard officer, any United States marshal or deputy United States marshal, any collector or deputy collector of customs, and any other person authorized to enforce the provisions of the convention, this Act, and the regulations of the Commission, shall have power, without warrant or other process, but subject to the provisions of the convention, to arrest any person committing in his presence or view a violation of the convention or of this Act or of the regulations of the Commission and to take such person immediately for examination before an officer or trial before a court of competent jurisdiction; and shall have power, without warrant or other process, to search any vessel within convention waters when he has reasonable cause to believe that such vessel is subject to seizure under the provisions of the convention or this Act, or the regulations of the Commission, and to search any place of business or any commercial vehicle when he has reasonable cause to believe that such place or vehicle contains fish taken, possessed, transported, purchased, or sold in violation of any of the provisions of the convention, this Act, or the regulations of the Commission. Any person authorized to enforce the provisions of the convention and of this Act and the regulations of the Commission shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and shall have power with a search warrant to search any person, vessel, or place, at any time. The judges of the United States courts and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Subject to the provisions of the convention, any person authorized to enforce the convention and this Act and the regulations of the Commission may seize, whenever and wherever lawfully found, all fish caught, shipped, transported, purchased, sold, offered for sale, imported, exported, or possessed contrary to the provisions of the convention or this Act or the regulations of the Commission and may seize any vessel, together with its tackle, apparel, furniture, appurtenances and cargo, and all fishing gear, used or employed contrary to the provisions of the convention or this Act or the regulations of the Commission, or which it reasonably appears has been used or employed contrary to the provisions of the convention or this Act or the regulations of the Commission.

(e) Evidence of any regulation made by the Commission may be given in any court proceedings by the production of a copy of such regulation certified by the Secretary of the Commission to be a true copy and no proof of the signature of the Secretary on such certification shall be required.

(f) Any authorized representative of the Commission, or any person authorized to enforce this Act and the regulations of the Commission

may inspect any licenses issued to persons or vessels engaging in fishing for sockeye salmon in convention waters and for this purpose may at any reasonable time board any vessel or enter upon any premises where such fishing is or may be conducted.

(b) NORTHERN PACIFIC HALIBUT FISHERIES

- (i) *Convention for the preservation of halibut industry, 29 January 1937. "U.S. Treaty Series", no. 917; "Treaties, Conventions, etc., between the United States of America and Other Powers", vol. 4, p. 4014*

The President of the United States of America,
And His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada,

Desiring to provide more effectively for the preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, have resolved to conclude a convention revising the convention for the preservation of that fishery signed on their behalf at Ottawa on 9 May 1930, and have named as their plenipotentiaries for that purpose :

. . .

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

Article 1. The nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) both in the territorial waters and in the high seas off the western coasts of the United States of America, including the southern as well as the western coasts of Alaska, and of Canada, from the first day of November next after the date of the exchange of ratifications of this Convention to the fifteenth day of the following February, both days inclusive, and within the same period yearly thereafter.

The International Fisheries Commission provided for by article 3 is hereby empowered, subject to the approval of the President of the United States of America and of the Governor General of Canada, to suspend or change the closed season provided for by this article, as to part or all of the convention waters, when it finds after investigation such suspensions or changes are necessary, and to permit, limit, regulate and prohibit in any area or at any time when fishing for halibut is prohibited, the taking, retention, and landing of halibut caught incidentally to fishing for other species of fish, and the possession during such fishing of halibut of any origin.

It is understood that nothing contained in this Convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of the United States of America or of Canada, from fishing in the waters hereinbefore specified for other species of fish during the season when fishing for halibut in such waters is prohibited by this Convention or by any regulations adopted in pursuance of its provisions.

It is further understood that nothing contained in this Convention shall prohibit the International Fisheries Commission from conducting fishing operations for investigation purposes at any time.

Article 2. Every national or inhabitant, vessel or boat of the United States of America or of Canada engaged in halibut fishing on the high seas in violation of this Convention or of any regulation adopted under the provisions thereof may be seized by the duly authorized officers of either high contracting party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure, or elsewhere, as may be agreed upon. The authorities of the nation to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of this Convention, or any regulations which may be adopted in pursuance of its provisions, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other high contracting party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

Each high contracting party shall be responsible for the proper observance of this Convention, or of any regulation adopted under the provisions thereof, in the portion of its waters covered thereby.

Article 3. The high contracting parties agree to continue under this Convention the Commission as at present constituted and known as the International Fisheries Commission, established by the Convention for the preservation of the halibut fishery, signed at Washington, 2 March 1923, and continued under the Convention signed at Ottawa, 9 May 1930, consisting of four members, two appointed by each party, which Commission shall make such investigations as are necessary into the life history of the halibut in the convention waters and shall publish a report of its activities from time to time. Each of the high contracting parties shall have power to fill, and shall fill from time to time, vacancies which may occur in its representation on the Commission. Each of the high contracting parties shall pay the salaries and expenses of its own members, and joint expenses incurred by the Commission shall be paid by the two high contracting parties in equal moieties.

The high contracting parties agree that for the purposes of protecting and conserving the halibut fishery of the Northern Pacific Ocean and Bering Sea, the International Fisheries Commission, with the approval of the President of the United States of America and of the Governor General of Canada, may, in respect of the nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, from time to time :

- (a) Divide the convention waters into areas;
- (b) Limit the catch of halibut to be taken from each area within the season during which fishing for halibut is allowed;
- (c) Prohibit departure of vessels from any port or place, or from any receiving vessel or station, to any area for halibut fishing, after any date when in the judgment of the International Fisheries Commission the vessels which have departed for that area prior to that date or which are known to be fishing in that area shall suffice to catch the limit which shall have been set for that area under section (b) of this paragraph;
- (d) Fix the size and character of halibut fishing appliances to be used in any area;

(e) Make such regulations for the licensing and departure of vessels and for the collection of statistics of the catch of halibut as it shall find necessary to determine the condition and trend of the halibut fishery and to carry out the other provisions of this Convention;

(f) Close to all halibut fishing such portion or portions of an area or areas as the International Fisheries Commission find to be populated by small, immature halibut.

Article 4. The high contracting parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and any regulations adopted thereunder, with appropriate penalties for violations thereof.

Note. Conventions for the preservation of halibut fishery were previously concluded by Canada and the United States on 2 March 1923 and 9 May 1930. *U.S. Treaty Series*, nos. 701 and 837; *Treaties, Conventions, etc., between the United States of America and Other Powers*, vol. 4, pp. 3982 and 3999.

(ii) *Canada*

Northern Pacific Halibut Fishery (Convention) Act, 10 April 1937. 1 George VI, c. 36; "Statutes, 1937", p. 183

1. This Act may be cited as The Northern Pacific Halibut Fishery (Convention) Act, 1937.

2. In this Act, unless the contrary intention appears:

(a) "Closed season" means, in respect of fishing for halibut in the convention waters, the period from the 1st day of November in any year to the 15th day of February in the next following year, both days inclusive, or any other period which may be substituted therefor either as to part or all of the convention waters by the International Fisheries Commission, with the approval of the Governor in Council and of the President of the United States of America;

(b) "Convention" means the convention between Canada and the United States of America for the preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 29th day of January, 1937;

(c) "Convention waters" comprises and means the territorial waters and the high seas off the western coasts of Canada and of the United States of America, including the southern as well as the western coasts of Alaska;

(d) "Halibut" means the species of fish known as *hippoglossus*;

(e) "International Fisheries Commission" means the commission established by the Convention for the preservation of the halibut fishery aforesaid concluded on 2 May 1923, and under the authority of the Northern Pacific Halibut Fishery Protection Act and continued by the Convention for the preservation of the said fishery concluded on 9 May 1930, and which is further continued under the Convention and under the provisions of this Act;

(f) "Regulations" means orders or regulations of the Governor in Council;

(g) "Territorial waters of Canada" means Canadian waters as defined for the purposes of the Customs Act which are contiguous to the western coast of Canada.

3. The Convention, which is set out in the schedule to this Act, is hereby confirmed and sanctioned.

4. In the event of any inconsistency between the provisions of this Act and of the Convention, and the operation of any other law, the provisions of this Act and of the Convention shall to the extent of such inconsistency prevail.

5. Section 5 and all of the following sections, except sections 10 and 29, of the Customs and Fisheries Protection Act, chapter 43 of the Revised Statutes of Canada, 1927, shall be deemed to apply in so far as applicable for all the purposes of this Act, and shall have effect as if enacted herein.

6. The Governor in Council may make such appointments, establish such offices, and do such things as may be deemed necessary for carrying out the Convention, and for giving effect to any of its provisions.

7. Canada shall pay the salaries and expenses of the members of the International Fisheries Commission appointed by the Governor in Council and one-half of the joint expenses incurred by the Commission out of moneys provided by Parliament.

8. Every person who at any time in the closed season fishes for, or catches, or attempts to catch, halibut in the territorial waters of Canada in contravention of any provision of this Act, or of any regulation; and every national or inhabitant of Canada who at any time in the closed season fishes for, or catches, or attempts to catch, halibut in convention waters, in contravention of any provision of this Act, or of any regulation, is guilty of an offence against this Act.

9. (1) The Governor in Council may make orders and regulations to give effect to any permission, limitation, regulation, prohibition, or other action of the International Fisheries Commission, pursuant to the provisions of the Convention.

(2) The Governor in Council may make such orders and regulations as may be deemed necessary for the purpose of carrying out the Convention or for giving effect to any of its provisions.

(3) The Governor in Council may make such orders and regulations as appear to him to be necessary to prevent the use of the territorial waters of Canada or of Canadian ports or of any other Canadian facilities, whether directly or indirectly, by any vessel, national or inhabitant of any country not a party to the Convention employed or intended to be employed either directly or indirectly in the halibut fishery in Convention waters.

(4) The Governor in Council may rescind, revoke, amend or vary any order or regulation made under the authority of this section.

(5) Every person who at any time contravenes any order or regulation made under the provisions of this section shall be guilty of an offence against this Act.

(6) Every order or regulation made under the authority of this section shall be published in the *Canada Gazette* and shall, as on the date of such publication or any later date mentioned therein, have force and effect as if it were enacted by parliament.

10. (1) The owner or master of any vessel, or any other person, who:
(a) Makes use of any port or place within Canada for the purpose of furnishing, providing, preparing or outfitting in any manner, whether in whole or in part, any vessel for the purpose of engaging in the halibut

fishery within convention waters or within any specified area thereof in contravention of any provision of this Act, or of any regulation; or

(b) Causes or permits any vessel to depart from any such port or place with the intention of fishing for halibut within convention waters or within any specified area thereof in contravention of any provision of this Act, or of any regulation;

shall be guilty of an offence against this Act.

(2) The owner or master of any vessel shall, if the said vessel enter or come to any port or place in Canada while upon or in the prosecution of any voyage at any time during which the said vessel fished or was used in fishing for halibut as aforesaid, or have on board the said vessel any halibut caught while so fishing, be guilty of an offence against this Act.

11. The owner or master of any vessel or any person who lands or attempts to land, or knowingly has in his possession, in any port or place within Canada any halibut caught in convention waters or within any specified area thereof in contravention of any provision of this Act, or of any regulation, shall be guilty of an offence against this Act.

12. (1) Every ship, vessel, or boat, including all furniture, apparel, appliances, gear, tackle and rigging and all cargo and stores found on board thereof, which is in any manner operated or used for the commission of any offence against this Act, or for fishing for halibut in convention waters in contravention of any regulation, or for aiding or facilitating the commission of any such offence, or of any such contravention, may be seized by any officer authorized by the Customs and Fisheries Protection Act to board and search and shall, save as herein otherwise provided, be forfeited.

(2) Every national or inhabitant of Canada or of the United States engaged in fishing for halibut in convention waters in contravention of any provision of this Act or of any regulation, or in aiding or facilitating fishing as aforesaid, may be taken into custody and detained by any officer authorized by the Customs and Fisheries Protection Act to board and search.

(3) Whenever any such person is a national or inhabitant of the United States, or any such ship, vessel, boat or other property is registered in the United States or belongs to a national or an inhabitant of the United States, and is taken into custody and seized and detained for an offence against any provision of this Act or for a contravention of any regulation committed in convention waters other than the territorial waters of Canada, such person, ship, vessel, boat or other property shall be delivered as soon as practicable to an authorized official of the United States to be dealt with in accordance with the law of the United States.

13. Every person who knowingly has in his possession any halibut unlawfully caught within convention waters or unlawfully retained shall be guilty of an offence against this Act.

14. (1) Every person guilty of an offence against this Act or of a contravention of any regulation shall be liable upon summary conviction to a fine of not less than 100 dollars and not more than 1,000 dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

(2) The justice making the conviction shall adjudge and order as forfeited to the Crown for the public uses of Canada any halibut in the possession of the person convicted which is found to have been unlawfully caught in convention waters or unlawfully retained: Provided that if the conviction be quashed on an appeal or on a stated case, the person aggrieved shall be recouped the reasonable market value of the halibut so forfeited as of the date the forfeiture was so adjudged and ordered.

[Schedule not reproduced.]

Note. This Act replaced the Northern Pacific Halibut Protection Act of 1923. *Revised Statutes of Canada, 1927*, vol. 2, c. 75, p. 1759.

(iii) *United States*

Northern Pacific Halibut Act, 28 June 1937, as amended. "U.S. Statutes at Large". vol. 50, c. 392, p. 325; "U.S. Code" (1946 edition), Title 16 (Conservation), sections 772a-772h

Section 772a. Definitions

When used in sections 772-772i of this title:

(a) *Convention*: The word "Convention" means the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 29th day of January 1937, and shall include the regulations of the International Fisheries Commission promulgated thereunder.

(b) *Commission*: The word "Commission" means the International Fisheries Commission provided for by article III of the Convention.

(c) *Person*: The word "person" includes partnerships, associations, and corporations.

(d) *Territorial waters of the United States*: The term "territorial waters of the United States" means the territorial waters contiguous to the western coast of the United States and the territorial waters contiguous to the southern and western coasts of Alaska.

(e) *Territorial waters of Canada*: The term "territorial waters of Canada" means the territorial waters contiguous to the western coast of Canada.

(f) *Convention waters*: The term "Convention waters" means the territorial waters of the United States, the territorial waters of Canada, and the high seas of the Northern Pacific Ocean and the Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada.

(g) *Halibut*: The word "halibut" means the species of *Hippoglossus* inhabiting Convention waters.

(h) *Vessel*: The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water. (June 28, 1937, ch. 392, section 2, 50 Stat. 325.)

Section 772b. Acts unlawful

It shall be unlawful for:

(a) Any person other than a national or inhabitant of the United States to catch or attempt to catch any halibut in the territorial waters of the United States;

(b) Any person to transfer to or to receive upon any vessel of the United States, or to bring to any place within the jurisdiction of the United States any halibut caught in Convention waters by the use of any vessel of a nation not a party to the Convention, or caught in Convention waters by any national or inhabitant of the United States or Canada in violation of the Convention or of sections 772-772i of this title;

(c) Any national or inhabitant of the United States to catch, attempt to catch, or to possess any halibut in the territorial waters of the United States or in Convention waters in violation of any provision of the Convention or of sections 772-772i of this title;

(d) Any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel, other than a vessel of the United States or Canada, in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in Convention waters or the territorial waters of the United States or Canada;

(e) Any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel of the United States or Canada in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in violation of any provision of the Convention or of sections 772-772i of this title;

(f) Any person within the territory or jurisdiction of the United States or any national or inhabitant of the United States within Convention waters knowingly to have or have had in his possession any halibut taken, transferred, received, or brought in in violation of any provision of the Convention or of sections 772-772i of this title;

(g) Any person to depart from any place within the jurisdiction of the United States in any vessel which departs from such place in violation of the Convention or of sections 772-772i of this title;

(h) Any person in the territorial waters of the United States or any national or inhabitant of the United States in Convention waters to catch or attempt to catch any halibut, or to possess any halibut caught incidentally to fishing for other species of fish by the use of or in any vessel required by the Convention to have on board any license or permit unless such vessel shall have on board a license or permit which shall comply with all applicable requirements of the Convention and which shall be available for inspection at any time by any officer authorized to enforce the Convention or by any representative of the Commission;

(i) Any person to take, retain, land, or possess any halibut caught incidentally to fishing for other species of fish, in violation of any provision of the Convention or of sections 772-772i of this title. (June 28, 1937, ch. 392, section 3, 50 Stat. 326.)

Section 772c. Records and reports of master or owner.

It shall be unlawful for the master or owner or person in charge of any vessel or any other person required by the Convention to make, keep, or furnish any record or report to fail to do so, or to refuse to permit any officer authorized to enforce the Convention or any representative of the Commission to examine and inspect any such record or report at any time. (June 28, 1937, ch. 392, section 4, 50 Stat. 327.)

Section 772d. Enforcement; arrest and seizure; detention; testimony of officers

(a) The provisions of the Convention and of sections 772-772i of this title and any regulations issued under said sections shall be enforced by the Coast Guard, the Customs Service, and the Fish and Wildlife Service. For such purposes any officer of the Coast Guard, Customs, or Fish and Wildlife Service may at any time go on board of any vessel in territorial waters of the United States, or any vessel of the United States or Canada in Convention waters, except in the territorial waters of Canada, to address inquiries to those on board and to examine, inspect, and search the vessel and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel compliance.

(b) Whenever it appears to any such officer that any person, other than a national or inhabitant of Canada, on any vessel of the United States is violating or has violated any provision of the Convention or of sections 772-772i of this title, he shall arrest such person and seize any such vessel employed in such violation. If any such person on any such vessel of the United States is a national or inhabitant of Canada, such person shall be detained and shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention or at such other port or place as such officers of the United States and of Canada may agree upon.

(c) Whenever it appears to any such officer of the United States that any person, other than a national or inhabitant of the United States, on any vessel of Canada in Convention waters, except in the territorial waters of Canada, is violating or has violated any provision of the Convention, such person, and any such vessel employed in such violation, shall be detained and such person and such vessel shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention, or at such other port or place as such officers of the United States and of Canada may agree upon. If any such person on any such vessel of Canada, is a national or inhabitant of the United States, such person shall be arrested as provided for in subsection (b) of this section.

(d) Officers or employees of the Coast Guard, Customs, and Fish and Wildlife Service may be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be produced compatibly with the public interest and as may be considered essential to the prosecution in Canada of any violation of the provisions of the Convention or any Canadian law for the enforcement thereof when requested by the appropriate Canadian authorities in the manner prescribed in article V of the Convention to suppress smuggling concluded between the United States and Canada on June 6, 1924 (44 Stat. (pt. 3), 2097). (June 28, 1937, ch. 392, section 5, 50 Stat. 327;

1939 Reorg. Plan No. II, section 4 (e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, section 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232.)

Section 772e. Penalties and forfeitures

(a) Any person violating any provision of section 772b of this title upon conviction shall be fined not more than \$ 1,000 nor less than \$ 100 or be imprisoned for not more than one year, or both.

(b) The cargo of halibut of every vessel employed in any manner in connection with the violation of any provision of section 772b of this title shall be forfeited; upon a second violation of the provisions of said section, every such vessel, including its tackle, apparel, furniture, and stores may be forfeited and the cargo of halibut of every such vessel shall be forfeited; and, upon a third or subsequent violation of the provisions of said section, every such vessel including its tackle, apparel, furniture, cargo, and stores shall be forfeited.

(c) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of sections 772-772i of this title, in so far as such provisions of law are applicable and not inconsistent with the provisions of said sections: *Provided*, That except as provided in section 772d of this title all rights, powers, and duties conferred or imposed by said sections upon any officer or employee of the Treasury Department shall, for the purposes of said sections, be exercised or performed by the Secretary of the Interior or by such persons as he may designate. (June 28, 1937, ch. 392, section 6, 60 Stat. 328; 1939 Reorg. Plan No. II, section 4 (e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

Section 772f. Penalties relative to records and reports

Any person violating section 772c of this title shall be subject to a penalty of \$ 50 for each such violation. The Secretary of the Interior is authorized and empowered to mitigate or remit any such penalty in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws. (June 28, 1937, ch. 392, section 7, 50 Stat. 328; 1939 Reorg. Plan No. II, section 4 (e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

Section 772g. Exemption of Commission

None of the prohibitions contained in sections 772-772i of this title shall apply to the Commission or its agents when engaged in any scientific investigation. (June 28, 1937, ch. 392, section 8, 50 Stat. 328.)

Section 772h. Rules and regulations

The Secretary of the Treasury and the Secretary of the Interior are authorized to make such joint rules and regulations as may be necessary to carry out the provisions of sections 772-772i of this title. (June 28, 1937, ch. 392, section 9, 50 Stat. 328; 1939 Reorg. Plan No. II, section 4 (e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

Note. This Act replaces the Northern Pacific Halibut Acts of 7 June 1924 and 2 May 1932. *U.S. Statutes at Large*, vol. 43, c. 345, p. 648, and vol. 47, c. 154, p. 142.

(iv) *United States*

Regulations of the International Fisheries Commission concerning Pacific halibut fisheries, approved by the President of the United States, 28 April 1949. "Code of Federal Regulations", title 50, chapter III, part 301; "Federal Register", vol. 14, no. 88 (7 May 1949), p. 2380

Section 301.1. Regulatory areas. (a) Convention waters which include the territorial waters and the high seas off the western coast of Canada and the United States of America including the southern as well as the western coasts of Alaska, shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1A shall include all convention waters southeast of a line running northeast and southwest through Cape Blanco Light, as shown on Chart 5952, published in February, 1935, by the United States Coast and Geodetic Survey, which light is approximately latitude $42^{\circ} 50' 14''$ N., longitude $124^{\circ} 33' 45''$ W.

(c) Area 1B shall include all convention waters between Area 1A and a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in July, 1939, by the United States Coast and Geodetic Survey, which light is approximately in latitude $46^{\circ} 43' 17''$ N., longitude $124^{\circ} 04' 15''$ W.

(d) Area 2 shall include all convention waters off the coasts of the United States of America and of Alaska and of the Dominion of Canada between Area 1B and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June, 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude $58^{\circ} 11' 57''$ N., longitude $136^{\circ} 38' 18''$ W., thence south one-quarter east and is exclusive of the areas closed to all halibut fishing in section 301.9.

(e) Area 3 shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running from the light on Cape Kabuch at the head of Ikatan Bay as shown on Chart 8701 published in February, 1943, by the United States Coast and Geodetic Survey which light is approximately latitude $53^{\circ} 49' 03''$ N., longitude $163^{\circ} 21' 42''$ W., thence to Cape Sarichef Light at the western end of Unimak Island as shown on Chart 8860 published in December, 1942 (12th edition) by the United States Coast and Geodetic Survey which light is approximately latitude $54^{\circ} 36' 00''$ N., longitude $164^{\circ} 55' 45''$ W., thence true west.

(f) Area 4 shall include all convention waters in Bering Sea which are not included in Area 3.

Section 301.2. Limit of catch in each area. (a) The catch of halibut to be taken during the halibut fishing season of the year 1949 from Area 2 shall be limited to approximately 25,500,000 pounds of salable halibut and from Area 3 to approximately 28,000,000 pounds of salable halibut, and from Area 4 to approximately 500,000 pounds of salable halibut, the weight in each or any such limit to be computed as with heads off and entrails removed.

(b) The catch of halibut to be taken from each area during the halibut fishing season of the year 1949 shall also be limited to halibut which with the head on are twenty-six inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are five pounds or more in weight, and the possession of any halibut of less than the above length or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

(c) The International Fisheries Commission shall as early in the said year as is practicable determine the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for or catching of halibut in the area or areas to which such limit applies shall at that date be prohibited until after the end of the closed season as defined and modified in section 301.3, except as provided in section 301.5, and in article I of the Convention: And provided, That if it shall at any time become evident to the International Fisheries Commission that the limit will not be reached by such date, it may substitute another date.

Section 301.3. Length of closed season

(a) Under the authority of article I of the aforesaid Convention the closed season as therein defined shall be modified so as to end at 12 midnight of the 30th day of April of the year 1949 and of each year thereafter and shall begin at 12 midnight of the 30th day of November of each year unless an earlier date is determined upon for any area under the provisions of paragraph (b) of this section.

(b) Under authority of article I of the Convention, the closed season as therein defined shall begin in each area on the date on which the limit is reached as provided in paragraph (c) of section 301.2 and the closing of such area or areas shall be taken to have been duly approved unless before the said date either the President of the United States of America or the Governor General of Canada shall have signified his disapproval (the burden of proving any such signification being upon the person alleging it) and provided that the closing date of Area 2 or of Area 3, whichever shall be later, shall apply to Areas 1A and 4, unless Area 4 shall have been previously closed under this section, and that the closing date of Area 2 shall apply to Area 1B.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut or prohibit the International Fisheries Commission from conducting fishing operations as provided for in article I of the Convention.

Section 301.4 Issuance of licenses and conditions limiting their validity

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the International Fisheries Commission: Provided, That vessels of less than five net tons or vessels which do not use set lines need

not be licensed unless they shall require a permit as provided in section 301.5.

(b) Each vessel licensed by the International Fisheries Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in section 301.6 and this license shall at all times be subject to inspection by authorized officers of either of said governments or by representatives of the International Fisheries Commission.

(c) The halibut license shall be issued without fee by the customs officers of either of said governments or by representatives of the International Fisheries Commission or by fishery officers of either of said governments at places where there are neither customs officers nor representatives of the International Fisheries Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred. The old license form shall be forwarded in each case to the International Fisheries Commission.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical returns are required. This validation of a license shall be by customs officers or by fisheries officers of either of said governments when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of section 301.7 have been complied with for all landings and all fishing operations since issue of the license: Provided, That if the master or operator of any vessel shall fail to comply with the provisions of section 301.7, the halibut license of such vessel may be validated by customs officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 1A as defined in section 301.1 after the closure of Areas 1B and 2 must be validated at a port or place within Area 1A prior to each such fishing operation.

(f) No halibut license shall be validated for departure for halibut fishing in Areas 1A or 1B or 2 more than three days, and in Areas 3 or 4 more than five days before the end of the closed season as defined in section 301.3(a).

(g) No halibut license shall be valid for halibut fishing in more than one area, as defined in section 301.1, during any one trip nor shall it be revalidated for halibut fishing in another such area while the vessel has any halibut on board.

(h) The halibut license shall not be valid for halibut fishing in any area closed to halibut fishing or for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(i) The halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

(j) The halibut license of any vessel shall not be valid for the possession of any halibut in any area other than that for which validated, if such vessel is in possession of baited gear, except in those waters included within a twenty-five mile radius of Cape Spencer Light, Alaska.

Section 301.5. Retention of halibut taken with other fish under permit

(a) There may be retained for sale on any vessel which shall have a permit as provided in section 301.6 such halibut as is caught incidentally to fishing by that vessel in any area that is closed to halibut fishing under section 301.2 with set lines (of the type commonly used in the Pacific coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed: Provided, That it shall not be a violation of this regulation for any such vessel to have in possession halibut in addition to the amount therein allowed to be sold if such additional halibut shall not exceed thirty per cent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (d) of this section.

(b) The catch of halibut taken and retained under such permit shall be limited to halibut which with the head on are twenty-six inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are five pounds or more in weight, and the possession of any halibut of less than the above length or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

(c) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of either of said governments by the captain or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish shall be landed or removed or be received from the catching vessel except with the permission of said officer and under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess whatever its origin shall have been forfeited and surrendered to the customs, fishery or other authorized officers of either of said governments. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut: Provided, That the amount retained shall not exceed the proportion herein allowed.

(e) Permits for the retention and landing of halibut in the year 1949 shall become invalid at 12 midnight of the 15th day of November

of said year or at such earlier date as the International Fisheries Commission shall determine.

Section 301.6 Issuance of permits and conditions limiting their validity

(a) Any vessel which shall be used in fishing for other species than halibut in any area closed to halibut fishing under section 301.2 must have a halibut license and a permit, if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in section 301.5.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area for which the permit is issued.

(c) The permit shall terminate at the time of first landing thereafter of fish of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and is thereby subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) of section 301.5.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port of each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of either of said governments when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the halibut license form and unless the provisions of section 301.7 have been complied with for all landings and all fishing operations since issue of the license or permit: Provided, That if the master or operator of any vessel shall fail to comply with the provisions of section 301.7, the permit of such vessel may be granted by customs officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) of section 301.5.

Section 301.7. Statistical return by vessels

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations in this part and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in section 301.5 and 301.6, within forty-eight hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area defined in the regulations in this part for which the vessel's license is validated.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required. A copy of such return must be forwarded to the International Fisheries Commission at such time as the latter shall require.

(d) The master or operator and/or any person engaged on shares in the operation of any vessel licensed or holding a permit under the regulations in this part may be required by the International Fisheries Commission or by any officer of either of said governments authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and the amount of halibut taken daily in each such locality. This log record shall be open to inspection of representatives of the International Fisheries Commission authorized for this purpose.

(f) The master, operator and/or any other person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the International Fisheries Commission or by any officer of either of said governments to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

Section 301.8. Statistical return by dealers

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of either of said governments or to representatives of the International Fisheries Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in section 301.5 shall within forty-eight hours make to an authorized enforcing officer of either of said governments a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (c) of section 301.5. Such persons, firms or corporations may be required by any officer of either of said governments to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be open at all times to inspection of any enforcement officer of either of said governments or of any authorized representative

of the International Fisheries Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

Section 301.9. Closed small halibut grounds

(a) The following areas have been found to be populated by small, immature halibut and are hereby closed to all halibut fishing and the possession of halibut of any origin is prohibited therein during fishing for other species:

(b) First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated: From the north extremity of Cape Ulitka, Noyes Island, approximately latitude $55^{\circ} 33' 48''$ N., longitude $133^{\circ} 43' 35''$ W., to the south extremity of Wood Island, approximately latitude $55^{\circ} 39' 44''$ N., longitude $133^{\circ} 42' 29''$ W.; thence to the east extremity of Timbered Islet, approximately latitude $55^{\circ} 41' 47''$ N., longitude $133^{\circ} 47' 42''$ W.; thence to the true west extremity of Timbered Islet, approximately latitude $55^{\circ} 41' 46''$ N., longitude $133^{\circ} 48' 01''$ W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude $55^{\circ} 34' 46''$ N., longitude $134^{\circ} 14' 40''$ W.; thence southeast by south twelve and one-half miles to a point approximately latitude $55^{\circ} 22' 23''$ N., longitude $134^{\circ} 12' 48''$ W.; thence northeast thirteen and seven-eighths miles to the southern extremity of Cape Addington, Noyes Island, latitude $55^{\circ} 26' 11''$ N., longitude $133^{\circ} 49' 12''$ W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in June, 1929, and Chart 8152, as published by the United States Coast and Geodetic Survey at Washington, D. C., in March, 1933, and reissued March, 1939, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December, 1923: Provided, That the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein and such mark or marks shall thereafter be considered as correctly defining said boundary.

(c) Second, that area lying in the waters off the northern coast of Graham Island, British Columbia, within the following boundary, and including the waters of Sturgess Bay, Masset Sound, Masset Inlet, and bays and inlets thereof; from the northwest extremity of Wiah Point, latitude $54^{\circ} 06' 50''$ N., longitude $132^{\circ} 19' 18''$ W., true north five and one-half miles to a point approximately latitude $54^{\circ} 12' 20''$ N., longitude $132^{\circ} 19' 18''$ W.; thence true east approximately sixteen and three-tenths miles to a point which will lie northwest (according to magnetic compass at any time) of the highest point of Tow Hill, Graham Island, latitude $54^{\circ} 04' 24''$ N., longitude $131^{\circ} 48' 00''$ W.; thence southeast to the said highest point of Tow Hill. The points on the shoreline of the above-mentioned island shall be determined from

Chart 3754, published at the Admiralty, London, April 11, 1911: Provided, That the duly authorized officers of the Dominion of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

Section 301.10. Dory gear prohibited

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of the regulations in this part is prohibited in all convention waters.

Section 301.11. Nets prohibited

It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit held by any vessel under the regulations in this part be valid during the use or possession on board of any net or nets other than bait nets: Provided, That the character and the use of said bait nets conform to the laws and regulations of the country where they may be utilized and that said bait nets are utilized for no other purpose than the capture of bait for said vessel.

Section 301.12. Retention of tagged halibut

Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears an International Fisheries Commission tag at the time of capture: Provided, That such halibut with the tag still attached is reported at the time of landing to representatives of the International Fisheries Commission or to enforcement officers of either of said governments and is made available to them for examination.

Section 301.13. Responsibility of master

Wherever in the regulations in this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

Section 301.14. Supervision of unloading and weighing

The unloading and weighing of the halibut of any vessel licensed or holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfilment of the provisions of the regulations in this part.

Previous regulations superseded

These regulations shall supersede all previous regulations adopted pursuant to the Convention between the United States of America and the Dominion of Canada for preservation of the halibut fishery of the

northern Pacific Ocean and Bering Sea, signed 29 January, 1937, except as to offenses occurring prior to the approval of these regulations. These regulations shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the International Fisheries Commission pursuant to these regulations shall become effective immediately.

Note. For a Canadian enactment of the Regulations of the International Fisheries Commission, see Canadian Order in Council of 6 March 1948 (P.C. 923), *Canada Gazette*, vol. 82 (1948), part II (Statutory Orders and Regulations), p. 745.

(c) PELAGIC SEALING

- (i) *Provisional Fur Seal Agreement, embodied in an Exchange of Notes, 8 and 19 December 1942. "U.S. Executive Agreement Series", no. 415; "United Nations Treaty Series", vol. 26, p. 363*

Article 1. The provisions of this Agreement shall apply to all waters of the Bering Sea and the Pacific Ocean, north of the thirtieth parallel of north latitude and east of the one hundred and eightieth meridian.

Article 2. The Government of the United States of America and the Government of Canada mutually and reciprocally agree that:

(a) Excepting as may be authorized pursuant to paragraph (c) of this article, nationals or citizens of the respective countries, and all persons, and vessels, subject to their laws and treaties, shall be prohibited, while this Agreement remains in force, from engaging in pelagic sealing in the waters within the area defined in article 1, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of the other party to this Agreement, and detained by the naval or other duly commissioned officers of either of the parties, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offense, so far as they are under the control of either of the parties to this Agreement, shall be furnished with all reasonable promptness to the authorities having jurisdiction to try the offense;

(b) No person or vessel shall be permitted to use any of the ports or harbors of either of the parties to this Agreement or any part of the territories of such parties for any purposes connected with the operation of pelagic sealing in the waters within the area defined in article 1; and the importation into or possession within their respective territories of skins of fur seals taken in those waters other than in accord with the provisions of this Agreement shall not be permitted; and

(c) Notwithstanding the foregoing provisions, pelagic sealing may be conducted, in the event of emergency circumstances, by an agency or agencies authorized by either of the two governments under such conditions and for such a period as may be agreed upon by consultation

between the two governments, and the skins thus taken shall be shared in such a manner as may be agreed upon between them.

Article 3. The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters defined in article 1 subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands or at such other point or points as may be acceptable to both governments, at the end of each season during the term of this Agreement twenty per cent gross in number and value thereof to an authorized agent of the Canadian Government.

Article 4. It is agreed on the part of Canada that in case any fur seals hereafter resort to any islands or shores of the waters defined in article 1 subject to the jurisdiction of Canada, there shall be delivered at the end of each season during the term of this Agreement twenty per cent gross in number and value of the total number of sealskins taken annually from such herd to an authorized agent of the Government of the United States of America at Vancouver, British Columbia, or at such other point or points as may be acceptable to both governments.

Article 5. The provisions of this Agreement shall not apply to Indians, Aleuts, or other aborigines dwelling on the coasts of the waters defined in article 1, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practised, and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

Article 6. The term pelagic sealing is hereby defined for the purposes of this Agreement as meaning the killing, capturing, or pursuing in any manner whatsoever of fur seals at sea.

Article 7. Notwithstanding anything contained in the preceding articles of the present Agreement, either party to this Agreement may grant to any of its nationals or agencies a special permit to take fur seals for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the party deems appropriate. Each party shall at the end of each calendar year inform the other party of the number of animals taken and the data obtained under such permits.

Article 8. Nothing contained in the present Agreement shall restrict the right of the United States at any time to suspend altogether the taking of sealskins upon the Pribilof Islands or any other islands or shores of the waters defined in article 1 subject to its jurisdiction, or the right of the United States to impose such restrictions and regulations upon the total number of skins which may be taken in any season and the manner and times and places of taking skins as may seem necessary to protect and preserve the seal herd or to increase its numbers, provided, however, that the two governments will consult from time to time regarding the level of population at which the seal herd is to be maintained or other important phases of management or policy.

Article 9. Each of the parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

The parties further agree to co-operate with each other in taking such measures as may be appropriate for the enforcement of the foregoing provisions.

Note. This Agreement was extended by the exchange of Notes of 26 December 1947. *United Nations Treaty Series*, vol. 27, p. 30. With respect to the enforcement of this Agreement see U.S. Public Law No. 237, of 26 February 1944, and Canadian Act No. 21 of 14 May 1948, which are reproduced below.

A multilateral convention for the preservation and protection of fur seals was concluded on 7 July 1911 (*U.S. Treaty Series*, no. 564; Martens, *Nouveau Recueil général de Traités*, 3rd series, vol. 5, p. 720); it was denounced by Japan on 23 October 1940 (*U.S. Department of State Bulletin*, vol. 3, p. 412).

(ii) *Canada*

Pelagic Sealing (Provisional Agreement) Act, 14 May 1948. 11-12 George VI, c. 21; "Statutes, 1948", p. 147

1. This Act may be cited as The Pelagic Sealing (Provisional Agreement) Act.

2. In this Act:

(a) "Agreement" means the Provisional Fur Seal Agreement entered into between Canada and the United States of America by Exchange of Notes dated the eighth day of December, nineteen hundred and forty-two, the nineteenth day of December, nineteen hundred and forty-two, and the twenty-sixth day of December, nineteen hundred and forty-seven, set out in schedule A;

(b) "North Pacific waters" means the waters within such part of the Pacific Ocean as are north of the thirtieth parallel of north latitude, and east of the one hundred and eightieth meridian, including the Bering Sea;

(c) "Equipment" includes any boat, tackle, apparel, furniture, provisions, munitions, fuel or stores with which a vessel is furnished and any other thing that is used in or about a vessel for the purpose of fitting or adapting her for the sea or for carrying, taking or hunting seals; and "equipping" includes furnishing a vessel with any equipment;

(d) "Pelagic sealing" means the killing, capturing or pursuing in any manner whatsoever of fur seals at sea;

(e) "Vessel" includes any ship, boat, canoe or any other description of vessel used in navigation.

3. (1) Any commissioned officer on full pay in the naval, military or air forces of Canada or in any other naval, military or air forces of His Majesty, or any fishing officer or stipendiary magistrate, on board of any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, or any other person duly commissioned for that purpose, may go on board of any vessel within the territorial waters of Canada covered by the Agreement that he has reason to believe is in any manner being operated or used in contravention of this Act or the Agreement, or for aiding or facilitating any such

contravention, and may search her cargo and equipment and examine the master or person in command under oath touching the cargo, equipment and voyage.

(2) Where the master or person in command of any vessel mentioned in subsection 1, upon examination under oath by any officer or person under the authority of this Act touching the cargo, equipment or voyage of such vessel refuses or fails to answer truly all questions put to him in such examination, or where such master or person in command refuses to take an oath for the purpose of such examination, he is guilty of an offence and liable on summary conviction to a fine not exceeding 400 dollars.

4. (1) No citizen or inhabitant of Canada shall engage in, and no vessel registered in Canada or belonging to any such citizen or inhabitant shall be operated or used in or for any purpose connected with pelagic sealing in North Pacific waters.

(2) Every person who violates subsection 1 or who procures, aids or abets any such violation, is guilty of an offence.

5. Every person who uses any port or harbour within Canada for the purpose of equipping any vessel intended to be operated or used for any purpose connected with the operations of pelagic sealing in North Pacific waters is guilty of an offence and

(a) May be prosecuted under part XV of the *Criminal Code* and if convicted is liable to a fine not exceeding 500 dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment ; or

(b) May be prosecuted upon indictment and if convicted is liable to a fine not exceeding 2,000 dollars or to imprisonment for a term not exceeding two years or to both fine and imprisonment.

6. Sections 4 and 5 do not apply to an Indian or other aborigine dwelling on the coast of Canada contiguous to North Pacific waters, while engaging in pelagic sealing in North Pacific waters in compliance with article V of the Agreement.

7. No person shall import into or have in possession within Canada any skins of seals

(a) Taken in contravention of this Act or the Agreement ; or

(b) Identified as being of the species known as *Callorhinus alascanus*, *Callorhinus ursinus* and *Callorhinus kurilensis*, except such as are taken under the authority of the United States of America or the respective parties to any fur seal agreement between Canada and any other country that are officially marked and certified as having been so taken.

8. No person shall import into or have in possession within Canada or buy, sell, ship or otherwise dispose of any fur seal skin, except skins taken and officially marked and certified as provided in paragraph (b) of section 7, and except skins that have been dressed and dyed, unless a fishery officer or other officer authorized by the Minister of Fisheries has, with respect to such skin, issued a certificate in the form set forth in schedule B and the person taking such skin has duly completed and signed the statement prescribed in such form and such skin is marked with a tag affixed thereto by such officer bearing the number designated in such certificate.

9. Subject to section 14, every vessel, including her equipment and any skins of fur seals found on board thereof, that is in any manner operated or used in contravention of this Act or the Agreement, or for

aiding or facilitating such contravention is subject to forfeiture to His Majesty.

10. Where any vessel has become subject to forfeiture to His Majesty under this Act, any person authorized by section 3 to board and search may, except within the territorial waters of the United States of America, seize and detain the vessel, together with her equipment and any skins of fur seals found on board thereof, and bring her for adjudication before the Exchequer Court of Canada on its Admiralty side or before any superior court in the province in or near which the vessel was seized and the court may thereupon adjudge the vessel, including her equipment and any skins of fur seals found on board thereof, to be forfeited to His Majesty and the court may make such order in the case as to it seems just.

11. No officer who has seized or detained under this Act any vessel, equipment, skins or fur seals or other property, notwithstanding that such vessel, equipment, skins or other property are not brought in for adjudication or if so brought in are declared not subject to forfeiture, is responsible either civilly or criminally to any person if he shows to the satisfaction of the court before which any trial relating to such seizure or detention is held that he had reasonable grounds for making such seizure or detention; but if no such grounds are shown the court may award costs and damages to any party aggrieved and may make such other order as the court thinks just.

12. (1) Where a person who is by section 3 authorized to board and search reasonably believes that an offence against section 7 or section 8 has been committed he may seize all skins of fur seals by means of or in relation to which he reasonably believes the offence was committed.

(2) All skins of fur seals seized pursuant to subsection 1 may be detained for a period of six months following the day of seizure, unless during that period proceedings under this Act in respect of those skins are undertaken, in which case the skins may be further detained until such proceedings are finally concluded.

(3) Where a person is convicted of an offence against section 7 or section 8, the convicting court or judge may, in addition to any other penalty that may be imposed, order that any skins by means of or in relation to which the offence was committed are forfeited; and thereupon such skins are forfeited to His Majesty and may be disposed of by such person in such manner and at such time and place as the Minister of Fisheries may direct; but no skins shall be disposed of pending an appeal against the conviction or before the time within which such appeal may be taken has expired.

13. Every citizen or inhabitant of Canada or of the United States of America engaged in pelagic sealing in North Pacific waters in contravention of this Act or the Agreement may, except within the territorial jurisdiction of the United States of America, be taken into custody.

14. Where in respect of a contravention of this Act or the Agreement committed in North Pacific waters other than within the territorial waters of Canada a vessel registered in or belonging to a citizen or inhabitant of the United States of America is seized and detained under this Act or a citizen or inhabitant of the United States of America is taken into custody under this Act, the person or vessel, as the case may be, shall be delivered as soon as practicable to an authorized official of the United States of America to be dealt with in accordance with the law of the United States of America.

15. Every person who obstructs or aids or abets any other person in the obstruction of any officer or person in the execution of his duty under this Act, is guilty of an indictable offence and liable on conviction thereof to a fine not exceeding 800 dollars or to imprisonment for a term not exceeding two years or to both fine and imprisonment.

16. Every person guilty of an offence against this Act is, unless some other penalty is expressly provided therefor in this Act, liable on summary conviction to a fine not exceeding 500 dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

17. The Attorney General of Canada may in His Majesty's name sue for or enforce any forfeitures imposed by this Act.

18. (1) No action, suit or information for any forfeiture imposed by this Act shall be brought or laid except within three years after the cause of action arose or after the offence for which such forfeiture is imposed was committed.

(2) No complaint or information in respect of an offence against this Act shall be made or laid except within three years from the time when the matter of complaint or information arose.

19. This Act shall be administered by the Minister of Fisheries.

20. (1) Notwithstanding anything in this Act, pelagic sealing may be conducted as provided in paragraph (c) of article II of the Agreement.

(2) In any prosecution or proceeding under this Act, the defendant may prove that the pelagic sealing was conducted as provided in paragraph (c) of article II of the Agreement, but such fact need not be specified or negatived in the information or complaint, and whether it is or is not so specified or negatived, no proof in relation thereto is required by the informant or complainant.

[Schedules not reproduced.]

Note. Prior to this Act, pelagic sealing was governed in Canada by the Regulations issued by Order in Council No. P.C. 4112, 30 May 1944. *Canadian War Orders and Regulations, 1944*, vol. 2, p. 535.

(iii) *United States*

Act to give effect to the Provisional Fur Seal Agreement with Canada, 26 February 1944. "U.S. Statutes at Large", vol. 58, c. 65, p. 100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act:

(a) "Pelagic sealing" means the killing, capturing, or pursuing, or the attempted killing, capturing, or pursuing of fur seals at sea, whether within or without the territorial waters of the United States.

(b) "Sealing" means the killing, capturing, or pursuing, or the attempted killing, capturing, or pursuing, of fur seals in or on any lands or waters subject to the jurisdiction of the United States.

(c) "Sea otter hunting" means the killing, capturing, or pursuing, or the attempted killing, capturing, or pursuing, of sea otters at sea, except in waters subject to the jurisdiction of the United States where other laws are applicable.

(d) "Person" includes individual, association, partnership, and corporation.

(e) "Secretary" means the Secretary of the Interior.

(f) "Fur-seal agreement" means the provisional fur-seal agreement between the United States and Canada effected by an exchange of notes signed at Washington on 8 December 1942, and on 19 December 1942, and any other treaty, convention or other agreement hereafter entered into by the United States for the protection of fur seals.

(g) "North Pacific Ocean" includes the Bering Sea.

(h) "Import" means land on or bring into, or attempt to land on or bring into, any place subject to the jurisdiction of the United States.

Sec. 2. It shall be unlawful, except as hereinafter provided, for any citizen or national of the United States, or person owing duty of obedience to the laws or treaties of the United States, or any vessel of the United States, or person belonging to or on such vessel, to engage in pelagic sealing or sea otter hunting in or on the waters of the North Pacific Ocean; or for any person or vessel to engage in sealing or for any person or vessel to use any port or harbor or other place subject to the jurisdiction of the United States for any purpose connected in any way with the operation of pelagic sealing, sea otter hunting, or sealing; or for any person to transport, import, offer for sale, or have in possession at any port, place, or on any vessel subject to the jurisdiction of the United States, raw, dressed, or dyed skins of sea otters taken contrary to the provisions of this section or, where taken pursuant to section 3 of this Act, not officially marked and certified as having been so taken, or raw, dressed, or dyed skins of fur seals taken in or on the waters of the North Pacific Ocean or on lands subject to the jurisdiction of the United States, except seal skins which have been taken under the authority of this Act or under the authority of the respective parties to any fur-seal agreement and which have been officially marked and certified as having been so taken.

Sec. 3. Indians, Aleuts, or other aborigines dwelling on the American coasts of the waters of the North Pacific Ocean shall be permitted to carry on pelagic sealing or sea otter hunting without the use of firearms from canoes or undecked boats, propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, and manned by not more than five persons each, in the way heretofore practised by said Indians, Aleuts, or other aborigines, and shall be permitted to dispose of the skins of fur seals or sea otters so taken as they see fit, but only after such skins have been officially marked and certified as provided in section 2 of this Act. The exception made in this section shall not apply to Indians, Aleuts, or other aborigines in the employment of other persons or who shall engage in pelagic sealing or sea otter hunting under contract to deliver the skins to any person.

Sec. 4. In order to continue the proper utilization of the fur-seal herd of the North Pacific Ocean and to carry out the purposes of this Act, the Secretary is authorized to permit sealing on the Pribilof and other islands and on the shores of waters subject to the jurisdiction of the United States, by officers and employees of the Fish and Wildlife Service designated by him and by the natives of the Territory of Alaska, and to adopt suitable regulations governing the same whenever he shall determine that such sealing is necessary or desirable and not inconsistent with preservation of the fur seals of the North Pacific Ocean. The Secre-

tary is also authorized to permit pelagic sealing in the event of emergency circumstances by officers, employees, and agents of the United States and by the natives of the Territory of Alaska under such conditions and for such periods as may be agreed upon by consultations between the Government of the United States and the Government of Canada in accordance with the provisions of article 2 of the Provisional Fur Seal Agreement of 1942.

Sec. 5. Subject to the provisions of sections 3 and 15 of this Act, all seal or sea-otter skins taken under the authority conferred by this Act, or forfeited to the United States, and all sealskins delivered to the United States pursuant to the terms of any fur-seal agreement shall be sold under the direction of the Secretary in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale shall be paid into the Treasury of the United States.

Sec. 6. The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock, in Alaska, are declared a special reservation for government purposes. It shall be unlawful for any person other than natives of the said islands and officers and employees of the Fish and Wildlife Service to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary, and any person found on any of these islands, contrary to the provisions of this section shall be summarily removed and shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding \$ 500 or by imprisonment not exceeding six months, or by both fine and imprisonment.

Sec. 7. Whenever seals are killed and sealskins taken on any of the Pribilof Islands; the native inhabitants of the islands shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair compensation to be fixed from time to time by the Secretary, who shall have the authority to prescribe the manner in which such compensation shall be paid to the natives or expended or otherwise used on their behalf and for their benefit.

Sec. 8. The Secretary shall have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the islands by the charter of private vessels or by the use of public vessels of the United States which may be under his control or which may be placed at his disposal by the President; and he likewise shall have authority to furnish food, shelter, fuel, clothing, and other necessities of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection.

Sec. 9. Under the direction of the Secretary, the Fish and Wildlife Service is authorized to investigate the conditions of seal life upon the rookeries of the Pribilof Islands, and to continue the inquiries relative to the life history and migration of the seals frequenting the waters of the North Pacific Ocean.

Sec. 10. Any officer or employee of the Department of the Interior authorized by the Secretary, any naval or other officer designated by the President, any marshal or deputy marshal, any collector or deputy

collector of customs, and any other person authorized by law to enforce the provisions of this Act shall have power, without warrant, to arrest any person committing a violation of this Act or any regulation made pursuant thereto in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction : and shall have power, without warrant, to search any vessel within any of the territorial waters of the United States, or any vessel of the United States on the high seas, when he has reasonable cause to believe that such vessel is subject to seizure under this section. Any officer, employee, or other person authorized to enforce the provisions of this Act shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and shall have power with a search warrant to search any person, vessel, or place at any time. The judges of the courts established under the laws of the United States, and the United States commissioners, may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All fur seals and sea otters, or the skins thereof, killed, captured, transported, imported, offered for sale, or possessed contrary to the provisions of this Act or of any regulation made pursuant thereto, and any vessel used or employed contrary to the provisions of this Act or of any regulation made pursuant thereto, or which it reasonably appears has been or is about to be used or employed in or in aid of the performance of any act forbidden by the provisions of this Act or of any regulation made pursuant thereto, together with its tackle, apparel, furniture, appurtenances, and cargo, may, whenever and wherever lawfully found, be seized by any such officer, employee, or other person.

Sec. 11. Except where otherwise expressly provided in this Act, any person violating any provision of this Act or any regulation made pursuant thereto shall be punished for each such offense, upon conviction thereof, by a fine of not less than \$ 200 nor more than \$ 2,000, or by imprisonment for not more than six months, or by both fine and imprisonment. All fur seals or sea otters, or the skins thereof, killed, captured, transported, imported, offered for sale, or possessed contrary to any provision of this Act or any regulation made pursuant thereto shall be forfeited to the United States and shall be disposed of pursuant to section 5 of this Act. Any vessel used or employed contrary to any provision of this Act or of any regulation made pursuant thereto shall, together with its tackle, apparel, furniture, appurtenances, and cargo, be forfeited to the United States and shall be disposed of as directed by the Court having jurisdiction.

Sec. 12. It shall be the duty of all collectors of customs to enforce the provisions of this Act with respect to the importation of the skins of fur seal and sea otter.

Sec. 13. Any person or vessel described in section 2 of this Act in any of the waters of the North Pacific Ocean designated in any fur-seal agreement, including in any event the waters north of the thirtieth parallel of north latitude and east of the one hundred and eightieth meridian, violating or being about to violate the prohibitions of this Act against pelagic sealing may be seized and detained by the naval or other duly commissioned officers of any of the parties to such fur-

seal agreement other than the United States, except within the territorial jurisdiction of one of the other said parties, on condition, however, that when such person or vessel is so seized and detained by officers of any party other than the United States, such person or vessel shall be delivered as soon as practicable at the nearest point to the place of seizure, with witnesses and proofs necessary to establish the offense so far as they are under the control of such party, to the proper official of the United States, whose courts alone shall have jurisdiction to try the offense and impose penalties for the same. The said officers of any party to any such fur-seal agreement other than the United States shall seize and detain persons and vessels, as in this section specified, only after such party, by appropriate legislation or otherwise, shall have authorized naval or other officers of the United States duly commissioned and instructed by the President to that end to seize, detain, and deliver to the proper officers of such party vessels and persons under the jurisdiction of that government offending against any such fur-seal agreement, or any statute or regulation made by that government to enforce any such fur-seal agreement. Upon the giving of such authority by such party, such naval or other officers of the United States shall have authority to make the seizures, detentions, and deliveries described. The President of the United States shall determine by proclamation when such authority has been given by the other party to any such fur-seal agreement, and his determination shall be conclusive upon the question; such proclamation may be modified, amended, or revoked by proclamation of the President whenever in his judgment it is deemed expedient.

Sec. 14. It shall be the duty of the President to cause a guard or patrol to be maintained in the waters frequented by the seal herds and sea otter in the protection of which the United States is especially interested, composed of naval or other public vessels of the United States designated by him for such service.

Sec. 15. The Secretary shall have authority to receive on behalf of the United States any fur sealskins taken by any party to any fur-seal agreement and tendered for delivery by such party in accordance with the terms of such fur-seal agreement, and all skins which are or shall become the property of the United States from any source whatsoever shall be disposed of in accordance with the provisions of section 5 of this Act. The Secretary likewise shall have authority to deliver to the authorized agents of any government that is a party to a fur-seal agreement the skins to which such government is entitled under the provisions of such fur-seal agreement, and to do or perform, or cause to be done or performed, any act which the United States is authorized or obliged to do or perform by the provisions of such fur-seal agreement.

Sec. 16. Nothing contained in this Act shall apply to the killing, capturing, pursuing, transportation, importation, offering for sale, or possession of fur seals or sea otters, or the skins thereof, for scientific purposes under special permit issued therefor by the Secretary.

Sec. 17. The Secretary shall supervise and direct the administration of this Act through the Fish and Wildlife Service and shall make all regulations necessary for the enforcement of this Act and any fur-seal agreement. It shall be his duty to provide for the enforcement of all of

the provisions of this Act and of the regulations issued thereunder, except to the extent otherwise provided for in this Act, and to cooperate with other Federal agencies and with the duly authorized officials of the government of any party to any fur-seal agreement in the enforcement of such agreement. Out of such moneys as may be appropriated for such purposes, he shall employ in Washington, District of Columbia, and elsewhere such individuals and means as he may deem necessary for the administration of this Act and of any other function imposed upon him by any fur-seal agreement.

Sec. 18. All Acts and parts of Acts inconsistent with the provisions of this Act, including but not limited to the following, are hereby repealed: Sections 1956, 1959, 1960, and 1961 of the Revised Statutes of the United States; Act of February 21, 1893 (27 Stat. 472, ch. 150); Act of April 6, 1894 (28 Stat. 52); Act of December 29, 1897 (30 Stat. 226, ch. 3); Act of April 21, 1910 (36 Stat. 326, ch. 183); Act of August 24, 1912 (37 Stat. 499, ch. 373); and joint resolution of June 22, 1916 (39 Stat. 236, ch. 171), all as amended.

Sec. 19. The provisions of this Act which implement the Provisional Fur-Seal Agreement of 1942 concluded between the United States of America and Canada shall remain in effect only for the duration of the present hostilities and twelve months thereafter unless either the Government of the United States of America or the Government of Canada enacts legislation contrary thereto, or until twelve months after either government shall have notified the other government of its intention to terminate the agreement.

Note. Section 19 of this Act was repealed by section 1 of Act of 25 July 1947. *U.S. Statutes at Large*, vol. 61, c. 327, p. 100.

3. Denmark — United Kingdom

(a) CONVENTION FOR REGULATING THE FISHERIES OUTSIDE TERRITORIAL WATERS IN THE OCEAN SURROUNDING THE FARÖE ISLANDS AND ICELAND, 24 JUNE 1901. "HERTSLET'S COMMERCIAL TREATIES", VOL. 23, P. 425

Article 1. The provisions of the present Convention, the object of which is to regulate the police of the fisheries in the ocean surrounding the Faröe Islands and Iceland outside the territorial waters of these islands, shall apply to the subjects of the high contracting parties.

Article 2. The subjects of His Majesty the King of Denmark shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coasts of the said islands, as well as the dependent islets, rocks, and banks.

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

The present article shall not prejudice the freedom of navigation or anchorage in territorial waters accorded to fishing boats, provided they conform to the Danish police regulations ruling this matter, amongst others the one stipulating that trawling vessels, while sojourning in territorial waters, shall have their trawling gear stowed away in-board.

Article 3. The miles mentioned in the preceding article are geographical miles, whereof sixty make a degree of latitude.

Article 4. The geographical limits for the application of the present Convention shall be fixed as follows :

On the south by a line commencing from where the meridian of North Unst Lighthouse (Shetland Islands) meets the parallel of 61st degree of north latitude to a point where the 9th meridian of west longitude meets the parallel of 60° north latitude, and from thence westward along that parallel to the meridian of 27° west longitude.

On the west by the meridian of 27° west longitude.

On the north by the parallel of 67° 30' of north latitude.

On the east by the meridian of the North Unst Lighthouse.

The aforesaid limits are shown on the chart appended to the present Convention.

Article 5. The fishing boats of the high contracting parties shall be registered in accordance with the administrative regulations in force in their respective countries.

For each port there shall be a consecutive series of numbers, preceded by one or two initial letters, which shall be specified by the superior competent authority.

Each government shall draw up a list showing these initial letters.

This list, together with all modifications which may subsequently be made in it, shall be notified to the other government.

Article 6. Fishing boats shall bear the initial letter or letters of the port to which they belong, and the registry number in the series of numbers for that port.

Article 7. The name of each fishing boat and that of the port to which she belongs shall be painted in white oil colour on a black ground on the stern of the boat, in letters which shall be at least eight centimetres in height and twelve millimetres in breadth.

Article 8. The letter or letters and numbers which shall have been assigned to a vessel on its registration shall be painted in white oil colour on a black ground, and so as to be clearly visible on each bow of the vessel, eight or ten centimetres below the gunwale, provided the space admit it. The letters and numbers of vessels of fifteen tons burden (gross tonnage) and upwards shall be forty-five centimetres in height and six centimetres in breadth.

For boats of less than fifteen tons burden (gross tonnage) the dimensions shall, if possible, be twenty-five centimetres in height and four centimetres in breadth.

The same letters and numbers shall also be painted in oil colour on each side of the mainsail of the boat immediately above the close reef, and in such a manner as to be plainly visible; they shall be painted on white sails in black, or black sails in white, and on sails of an intermediate shade in black or in white as may be decided by the authority superintending the marking, in accordance with article 5 of the present Convention.

Steam fishing vessels shall in addition bear the above marks on the funnel in a plainly visible manner. These marks should be of the same dimensions as those on the bow.

The letter or letters and numbers on the sails shall be one-third larger in every way than those placed on the bows of the boat.

Article 9. Fishing boats may not have, either on their outside, on their sails, or on their funnels, any names, letters or numbers, other than those prescribed by articles 6, 7 and 8 of the present Convention.

Article 10. The names, letters, and numbers placed on the boats and on their sails and funnels shall not be effaced, altered, made illegible, covered or concealed in any manner whatsoever.

Article 11. All the small boats, buoys, principal floats, trawls, grapnels, anchors and generally all fishing implements shall be marked with the letter or letters and numbers of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they think proper.

Article 12. The master of each boat must have with him an official document, issued, by the proper authority in his own country, for the purpose of enabling him to establish the nationality of the boat.

This document must always give the letter or letters and number of the boat, as well as her description and the name or names of the owner or the name of the firm or association to which she belongs.

Article 13. The nationality of a boat must not be concealed in any manner whatsoever.

Article 14. No fishing boat shall anchor, between sunset and sunrise, on grounds where drift-net fishing is actually going on.

This prohibition shall not, however, apply to anchorings which may take place in consequence of accidents or of any other compulsory circumstances.

Article 15. Boats arriving on the fishing grounds shall not either place themselves or shoot their nets in such a way as to injure each other, or as to interfere with fishermen who have already commenced their operations.

Article 16. Whenever, with a view of drift-net fishing, decked boats and undecked boats commence shooting their nets at the same time, the undecked boats shall shoot their nets to windward of the decked boats.

The decked boats, on their part, shall shoot their nets to leeward of the undecked boats.

As a rule, if decked boats shoot their nets to windward of undecked boats which have begun fishing, or if undecked boats shoot their nets to leeward of decked boats which have begun fishing, the responsibility as regards any damages to nets which may result shall rest with the boats which last began fishing, unless they can prove that they were under stress of compulsory circumstances, or that the damage was not caused by their fault.

Article 17. No net or any other fishing engine shall be set or anchored on grounds where drift-net fishing is actually going on.

Article 18. No fisherman shall make fast or hold on his boat to the nets, buoys, floats, or any other parts of the fishing tackle of another fisherman.

Article 19. When trawl fishermen are in sight of net or of long line fishermen, they shall take all necessary steps in order to avoid doing injury to the latter. Where damage is caused the responsibility shall be on the trawlers, unless they can prove that they were under stress of compulsory circumstances, or that the loss sustained did not result from their fault.

Article 20. When nets belonging to different fishermen get foul of each other, they shall not be cut without the consent of both parties.

All responsibility shall cease if the impossibility of disengaging the nets by any other means is proved.

Article 21. When a boat fishing with long lines entangles her lines in those of another boat, the person who hauls up the lines shall not cut them, except under stress of compulsory circumstances, in which case any line which may be cut shall be immediately joined together again.

Article 22. Except in case of salvage and in the cases to which the two preceding articles relate, no fisherman shall, under any pretext whatever, cut, hook, or lift up nets, lines, or other gear not belonging to him.

When a fisherman fouls or otherwise interferes with the fishing-gear of another fisherman, he shall take all necessary measures for reducing to a minimum the injuries which may result to the gear or to the boat of the other fisherman.

Article 23. The use of any instrument or engine which serves only to cut or destroy nets is forbidden.

The presence of any such engine on board a boat is also forbidden.

The high contracting parties engage to take the necessary measures for preventing the embarkation of such engines on board fishing boats.

Article 24. Fishing boats shall conform to the general rules respecting lights and sound signals, as well as those concerning steering and navigation, which have been, or may be, adopted in respect of these boats by mutual arrangement between the high contracting parties with the view of preventing collisions at sea.

Article 25. All fishing boats, all their small boats, all rigging gear, or other appurtenances of fishing-boats, all nets, lines, buoys, floats, or other fishing implements whatsoever found or picked up at sea, whether marked or unmarked, shall as soon as possible be delivered to the competent authority of the first port to which the salving boat returns or puts in.

Such authority shall inform the consul or consular agent of the country to which the boat of the salvor belongs, and the nation of the owners of the articles found. They (the same authority) shall restore the articles to the owners thereof, or to their representatives, as soon as such articles are claimed and the interests of the salvors have been properly guaranteed.

The administrative or judicial authorities, according as the laws of the respective countries may provide, shall fix the amount which the owner shall pay to the salvors. It is, however, agreed that this provision shall not in any way prejudice such Conventions respecting this matter as are already in force, and that the high contracting parties reserve the right of regulating, by special arrangements between themselves, the amount of salvage at a fixed rate per net salvaged.

Fishing implements of any kind found unmarked shall be treated as wreck.

Article 26. The superintendence of the fisheries shall be exercised by vessels belonging to the national navies of the high contracting parties. In the case of Denmark, such vessels may be vessels belonging to the State, commanded by captains who hold commissions.

Article 27. The execution of the regulations respecting the documents establishing nationality, the marking and numbering of boats, etc., and of fishing implements, as well as the presence on board of instruments which are forbidden (articles 6, 7, 8, 9, 10, 11, 12, 13, and 23 para. 2), is placed under the exclusive superintendence of the cruisers of the nation of each fishing boat. Nevertheless, the commanders of cruisers shall acquaint each other with any infractions of the above-mentioned regulations committed by the fishermen of the other nation.

Article 28. The cruisers of the high contracting parties shall be competent to authenticate all infractions of the regulations prescribed by the present Convention other than those referred to in article 27, and all offences relating to fishing operations, whichever may be the nation to which the fishermen guilty of such infraction may belong.

Article 29. When the commanders of cruisers have reason to believe that an infraction of the provisions of the present Convention has been committed, they may require the master of the boat inculpated to exhibit the official document establishing her nationality. The fact of such document having been exhibited shall then be indorsed upon it immediately. The commanders of cruisers shall not pursue further their visit or search on board a fishing boat which is not of their own nationality, unless it should be necessary for the purpose of obtaining proof of an offence or of a contravention of regulations respecting the police of the fisheries.

Article 30. The commanders of the cruisers of the high contracting parties shall exercise their judgment as to the gravity of facts brought to their knowledge, and of which they are empowered to take cognizance, and shall verify the damage, from whatever cause arising, which may be sustained by fishing boats of the nationalities of the high contracting parties.

They shall draw up, if there is occasion for it, a formal statement of the verification of the facts as elicited both from the declaration of the parties interested and from the testimony of those present.

The commander of the cruiser may, if the case appears to him sufficiently serious to justify the step, take the offending boat into a port of the nation to which the fisherman belongs.

He may even take on board the cruiser a part of the crew of the fishing boat, in order to hand them over to the authorities of her nation.

Article 31. The formal statement referred to in the preceding article shall be drawn up in the language of the commander of the cruiser, and according to the forms in use in his country. The accused and the witnesses shall be entitled to add, or to have added, to such statement, in their own language, any observations or evidence which they may think suitable. Such declarations must be duly signed.

Article 32. Resistance to the direction of commanders of cruisers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruiser, be considered as resistance to the authority of the nation of the fishing boat.

Article 33. When the act alleged is not of a serious character, but has, nevertheless, caused damage to any fisherman, the commanders of cruisers shall be at liberty, should the parties concerned agree to it, to arbitrate at sea between them, and to fix the compensation to be paid. Where one of the parties is not in a position to settle the matter at once, the commanders shall cause the parties concerned to sign in duplicate a formal document specifying the compensation to be paid.

One copy of this document shall remain on board the cruiser and the other shall be handed to the master of the boat to which the compensation is due, in order that he may, if necessary, be able to make use of it before the courts of the country to which the debtor belongs.

Where, on the contrary, the parties do not consent to arbitration, the commanders shall act in accordance with the provisions of article 30.

Article 34. The prosecution for offences against or contraventions of the present convention shall be instituted by, or in the name of, the State.

Article 35. The high contracting parties engage to propose to their respective Legislatures any measures which may be necessary for insuring the execution of the present Convention, and particularly for the punishment by either fine or imprisonment, or by both, of persons who may contravene the provisions of articles 6 to 23 inclusive.

Article 36. In all cases of assault committed, or of wilful damage or loss inflicted, by fishermen of one of the contracting countries upon fishermen of the other nationality, the courts of the country to which the boats of the offenders belong shall be empowered to try them.

The same rule shall apply with regard to offences against and contraventions of the present Convention.

Article 37. The proceedings and trial in cases of infraction of the provisions of the present Convention shall take place as summarily as the laws and regulations in force will permit.

Article 38. The present Convention shall be ratified. The ratifications shall be exchanged in London as soon as possible.

Article 39. The present Convention shall come into operation from and after a day to be fixed upon by the two high contracting parties after it shall have been notified by the Danish Government that measures have been passed in respect of the Farøe Islands and Iceland, by which freedom of navigation and anchorage within the territorial waters of the said islands is accorded to British fishermen (*vide* article 2, para. 3). The Convention shall continue in force until the expiration of two years from notice by either party for its termination.

The high contracting parties, however, reserve to themselves the power to make, by mutual consent, any modification in the Convention which experience shall have shown to be desirable, provided it is not inconsistent with the principles upon which the Convention is based.

Additional article. Any other government, the subjects of which carry on fishery in the ocean surrounding the Farøe Islands and Iceland, may adhere to the present Convention. The adhesion shall be notified to one of the Governments at Copenhagen or at London respectively. Such notification shall be communicated to the other Signatory Power.

Note. An Order in Council of 12 March 1903, issued under section 23, the Sea Fisheries Act, 1883 (part III, chapter 1, no. 1c, above), directed that all of the provisions of that Act, "so far as they may be necessary for giving effect to and insuring the execution of" the Convention with Denmark shall apply to that Convention. *London Gazette*, 13 March 1903; *Hertslet's Commercial Treaties*, vol. 23, p. 443.

4. France — United Kingdom

- (a) REGULATIONS FOR THE GUIDANCE OF FISHERMEN, 24 MAY 1843, ANNEXED TO THE LONDON DECLARATION OF 23 JUNE 1843. "BRITISH AND FOREIGN STATE PAPERS", VOL. 31. P. 165

Art. I. British and French subjects fishing in the seas lying between the coasts of the United Kingdom of Great Britain and Ireland, and those of the Kingdom of France, shall conform to the following regulations.

LXIII. The execution of the regulations concerning the fittings of nets and the size of their meshes, the weight and dimensions of fishing instruments, and in short concerning everything connected with the implements of fishing, is placed, with respect to the fishermen of each of the two nations, under the exclusive superintendence of the cruisers and agents of their own nation.

Nevertheless, the commanders of the cruisers of each nation shall mutually acquaint the commanders of the other nation with any transgressions of the above-mentioned regulations, committed by the fishermen of the other nation, which may come to their knowledge.

LXIV. Infractions of regulations concerning the placing of boats, the distances to be observed, the prohibition of certain fisheries by day or by night, or during certain periods of the year, and concerning every other operation connected with the act of fishing; and more particularly as to circumstances likely to cause damage, shall be taken cognizance of by the cruisers of both nations, whichever may be the nation to which the fishermen guilty of such infractions may belong.

LXV. The commanders of cruisers of both countries shall exercise their judgment as to the cause of any transgressions committed by British or French fishing boats, in the seas where the said boats have the right to fish in common; and when the said commanders shall be satisfied of the fact of the transgression, they shall detain the boats having thus infringed the established regulations, and may take them into the port nearest to the scene of the occurrence, in order that the offence may be duly established, as well by comparing the declarations and counter declarations of parties interested, as by the testimony of those who may have witnessed the facts,

LXVI. When the offence shall not be such as to require exemplary punishment, but shall, nevertheless, have caused injury to any fisherman,

the commanders of cruisers shall be at liberty, should the circumstances admit of it, to arbitrate at sea between the parties concerned; and on refusal of the offenders to defer to their arbitration, the said commanders shall take both them and their boats into the nearest port, to be dealt with as stated in the preceding article.

LXVII. Every fishing boat which shall have been taken into a foreign port, under either of the two preceding articles, shall be sent back to her own country for trial, as soon as the transgression for which she may have been detained shall have been duly established. Neither the boat nor her crew shall, however, be detained in the foreign port more than four days.

LXVIII. The depositions, minutes of proceedings, and all other documents concerning the transgression, after being authenticated by the Collector of Customs, or by the Commissary of Marine, according to the country into which the boat may have been taken, shall be transmitted by that functionary to the consular agent of his nation residing in the port where the trial is to take place.

This consular agent shall communicate these documents to the Collector of Customs, if in the United Kingdom, or to the Commissary of Marine if in France; and if, after having conferred with that functionary, it shall be necessary for the interest of this countrymen, he shall proceed with the affair before the competent tribunal or magistrates.

LXIX. All transgressions of these regulations established for the protection of fisheries in the seas lying between the coasts of the British Islands and those of France shall, in both countries, be submitted to the exclusive jurisdiction of the tribunal, or the magistrates which shall be designated by law.

This tribunal or these magistrates shall also settle all differences and decide all contentions, whether arising between fishermen of the same country, or between fishermen of the two countries, and which cannot have been settled by the commanders of cruisers, or by the consular agents and the collectors of customs, or commissaries of marine, according to the country.

The above-mentioned jurisdiction shall not, however, be understood to apply to murder, felony, or any other grave crime; all such crimes remaining subject to the ordinary laws of each country respectively.

LXX. The trial and judgment of the transgressions mentioned in the preceding article, shall always take place in a summary manner, and at as little expense as possible.

LXXI. In both countries the competent tribunal or magistrates shall be empowered to adjudge the following penalties for offences against the regulations committed by fishermen subject to their jurisdiction:

1. Forfeiture and destruction of nets or other fishing implements which are not conformable to the regulations.
2. Fines from eight shillings (ten francs) to ten pounds sterling (250 francs), or imprisonment for not less than two days and not more than one month.

LXXII. The use of nets, or other fishing implements, of which the fittings, size of meshes, dimensions, or weight, shall not be conformable to the regulations established for each kind of fishery, shall subject the

said nets or implements to seizure and destruction; and the offenders to a fine of not less than eight shillings (ten francs), nor more than three pounds sterling (75 francs), or to imprisonment from two to ten days.

In cases of repetition of the offence, the fine or imprisonment may be doubled.

LXXIII. All persons shall be condemned to a fine of from eight shillings to five pounds sterling (ten francs to 125 francs), or to imprisonment from five to fifteen days, who, either by night or by day, conjointly or separately, shall offend against the measures established by the regulations for the preservation of peace and good order, and specifically against those concerning:

1. The letters, numbers, and names to be placed on the boats and their sails, and on nets, buoys, etc.
2. The vanes to be carried by the boats.
3. The distances to be observed between the boats.
4. The placing and anchoring of boats.
5. The placing or shooting of nets, and taking them up.
6. The clearing of nets.
7. The placing of buoys upon nets.
8. Lastly, the lights to be shown.

In cases of repetition of any of these offences, the fine or imprisonment may be doubled.

LXXIV. In all cases of assault committed at sea by fishermen on other fishermen; or, whenever they shall have, intentionally, caused damages or loss, the competent tribunal or magistrates may condemn the delinquents to a term of imprisonment not exceeding twenty days, or to a fine not exceeding five pounds sterling (125 francs).

Should there have been, at the same time, any infringement of the regulations, the imprisonment or fine above mentioned may be awarded, over and above the penalties to which the said infringement shall have given rise.

LXXV. The competent tribunal or magistrates shall, when the circumstances are such as to call for it, award, over and above all penalties inflicted for offences against the regulations, the payment of damages to the injured parties, and shall determine the amount of such damages.

Note. These Regulations were enacted under the Convention of 2 August 1839 (*British and Foreign State Papers*, vol. 27, p. 986). The Paris Convention of 11 November 1867 (*British and Foreign State Papers*, vol. 57, p. 9) provided for their repeal, but as this Convention had not come into force, the Regulations are still in operation. Some changes in these Regulations—not relevant here—were made by the Paris Declaration of 29 September 1923 and the London Declaration of 20 December 1928 (*League of Nations Treaty Series*, vol. 21, p. 137, and vol. 86, p. 429).

These Regulations were carried into effect in the British Islands by the Sea Fisheries Act of 22 August 1843 (6 & 7 Vict., c. 79; *Halsbury's Statutes of England*, 2nd edition, 1949, vol. 10, pp. 141-148), and in France by the Law of 23 June 1846 (Martens, *Nouveau Recueil général de Traités*, vol. 9 p. 544).

5. Italy — Yugoslavia

- (a) AGREEMENT CONCERNING FISHERIES, 13 APRIL 1949. "MEDJUNARODNI UGOVORI" (INTERNATIONAL AGREEMENTS OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA), 1949, N° 1; "RIVISTA MARITTIMA", VOL. 81, NO. 7 (JULY 1949), PP. 296-299. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The Government of the Federal People's Republic of Yugoslavia will permit Italian fishermen to fish with drag-nets drawn by boats in the territorial waters of the Federal People's Republic of Yugoslavia, namely:

(a) In the zone of the Premuda-Dugi Otok-Kornat Islands southwest of the Cape situated in the northeast of the Island of Premuda toward the Veli Rat and Sestice lighthouses as far as the Island of Purara in the Kornat Islands, with the exception of the waters within the two nautical mile limit reckoned from the shore in the direction of the open sea;

(b) In the zone of the Jabuka-Kamik Islands west of the meridian passing through the Island of Kamik, with the exception of the waters within the one nautical mile limit from the Island of Jabuka and those within the two nautical mile limit from the Island of Kamik reckoned from the shore in the direction of the open sea;

(c) In the zone of the Palagruza-Kajola Islands, with the exception of the waters within the two nautical mile limit reckoned from the shore in the direction of the open sea;

(d) In the zone of the Island of Mljet bounded on the west by the meridian passing through the Glavat Lighthouse and on the east by the meridian passing through Cape Gruj situated on the southeast point of the Island of Mljet, with the exception of the waters within the two nautical mile limit reckoned from the shore in the direction of the open sea.

The Government of the Federal People's Republic of Yugoslavia will also permit Italian fishermen to fish with drag-nets in the prohibited areas (*bandes*) of the closed zone — four nautical miles in width beyond the territorial waters, and extending parallel to the zones referred to in (a), (b), (c) and (d,) first paragraph of this article — which correspond to these zones in length and form with them a continuous fishing zone. During the validity of this Agreement, the Government of the Federal People's Republic of Yugoslavia will waive the right to establish prohibited areas in the zones delimited in this Agreement, or to take restrictive measures other than those referred to in this Agreement, for the protection of the resources of the sea. The number of boats fishing in these continuous fishing zones shall be: in the Premuda-Dugi Otok-Kornat zone—not more than sixty, in the Jabuka-Kamik and Palagruza-Kajola zones—an indeterminate number, in the Island of Mljet zone—not more than twenty-five.

In the prohibited areas of the four nautical mile closed zone beyond the territorial waters the competent authorities of the Federal People's Republic of Yugoslavia will exercise control and take any necessary measures to protect the resources of the sea. As regards protective

measures, the Italian fishermen shall not receive less favourable treatment than the Yugoslav fishermen.

When the waters northwest of the Island of Susak have been cleared of mines the Government of the Federal People's Republic of Yugoslavia will consider the possibility of establishing a fishing zone for Italian fishermen in these waters.

Article 2. The Government of the Federal People's Republic of Yugoslavia will permit Italian fishermen to fish for bluefish with twenty gangave-net trawlers (*seines à bougies*) in the waters of the zone referred to in article 1, sub-paragraph (*b*) of this Agreement, with the exception of the waters within 300 metres of the Island of Jabuka and those within the two nautical mile limit from the Island of Komik.

Article 3. The Government of the Federal People's Republic of Yugoslavia will permit Italian fishermen to fish for young fish in the waters contained in the Bays of Tar and Medulin.

Italian fishermen may fish for young fish in the waters referred to in the first paragraph of this article, using four fishing boats in all. The catch of the four Italian fishing boats may not exceed 4 million mullet and approximately 2 million bass and gilt-head.

The Italian fishing boats fishing for young fish in the waters referred to in the first paragraph of this article shall each take on board as active members of their crew two Yugoslav fishermen who shall verify the size of the catch.

The Italian fishing boats shall, whenever they enter or leave the zones referred to in the first paragraph of this article, report as follows: those fishing in the Bay of Tar shall report to the local People's Committee at Tar and those fishing in the Bay of Medulin shall report to the local People's Committee at Medulin.

Article 4. In case of dispute in determining whether an Italian fishing boat has fished within or outside the zones delimited in this Agreement, the findings of the competent Yugoslav authorities, based on the names and particulars entered in the special coastal charts annexed to this Agreement and forming an integral part thereof, shall be binding.

Article 5. Italian fishing boats holding the special permit for fishing in the waters of the zones delimited in this Agreement shall only be authorized to engage in drag-net fishing between 1 September and 30 April, in fishing with gangave-nets (*seines à bougies*) between 1 April and 30 September, and in fishing for young fish between 1 March and 31 August.

The competent Yugoslav authorities will permit Italian fishing boats which have the right to fish in the zone of the Premuda-Dugi—Otok-Kornat Islands, to enter the port of Premuda.

Upon each arrival at and departure from the port of Premuda the Italian fishing boats shall report to the local People's Committee at Premuda. If a fishing boat fails to report to the local People's Committee at Premuda when arriving at or leaving the port, the competent authorities may, in addition to another penalty, prohibit subsequent access to the port.

The competent Yugoslav authorities will also permit Italian fishing boats which use gangave-nets (*seines à bougies*) and have the right to catch bluefish in the waters of the Jabuka-Kamik Islands zone, to have

access to the coast of the Island of Jabuka, subject to observance of the 300-metre closed zone in accordance with article 2 of this Agreement.

Article 6. Italian fishing boats using drag-nets shall not approach within 500 metres of the buoys marking the position of the bluefish nets, deep-sea nets, fishing lines and eel-pots.

Article 7. Italian fishing boats shall carry, in addition to the registration certificate and bill of health, a special permit to fish in the zones delimited in this Agreement drawn up by the competent Italian authorities in conformity with the specimen given in Annex (b) which forms an integral part of this Agreement.

The special fishing permit shall be valid for one year and shall, in any event, cease to be valid as from the date of expiry of this agreement.

The permit shall be valid from the day on which the competent Yugoslav authorities notify their approval thereof.

Article 8. The Government of the Italian Republic will communicate to the Government of the Federal People's Republic of Yugoslavia for its approval the special permits to fish in the zones delimited in this Agreement.

The Government of the Federal People's Republic of Yugoslavia will return the special permits to the Government of the Italian Republic within thirty days of their receipt, specifying those which it has seen fit to approve and those which must be replaced.

Article 9. The competent Yugoslav authorities shall always have the right to inspect Italian fishing boats in the zones delimited in this Agreement.

Article 10. The Italian fishing boats shall comply with all the regulations of the Federal People's Republic of Yugoslavia, the provisions of this Agreement and those of the International Convention for the Safety of Life at Sea.

Article 11. If an Italian fishing boat fails, whilst in the waters of the zone delimited by this Agreement, to comply with the regulations of the Federal People's Republic of Yugoslavia, the provisions of this Agreement or those of the International Convention for the Safety of Life at Sea, it shall be subject, in every respect, to the relevant regulations of the Federal People's Republic of Yugoslavia.

In the event of a second or subsequent offence the competent authorities of the Federal People's Republic of Yugoslavia may order the forfeiture of the fishing rights acquired under the special permit issued by the competent Italian authorities. Where this occurs, the Italian Government shall have the right to replace the forfeited permit by another equivalent permit.

Article 12. During the validity of this Agreement the Government of the Italian Republic will annually place at the disposal of the Government of the Federal People's Republic of Yugoslavia the amount due from Italian fishermen in respect of fishing.

This amount is fixed at a total of 750 million lire for the first year and will be placed at the disposal of the Government of the Federal People's Republic of Yugoslavia by the Government of the Italian Republic as follows: 375 million lire by 1 October 1949 and 375 million lire by 1 January 1950.

At the beginning of each subsequent year the total amount and the time-limit for payment will be fixed by Agreement between the two contracting Governments.

The amounts fixed under the foregoing paragraphs will be deposited by the Government of the Italian Republic to the credit of the Government of the Federal People's Republic of Yugoslavia in the "A" account referred to in article 12 of the Commercial and Economic Co-operation Agreement between the Federal People's Republic of Yugoslavia and the Italian Republic.

Article 13. The present Agreement shall come into force on 1 May 1949 and shall remain in force for two years. It shall be prolonged by tacit agreement each year unless denounced by either of the two Governments by four months' notice.

Note. Previously, by the Brioni Agreement of 14 September 1921 (*League of Nations Treaty Series*, vol. 19, p. 13), the Italian and Yugoslav Governments have established joint fishing grounds in various gulfs and channels of the Eastern Adriatic. They also reserved the right to prohibit the introduction, within ten miles of their coasts, of new methods of fishing which have not previously been used and are regarded as injurious (article 25).

6. Portugal — Spain

- (a) REGULATIONS FOR THE POLICE SERVICE OF THE COAST AND FISHERIES, APPENDIX 6 TO THE TREATY OF COMMERCE AND NAVIGATION, 27 MARCH 1893. MARTENS, "NOUVEAU RECUEIL GÉNÉRAL DE TRAITÉS," 2ND SERIES, VOL. 22, PP. 414, 431. TRANSLATION FROM "BRITISH AND FOREIGN STATE PAPERS", VOL. 85, PP. 416, 455

Section 1. Provisions applicable to the waters under the respective jurisdiction of either country

Article 1. The following provisions will regulate the police service of the coast and fisheries in the jurisdictional waters of Portugal and Spain:

Article 2. The limit within which the general right of fishery is exclusively reserved in favour of fishermen, subject to the respective jurisdictions of the two countries, is fixed at six miles, reckoned from outside the low-water line of the lowest tides.

As regards bays the aperture of which is not more than ten miles, the six miles may be reckoned from a straight line drawn from one point to the other.

The miles referred to are geographical miles, sixty to a degree of latitude.

Article 3. Either of the two States will have the right to regulate the fisheries on its maritime coasts respectively within the distance of six miles from the same, within which limit native fishermen will alone be allowed to fish.

The two States agree that the use of *parelhas*, *muletas*, or of other apparatus of a harmful effect, shall be prohibited within the distance of twelve miles, and either State will be at liberty to detain any offenders until the judicial record of the act shall have been drawn up; such

offenders must, however, be delivered up within the term of eight days to the proper authority of the neighbouring country, in order that they may be subjected to the penalties imposed by the laws and regulations of their own country.

Article 4. For the intents and purposes of these regulations the division of the territorial waters in the adjacent maritime zones of the two countries will be determined as follows:

(a) At the mouth of the Guadiana by a middle line drawn between the two meridians, respectively suggested by the Spanish and Portuguese Commissions, to which the demarcation of those waters was entrusted in 1887.

(b) At the mouth of the Minho, by the parallel of latitude agreed to by the said Commissions.

Article 5. The fisheries in the boundary Rivers Minho and Guadiana will continue, as heretofore, to be carried out in common by the Portuguese and Spaniards, in accordance with the provisions and regulations which may be agreed upon; for the River Minho, by the Captain of the Port of Caminha and the Marine Adjutant of Guardia; and for the River Guadiana, by the Captain of the Port of Villa Real de San Antonio and by the Adjutant of Marine of Ayamonte, and sanctioned by the respective governments.

Article 6. The fishing vessels of either of the two countries must not approach any point of the coast of the other country at a less distance than that of six miles, as laid down in article 2, except under the following circumstances, which shall be considered as cases of *force majeure*:

(1) When on account of bad weather, or of any manifest damage, they are forced to seek shelter in the ports of the other country outside the fishery limits of their own country.

(2) When carried within the limits set apart for the fishery of the other country by contrary winds, by strong currents, or by any other cause independent of the wish of the master of the vessel.

(3) When compelled to tack on account of an adverse wind in order to reach their fishing-ground, and when, in consequence of the same cause, i.e., of contrary winds or tides, they are unable, without entering the zone, to proceed on their course in order to reach their fishing-ground or to return to port.

Parellhas and *muletas*, or other vessels making use for fishing of any harmful apparatus, are not allowed to tack within the zone reserved for each country.

(4) When it shall be absolutely necessary to enter the nearest port of the other country in order to obtain supplies.

The presence within the jurisdictional waters of either country of any floating apparatus or drag-nets belonging to fishermen of the other country shall likewise not be looked upon as a violation of the rule set forth in this article, in the event of the same having been carried there by currents or winds; nevertheless, the owners are bound to remove them as quickly as possible.

Article 7. Whenever, on account of any of the exceptional circumstances mentioned in the preceding article, the fishing vessels of either

nation require to navigate within the limits defined in articles 2 and 4, they are bound to reduce sail, if circumstances allow it, and also to hoist a conventional signal.

This signal will consist of a red burgee with a yellow point for the Spanish vessels, and of a white one with a blue point for Portuguese vessels, the dimensions of this burgee will be 0.50 metre in length, and 0.15 metre in breadth.

Whenever, on account of bad weather, of manifest damage, or of the need to take in supplies, vessels are compelled to seek for shelter in port, they will at once give notice to the local maritime authority, who will examine the matter as to the circumstances of their stay.

Should that authority consider that there is a reasonable cause for their stay, the fishing vessels will be entitled to all the facilities accorded to the vessels of the country in which they are, whether as regards procuring supplies or for the sale of fish, on payment of the proper amount of dues, as also as regards sanitary measures.

The customs officers shall have the right to visit the vessels as laid down in the customs regulations, before anything whatever is landed.

While these vessels remain within the limits above mentioned under no pretext whatever are they to fish, and they must depart from within the said limits as soon as the exceptional circumstances which gave rise to their entrance will admit of it.

Article 8. The commanding officers of any cruisers or coastguard vessels of both nations, as well as all other agents or police officers of fisheries, will inquire into infractions of the regulations issued which may be committed within the respective fishing limits, and should they find that such infractions are not justified, they will be at liberty to detain the vessels in fault, or to cause them to be detained, and will convey them, or cause them to be conveyed, to a port of the country to which the offenders belong, in order that they may be tried before the courts competent to take cognizance of the matter.

Section 2. Provisions applicable to the waters adjacent to the coasts of both countries outside the six-mile zone

Article 9. All fishing-vessels, both Spanish and Portuguese, are to have distinguishing signals and numbers.

In Spain, and similarly in Portugal, all fishing-vessels belonging to the same maritime district must have a series of numbers preceded by the initial letters of the respective maritime districts.

Article 10. The letters and numbers referred to in the foregoing article shall be placed on each side of the ship eight or ten centimetres below the gunwale, and shall be painted white, in oil, on a black ground, so as to be clearly visible.

The size of these letters and numbers shall be, in the case of vessels of more than fifteen tons, forty-five centimetres high and six centimetres wide; and in the case of vessels of less than fifteen tons, twenty-five centimetres high and four centimetres wide. The same letters and numbers will also be placed on both sides of the main sail of the vessel, painted in oil, of a black colour on the white sails, and of a white colour on any unbleached or dark sails; these letters and numbers are to be one-third larger than those placed on the sides of the vessels.

Article 11. The particular letter and number of each vessel will be marked on her buoys and principal floats of the appliances for fishing, and the same practice must be followed as regards the boats, anchors, nets, and, in general, the whole of the fishing apparatus belonging to the vessel. These marks will be of such a size that they may be easily distinguishable.

The owners of fishing appliances may, moreover, have them marked with any private marks they may deem expedient, but in order that these may be effective under these regulations, they must be notified to the local maritime authority.

Article 12. The letters and numbers of any Portuguese or Spanish fishing vessels are to be recorded in the muster-rolls of the same.

Article 13. The names of the owner and of the master of the vessel must also be stated in the ship's muster-roll.

Article 14. The masters of fishing vessels of either country are bound to exhibit, whenever required to do so, the muster-roll and all other ship's papers to the commanding officers of any ships of war or to their delegates, provided the ship to which they belong shall be in sight at the time.

Article 15. It is forbidden to erase, alter, or in any way conceal the letters or numbers on the vessels and on the sails when spread.

Article 16. The fishing vessels of the two countries shall comply with the general rules adopted in either country as regards lights, in order to prevent collisions.

Article 17. Vessels are forbidden, on reaching their fishing ground, to take up a position or to cast their fishing apparatus so as to cause harm, or to hinder in any way the vessels which may be already fishing there.

Article 18. Fishing vessels are forbidden to anchor, from sunset to sunrise, where floating nets have been cast, except in case of any accident, or of *force majeure*, which must be duly proved.

Article 19. Whenever decked or undecked fishing vessels shall assemble in the same fishing ground, and shall simultaneously cast their fishing apparatus, floating nets, or *deriva* nets, the last-named vessels shall cast their nets to windward of the first named.

Should they not cast their nets at the same time, and should a decked vessel cast her apparatus and nets to windward of an undecked vessel engaged in fishing, or should an undecked vessel do so to leeward of a decked vessel which may be already fishing, the vessel which cast its nets last will be responsible for any damages which may be sustained by the apparatus or nets of the other, unless it is proved that it was a case of *force majeure*, or that the damage was not due to any fault on its part.

Article 20. Fishermen are forbidden to moor or to make fast their vessels by the nets, floating buoys, or any part of the fishing tackle of another ship.

Article 21. Whenever fishermen with drag nets shall be in sight of others with floating *deriva* nets or with any apparatus such as *talhas*, *palangras*, etc., for line fishing, they must adopt the necessary measures

in order to prevent any damage being caused to the last named. Should any damage be done, those fishing with drag-nets will be responsible unless they prove that it was a case of *force majeure*, or that the losses sustained were not caused by any fault of their own.

Article 22. It is prohibited to make fast or interfere with any nets, ropes, lines, or any other fishing apparatus belonging to another person under any pretext whatever, saving a case of *force majeure*.

Article 23. Should any vessel fishing with apparatus or lines entangle the same with those of another ship, the vessel raising her nets is forbidden to cut those of the other vessel, unless it be a case of *force majeure*; but even in such a case it must at once make good the lines which were cut.

Article 24. Whenever the nets, apparatus, or lines of two or more vessels get entangled, a master is forbidden to cut any lines that do not belong to him, unless it be with the consent of the parties interested, or in case of danger, after it shall have been ascertained that it is impossible to separate them in any other manner, in which case all responsibility ceases.

Article 25. It is forbidden to make use of any instrument, apparatus, or material exclusively intended and serving for the purpose of destroying nets. The presence of such utensils or materials on board is prohibited and punishable, and either nation is bound to adopt the necessary measures in order to prevent the shipment of such articles.

The use of dynamite or any other explosive material is likewise prohibited.

Article 26. The supervision and fiscal control as to compliance with the rules concerning lights, signals, muster-rolls, fishing licences, and other ships' papers, the marking and numbering of vessels engaged in the fishing trade and of the fishing appliances, and with the subject-matter of the preceding articles, exclusively appertain to the agents of the country to which the fishermen belong. Nevertheless, the officials charged with the supervision and police of the fishing trade in both countries will be at liberty to report to the authorities of the other country any infractions that may come to their knowledge on the part of the fishermen of that other country.

Article 27. The competent vessels for recording any infractions of the rules laid down as to the place to be taken up by fishing vessels on the fishing ground, and generally for all things relating to these operations, and especially as regards any acts that may cause damage, irrespective of the nationality of the fishermen guilty of the same, are the cruising vessels of the two States; consequently, the commanding officers of those vessels will inquire into any infractions committed by the fishing vessels of the two nations, and will draw up a summary account or record of the case, and should it be of such a grave nature, and should they think it necessary to do so, they will take the delinquents and their vessels to the nearest port of their own country, in order that the case as well as the damage, if any, may be proved there, both by the declarations of the parties interested and by the evidence of any persons witnesses to the fact.

The summary account or record must be signed by two witnesses and by the offender; but should he refuse to sign, a declaration to that effect must be substituted: it will be drawn up in the language of the country to which the cruiser belongs, but the witnesses, as well as the offender, may insert in the same any declarations in their own language.

Article 28. In case the infraction should not have been of a grave nature, but should, nevertheless, have caused damage to any fisherman, the commanding officers of the cruisers may reconcile at sea the parties interested and may settle the amount of compensation, if the parties agree. In such a case, if one of the parties is unable to pay at once, the commanding officers will cause a declaration to be drawn up and signed in duplicate, with reference to the mode of payment of the compensation; one of these documents shall be kept on board the cruiser, and the other will be handed over to the master and creditor, in order that, if needful, he may make use of it before the courts of justice of the debtor.

Should both parties not agree, the commanding officers will proceed in accordance with the provisions of article 27.

Article 29. Whenever the fishermen of either country shall proceed to acts of violence against those of the other country, or may have wilfully caused damage or losses, the courts of the country to which the vessels of the offenders belong will be competent to try the case.

Section 3. General rules

Article 30. Any fishing vessel, or any part of its tackle or rigging, apparatus, nets, buoys, or floating buoys, as well as any fishing appliances, found or picked up at sea, within or out of the jurisdictional waters, must be forwarded to the naval commandant if the article is sent to Spain, or to the captain of the port if sent to Portugal. The naval commandant or the captain of the port, as the case may be, will deliver up the article saved to the owners or to their representatives.

Article 31. The proper authorities, according to the law of either country, will fix the amount of compensation to be paid by the owners to the salvors. This compensation, which may in no case exceed one-fourth of the value of the articles saved on the occasion, will be paid by the owners.

Article 32. Any articles saved in the six-mile coast zone will become the property of the nation having jurisdiction there should they not be claimed, or if there should be insufficient evidence to prove the right of ownership.

Any article picked up on the high seas will become the property of the country of the salvors in the event of its being impossible to discover the owners.

Article 33. All penal proceedings arising out of offences or transgressions referred to in these regulations will lapse at the expiration of six months from the date of the commission of the offence. Penal proceedings, however, having reference to acts of violence or to any damages caused wilfully, are excepted from this rule, and come within the scope of the general law of the respective States.

Article 34. The six-mile zone, as laid down in article 2, is solely applicable for the purposes of these regulations.

Article 35. The supervision and police of the fisheries will be carried on by means of the ships of war of both countries.

Article 36. Any resistance to the orders of the officials charged with the supervision and police of the fisheries, or of their delegates, and any disobedience to any orders or demands necessary to enforce such supervision and police control, will be punishable as resistance to and disobedience of the authorities of the country to which the offenders belong.

Note. These regulations are similar to those embodied in the Convention regulating the exercise of fishing rights on the coasts of Portugal and Spain, 2 October 1885. Martens, *Nouveau Recueil général de Traités*, 2nd series, vol. 14, p. 77; *British and Foreign State Papers*, vol. 77, p. 1181.

A Final Protocol to the Convention of 27 March 1893 declares that the maritime line of the Guadiana, mentioned in article 4(a) of appendix 6, shall be fixed by common agreement "on the basis that the middle line, starting from the centre of the line of the mouth of the river, will descend in the direction of the junction of the 'thalwegs' of the two bars, so that both Portugal and Spain will be able to navigate in their own waters. From this point it will follow a course to the south-west, for a distance of six to twelve miles, until it reaches the last of the meridians proposed by the Spanish Commissioners, and thence to the extreme point of the zones". Martens, *Nouveau Recueil général de Traités*, 2nd series, vol. 22, p. 440; *British and Foreign State Papers*, vol. 85, p. 463.

CHAPTER 2. OTHER TREATIES RELATING TO SUPERVISION OF VESSELS ON THE HIGH SEAS, AND LEGISLATION CONNECTED THEREWITH

1. Protection of submarine cables

(a) CONVENTION FOR THE PROTECTION OF SUBMARINE CABLES

Signed at Paris, 14 March 1884. Entered into force 1 May 1888. Ratified, or acceded to, by Argentina, Australia, Belgium, Brazil, Canada, Costa Rica, Czechoslovakia, (Danzig,) Denmark, Dominican Republic, El Salvador, France, Germany, Greece, Guatemala, Hungary, Italy, Japan, (Morocco,) Netherlands, (Newfoundland,) New Zealand, Norway, Poland, Portugal, Romania, Spain, Sweden, (Tunis,) Turkey, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States of America, Uruguay and Yugoslavia. Martens, "Nouveau Recueil général de Traites", 2nd series, vol. 11, p. 281. Translation from Malloy, "Treaties, Conventions, etc., between the United States of America and Other Powers", vol. 2, p. 1949

His Excellency the President of the United States of America, His Majesty the Emperor of Germany, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxembourg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Romania, His Majesty the Emperor of all the Russias, His Majesty the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and Norway, and His Excellency the President of the Oriental Republic of Uruguay, desiring to secure the maintenance of telegraphic communication by means of submarine cables, have resolved to conclude a convention to that end, and have appointed as their Plenipotentiaries: . . .

Who, after having exchanged their full powers, which were found to be in good and due form, have agreed upon the following articles:

Article I. The present Convention shall be applicable, outside of the territorial waters, to all legally established submarine cables landed in the territories, colonies, or possessions of one or more of the high contracting parties.

Article II. The breaking or injury of a submarine cable, done willfully or through culpable negligence, and resulting in the total or partial interruption or embarrassment of telegraphic communication, shall be a punishable offence, but the punishment inflicted shall be no bar to a civil action for damages.

This provision shall not apply to ruptures or injuries when the parties guilty thereof have become so simply with the legitimate object of saving their lives or their vessels, after having taken all necessary precautions to avoid such ruptures or injuries.

Article III. The high contracting parties agree to insist, as far as possible, when they shall authorize the landing of a submarine cable, upon suitable conditions of safety, both as regards the track of the cable and its dimensions.

Article IV. The owner of a cable who, by the laying or repairing of that cable, shall cause the breaking or injury of another cable, shall be required to pay the cost of the repairs which such breaking or injury shall have rendered necessary, but such payment shall not bar the enforcement, if there be ground therefor, of article II of this Convention.

Article V. Vessels engaged in laying or repairing submarine cables must observe the rules concerning signals that have been or shall be adopted, by common consent, by the high contracting parties, with a view to preventing collisions at sea.

When a vessel engaged in repairing a cable carries the said signals, other vessels that see or are able to see those signals shall withdraw or keep at a distance of at least one nautical mile from such vessel, in order not to interfere with its operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, a period of twenty-four hours at most shall be allowed to fishing vessels that perceive or are able to perceive a telegraph ship carrying the said signals, in order that they may be enabled to obey the notice thus given, and no obstacle shall be placed in the way of their operations during such period.

The operations of telegraph ships shall be finished as speedily as possible.

Article VI. Vessels that see or are able to see buoys designed to show the position of cables when the latter are being laid, are out of order, or are broken, shall keep at a distance of one quarter of a nautical mile at least from such buoys.

Fishing nets and gear shall be kept at the same distance.

Article VII. Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or any other implement used in fishing, in order to avoid injuring a submarine cable, shall be indemnified by the owner of the cable.

In order to be entitled to such indemnity, one must prepare, whenever possible, immediately after the accident, in proof thereof, a statement supported by the testimony of the men belonging to the crew; and the

captain of the vessel must, within twenty-four hours after arriving at the first port of temporary entry, make his declaration to the competent authorities. The latter shall give notice thereof to the consular authorities of the nation to which the owner of the cable belongs.

Article VIII. The courts competent to take cognizance of infractions of this convention shall be those of the country to which the vessel on board of which the infraction has been committed belongs.

It, is moreover, understood that, in cases in which the provision contained in the foregoing paragraph cannot be carried out, the repression of violations of this convention shall take place, in each of the contracting States, in the case of its subjects or citizens, in accordance with the general rules of penal competence established by the special laws of those States, or by international treaties.

Article IX. Prosecutions on account of the infractions contemplated in articles II, V and VI of this convention, shall be instituted by the State or in its name.

Article X. Evidence of violations of this convention may be obtained by all methods of securing proof that are allowed by the laws of the country of the court before which a case has been brought.

When the officers commanding the vessels of war or the vessels specially commissioned for that purpose, of one of the high contracting parties, shall have reason to believe that an infraction of the measures provided for by this Convention has been committed by a vessel other than a vessel of war, they may require the captain or master to exhibit the official documents furnishing evidence of the nationality of the said vessel. Summary mention of such exhibition shall at once be made on the documents exhibited.

Reports may, moreover, be prepared by the said officers, whatever may be the nationality of the inculpatated vessel. These reports shall be drawn up in the form and in the language in use in the country to which the officer drawing them up belongs; they may be used as evidence in the country in which they shall be invoked, and according to the laws of such country. The accused parties and the witnesses shall have the right to add or to cause to be added thereto, in their own language, any explanations that they may deem proper; these declarations shall be duly signed.

Article XI. Proceedings and trial in cases of infractions of the provisions of this Convention shall always take place as summarily as the laws and regulations in force will permit.

Article XII. The high contracting parties engage to take or to propose to their respective legislative bodies the measures necessary in order to secure the execution of this Convention, and especially in order to cause the punishment, either by fine or imprisonment, or both, of such persons as may violate the provisions of articles II, V and VI.

Article XIII. The high contracting parties shall communicate to each other such laws as may already have been or as may hereafter be enacted in their respective countries, relative to the subject of this Convention.

Article XIV. States that have not taken part in this Convention shall be allowed to adhere thereto, on their requesting to do so. Notice of

such adhesion shall be given, diplomatically, to the Government of the French Republic, and by the latter to the other signatory governments.

Article XV. It is understood that the stipulation of this Convention shall in no wise affect the liberty of action of belligerents.

Article XVI. This Convention shall take effect on such day as shall be agreed upon by the high contracting parties.

It shall remain in force for five years from that day, and, in case none of the high contracting parties shall have given notice, twelve months previously to the expiration of said period of five years, of its intention to cause its effects to cease, it shall continue in force for one year, and so on from year to year.

In case one of the Signatory Powers shall give notice of its desire for the cessation of the effects of the Convention, such notice shall be effective as regards that Power only.

Article XVII. This Convention shall be ratified; its ratification shall be exchanged at Paris as speedily as possible, and within one year at the latest.

Note. For the *procès-verbaux* of the Conferences of 1882 and 1883 which prepared this Convention, see Martens, *Nouveau Recueil général de Traités*, 2nd series, vol. 11, pp. 104-280. The texts of an Additional Article (excluding certain British colonies) and of a Protocol of Signature (containing reservations with respect to belligerent rights, by Belgium and the United Kingdom) may be found in Martens, *op. cit.*, pp. 286-8, and in *Hertslet's Commercial Treaties*, vol. 17, pp. 501-503. Supplementary provisions to this Convention are contained in the Declaration of 1 December 1886 and the Protocol of 7 July 1888, the texts of which are reproduced below. A conference "on the further protection of submarine cables" was held in London in 1913. *British Parliamentary Papers*, 1914, Cd. 7079.

The laws enacted, in pursuance of article 12 of the 1884 Convention, by the United Kingdom and the United States are reproduced below. Other laws deal mostly with punishment of offences, but some of them contain also references to the provisions of article 10 of the Convention. Several of these laws are reproduced in Martens, *Nouveau Recueil général de Traités*, 2nd series, vol. 11, pp. 290-307; *idem*, vol. 15, pp. 71-97; *idem*, vol. 16, pp. 541-44.

(b). DECLARATION INTERPRETING THE CONVENTION FOR THE
PROTECTION OF SUBMARINE CABLES

Signed at Paris, 1 December 1886 and 23 March 1887. Entered into force on 1 May 1888, Martens, "Nouveau Recueil général de Traités", 2nd series, vol. 15, p. 69. Translation from Malloy, "Treaties, Conventions, etc., between the United States of America and Other Powers", vol. 2, p. 1956

The undersigned, Plenipotentiaries of the signatory Governments of the Convention of 14 March 1884, for the protection of submarine cables, having recognized the expediency of defining the sense of the terms of articles II and IV, of the said convention, have prepared by common accord the following declaration:

Certain doubts having arisen as to the meaning of the word "wilfully" inserted in article II of the convention of the 14th of March, 1884, it is understood that the imposition of penal responsibility, mentioned

in the said article, does not apply to cases of breaking or of injuries occasioned accidentally or necessarily in repairing a cable, when all precautions have been taken to avoid such breakings or damages.

It is likewise understood that article IV of the convention has no other object and is to have no other effect than to charge the competent tribunals of each country with the determination, conformably to their laws and according to circumstances, of the question of the civil responsibility of the owner of a cable, who, by the laying or repairing of such cable, causes the breaking or injury of another cable, and also of the consequences of that responsibility, if it is found to exist.

Note. This Declaration was prepared at the conferences held at Paris in May and December 1886, *procès-verbaux* of which were published by the French Ministry of Foreign Affairs. For the text of the Protocol signed at the first of these Conferences, see Malloy, *Treaties, Conventions, etc., between the United States and Other Powers*, vol. 2, p. 1957.

(c) FINAL PROTOCOL TO THE CONVENTION FOR THE
PROTECTION OF SUBMARINE CABLES

Signed at Paris, 7 July 1887. Entered into force on 1 May 1888. Martens, "Nouveau Recueil général de Traités", 2nd series, vol. 15, p. 70. Translation from Malloy, "Treaties, Conventions, etc., between the United States of America and Other Powers", vol. 2, p. 1958

The undersigned, Plenipotentiaries of the Governments, parties to the Convention of 14 March 1884, for the protection of submarine cables, having met at Paris for the purpose of fixing, in pursuance of article 16 of that international instrument, a date for putting the said convention into execution, have agreed upon the following:

Article I. The International Convention of 14 March 1884, for the protection of submarine cables, shall go into operation on the 1st day of May, 1888, provided, however, that at that date those of the contracting Governments that have not yet adopted the measures provided for by article 12 of the said international instrument, shall have conformed to that stipulation.

Article II. The measures which shall have been taken by the said States in execution of article 12 aforesaid, shall be made known to the other contracting Powers through the French Government, which is charged with the examination of the said measures.

Article III. The Government of the French Republic is likewise charged with the examination of the similar legislative and reglementary provisions which are to be adopted in their respective countries, in pursuance of article 12, by such States as have not taken part in the Convention, and as may desire to avail themselves of the privilege of accession, for which provision is made in article 14.

In testimony whereof, the undersigned Plenipotentiaries have adopted this final protocol, which shall be considered as forming an integral part of the International Convention of 14 March, 1884.

(d) UNITED KINGDOM

Submarine Telegraph Act, 6 August 1885. 48 & 49 Vict. c. 49; Great Britain, "The Statutes" (2nd edition), vol. 16, p. 312

1. This Act may be cited as the Submarine Telegraph Act, 1885.

2. The Convention of the fourteenth of March one thousand eight hundred and eighty-four mentioned in the schedule to this Act as set forth in that schedule is hereby confirmed, and subject to the provisions of this Act the articles of such Convention (referred to in this Act as the Convention) shall be of the same force as if they were enacted in the body of this Act.

3. (1) A person shall not unlawfully and wilfully, or by culpable negligence, break or injure any submarine cable to which the Convention for the time being applies, in such manner as might interrupt or obstruct in whole or in part telegraphic communication.

(2) Any person who acts or attempts to act in contravention of this section shall be guilty of a misdemeanour, and on conviction:

(a) If he acted wilfully, shall be liable to penal servitude for a term not exceeding five years, or to imprisonment, with or without hard labour, for a term not exceeding two years, and to a fine either in lieu of or in addition to such penal servitude or imprisonment; and

(b) If he acted by culpable negligence, shall be liable to imprisonment for a term not exceeding three months, without hard labour, and to a fine not exceeding 100 pounds either in lieu of or in addition to such imprisonment.

(3) Where a person does any act with the object of preserving the life or limb of himself or of any other person, or of preserving the vessel to which he belongs or any other vessel, and takes all reasonable precautions to avoid injury to a submarine cable, such person shall not be deemed to have acted unlawfully and wilfully within the meaning of this section.

(4) A person shall not be deemed to have unlawfully and wilfully broken or injured any submarine cable, where in the *bona fide* attempt to repair another submarine cable injury has been done to such first-mentioned cable, or the same has been broken; but this shall not apply so as to exempt such person from any liability under this Act or otherwise to pay the cost of repairing such breakage or injury.

(5) Any person who within or (being a subject of Her Majesty) without Her Majesty's dominions in any manner procures, counsels, aids, abets, or is accessory to the commission of any offence under this section, shall be guilty of a misdemeanour, and shall be liable to be tried and punished for the offence as if he had been guilty as a principal.

4. [Repealed by 50 Vict. c. 3, s. 3.]

5. (1) It is hereby declared that the enactments of the Merchant Shipping Act, 1862, and the enactments amending the same, touching regulations as to lights and to signals and for the avoiding of collisions, shall extend to authorize regulations for carrying into effect articles 5 and 6 of the schedule to this Act, within as well as without the territorial waters of Her Majesty's dominions, and regulations may be made, applied, altered, and revoked, and the contravention thereof punished accordingly under the said enactments, and section 6 of the Sea Fisheries

Act, 1883, shall extend to the enforcement of the said regulations as regards sea fishing boats within the limits of that Act.

(2) If any vessel engaged in the laying or repairing of a submarine cable to which the Convention for the time being applies, interferes contrary to the said regulations or articles with any vessel engaged in fishing, or if the operations of any vessel in connexion with any such submarine cable are wilfully delayed so as to interfere with sea fishing, the master of the vessel, or the owner thereof, if it appear that he was in fault, shall be deemed guilty of a breach of the said regulations and may be punished accordingly.

6. (1) For the purpose of carrying into effect the Convention, a person commanding a ship of war of Her Majesty or of any foreign State for the time being bound by the Convention, or a ship specially commissioned for the purpose of the Convention by Her Majesty or by the government of such foreign State, may exercise and perform the powers and duties vested in and imposed on such officer by any article in the Schedule to this Act.

(2) If any person obstructs any such officer in such exercise or performance, or refuses or neglects to comply with any demand or direction lawfully made or given by him in pursuance of this Act, such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or to be imprisoned for a term not exceeding two months, with or without hard labour.

(3) Any action, prosecution, or proceeding against any officer for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect, or default complained of.

(4) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment.

(5) Every such action shall be brought in one of Her Majesty's superior courts in the United Kingdom (which courts shall have jurisdiction to try the same wherever the matter complained of occurred) or in a supreme court in India or in a court exercising in a British possession the like authority as the High Court in England, but in no other court whatsoever.

7. Part X of the Merchant Shipping Act, 1854 (which relates to legal procedure), and the enactments amending the same, so far as unrepealed, shall have effect as if enacted in this Act, and offences under this Act may be tried, and fines under this Act recovered accordingly, save that nothing in the said part shall authorize the award of any punishment not authorized by this Act, or the summary prosecution of any indictable offence under this Act.

8. (1) Any document drawn up in pursuance of article 7 or article 10 of the schedule to this Act shall be admissible in any proceeding, civil or criminal, as *prima facie* evidence of the facts or matters therein stated.

(2) If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the officer drawing up such document may certify the said facts or any of them.

(3) Any document or certificate in this section mentioned purporting to be signed by an officer authorized to act under the Schedule to this Act for carrying into effect the Convention, shall be admissible in evidence without proof of such signature, and, if purporting to be signed by any other person, shall, if certified by any such officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

(4) If any person forges the signature of any such officer to any such document as above mentioned, or makes use of any such document knowing the signature thereto to be forged, such person shall be guilty of a misdemeanour and liable on summary conviction to imprisonment for a term not exceeding three months with or without hard labour, and on conviction on indictment to imprisonment with or without hard labour for a term not exceeding two years.

9. Where any offence against this Act has been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, until some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

10. The provisions of this Act shall be in addition to and not in derogation of any other provisions existing at common law or under Act of Parliament or under the law of a British possession for the protection of submarine cables; and nothing in this Act shall prevent any person being liable under any Act of Parliament, law of a British possession, or otherwise to any indictment, proceeding, punishment, or penalty other than is provided for any offence by this Act, so that no person shall be punished twice for the same offence; and nothing in this Act, nor any proceedings with respect to any matter, shall exempt a person from any liability in any action or suit with reference to the same matter so that no person shall be required to pay compensation twice in respect of the same injury.

11. This Act shall so far as such extension is consistent with the tenor of this Act extend to the whole of Her Majesty's dominions, and to all places within the jurisdiction of the Admiral of England, and to all places where Her Majesty has jurisdiction.

12. In this Act, unless the context otherwise requires:

The expression "vessel" means every description of vessel used in navigation in whatever way it is propelled; and any reference to a vessel shall include a reference to a boat belonging to such vessel.

The expression "master" includes every person having command or charge of a vessel.

The expression "British possession" includes any part of Her Majesty's dominions exclusive of the United Kingdom.

The expression "person" includes a body of persons corporate or unincorporate.

13. This Act...if the Convention ceases to be binding on Her Majesty, shall cease to be of any effect.

Schedule

Submarine Telegraphs Convention.

[For text see No. 1(a), above.]

(e) UNITED STATES

Act to carry into effect the Convention for the protection of submarine cables, 29 February 1888, as amended. "U.S. Code" (1946 Edition), Title 47 (Telegraphs, Telephones, and Radiotelegraphs), sections 21-33, pp. 5208-5210

Section 21. Submarine cables; willful injury to; punishment

Any person who shall willfully and wrongfully break or injure, or attempt to break or injure, or who shall in any manner procure, counsel, aid, abet, or be accessory to such breaking or injury, or attempt to break or injure, a submarine cable in such manner as to interrupt or embarrass, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding \$ 5,000, or to both fine and imprisonment, at the discretion of the court. (Feb. 29, 1888, ch. 17, section 1, 25 Stat. 41.)

Section 22. Same; negligent injury; punishment

Any person who by culpable negligence shall break or injure a submarine cable in such manner as to interrupt or embarrass, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding \$ 500, or to both fine and imprisonment, at the discretion of the court. (Feb. 29, 1888, ch. 17, section 2, 25 Stat. 41.)

Section 23. Same; injury in efforts to save life excepted

The provisions of sections 21 and 22 of this title shall not apply to a person who breaks or injures a cable in an effort to save the life or limb of himself or of any other person, or to save his own or any other vessel: *Provided*, That he takes reasonable precautions to avoid such breaking or injury. (Feb. 29, 1888, ch. 17, section 3, 25 Stat. 41.)

Section 24. Vessels laying cables; signals; avoidance of buoys

The master of any vessel which, while engaged in laying or repairing submarine cables, shall fail to observe the rules concerning signals that have been or shall be adopted by the parties to the convention described in section 30 of this title with a view to preventing collisions at sea; or the master of any vessel that, perceiving, or being able to perceive the said signals displayed upon a telegraph ship engaged in repairing a cable, shall not withdraw to or keep at distance of at least one nautical mile; or the master of any vessel that seeing or being able to see buoys intended to mark the position of a cable when being laid or when out of order or broken, shall not keep at a distance of at least a quarter of a nautical mile, shall be guilty of a misdemeanor, and on conviction

thereof, shall be liable to imprisonment for a term not exceeding one month, or to a fine of not exceeding \$ 500. (Feb. 29, 1888, ch. 17, section 4, 25 Stat. 41.)

Section 25. Fishing vessels; duty to keep nets from cables

The master of any fishing vessel who shall not keep his implements or nets at a distance of at least one nautical mile from a vessel engaged in laying or repairing a cable; or the master of any fishing vessel who shall not keep his implements or nets at a distance of at least a quarter of a nautical mile from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken, shall be guilty of a misdemeanor, and on conviction thereof, shall be liable to imprisonment for a term not exceeding ten days, or to a fine not exceeding \$ 250, or to both such fine and imprisonment, at the discretion of the court. Fishing vessels, on perceiving or being able to perceive the said signals displayed on a telegraph ship, shall be allowed such time as may be necessary to obey the notice thus given, not exceeding twenty-four hours, during which period no obstacle shall be placed in the way of their operations. (Feb. 29, 1888, ch. 17, section 5, 25 Stat. 42.)

Section 26. Duties of commanders of warships

For the purpose of carrying into effect the convention described in section 30 of this title a person commanding a ship of war of the United States or of any foreign State for the time being bound by the convention, or a ship specially commissioned by the Government of the United States or by the government of such foreign State, may exercise and perform the duties with respect to requiring exhibition of documents evidencing the nationality of offending vessels and making reports of infractions vested in and imposed on such officer by the convention. (Feb. 29, 1888, ch. 17, section 6, 25 Stat. 42.)

Section 27. Offending vessels to show nationality

Any person having the custody of the papers necessary for the preparation of the statements provided for in article 10 of the said convention with respect to reports of infractions, by officers commanding vessels of war or vessels especially commissioned, who shall refuse to exhibit them or shall violently resist persons having authority according to article 10 of said convention to draw up statements of facts in the exercise of their functions, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to imprisonment not exceeding two years, or to a fine not exceeding \$ 5,000, or to both fine and imprisonment, at the discretion of the court. (Feb. 29, 1888, ch. 17, section 7, 25 Stat. 42.)

Section 28. Penalties not to bar suits for damages

The penalties provided in sections 21-33 of this title for the breaking or injury of a submarine cable shall not be a bar to a suit for damages on account of such breaking or injury. (Feb. 29, 1888, ch. 17, section 8, 25 Stat. 42.)

Section 29. Master of offending vessel punishable

When an offense against sections 21-33 of this title shall have been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, unless some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly. (Feb. 29, 1888, ch. 17, section 9, 25 Stat. 42.)

Section 30. Definitions

Unless the context of sections 21-33 of this title otherwise requires, the term "vessel" shall be taken to mean every description of vessel used in navigation, in whatever way it is propelled; the term "master" shall be taken to include every person having command or charge of a vessel; and the term "person" to include a body of persons, corporate or incorporate. The term "convention" shall be taken to mean the International Convention for the Protection of Submarine Cables, made at Paris on the 14th day of May [March], 1884, and proclaimed by the President of the United States on the 22nd day of May, 1885. (Feb. 29, 1888, ch. 17, section 10, 25 Stat. 42.)

Section 31. Summary trials

The provisions of chapter 8 of title 33 shall extend to the trial of offenses against the provisions of sections 24 and 25 of this title. (Feb. 29, 1888, ch. 17, section 11, 25 Stat. 42.)

Section 32. Application

The provisions of sections 21-33 of this title shall be held to apply only to cables to which the convention for the time being applies. (Feb. 29, 1888, ch. 17, section 12, 25 Stat. 42.)

Section 33. Jurisdiction and venue of actions and offenses

The district courts of the United States shall have jurisdiction over all offenses against sections 21-33 of this title and of all suits of a civil nature arising thereunder, whether the infraction complained of shall have been committed within the territorial waters of the United States or on board a vessel of the United States outside of said waters. From the decrees and judgments of the district courts in actions and suits arising under said sections appeals shall be allowed as provided by law in other cases. Criminal actions and proceedings for a violation of the provisions of said sections shall be commenced and prosecuted in the district court for the district within which the offense was committed, and when not committed within any judicial district, then in the district court for the district within which the offender may be found; and suits of a civil nature may be commenced in the district court for any district within which the defendant may be found and shall be served with process. (Feb. 29, 1888, ch. 17, section 13, 25 Stat. 42; Jan. 31, 1928, ch. 14, section 1, 45 Stat. 54.)

2. Liquor traffic in the North Sea

(a) CONVENTION RESPECTING THE LIQUOR TRAFFIC IN THE NORTH SEA

*Signed at The Hague, 16 November 1887, Entered into force on 23 May 1894.
Ratified by Belgium, Denmark, Germany, Netherlands and the United Kingdom.
Martens, "Nouveau Recueil général de Traités", 2nd series, vol. 19, p. 414.
Translation from "Hertslet's Commercial Treaties", vol. 10, p. 272*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the German Emperor, King of Prussia, in the name of the German Empire, His Majesty the King of Belgium, His Majesty the King of Denmark, the President of the French Republic, and His Majesty the King of the Netherlands, having recognized the necessity of remedying the abuses arising from the traffic in spirituous liquors amongst the fishermen in the North Sea outside territorial waters, have resolved to conclude a Convention for this purpose, and have named as their Plenipotentiaries...

Who, after having communicated their full powers, found in good and due form, have agreed upon the following articles:

Article I. The provisions of the present Convention shall apply in the North Sea, outside territorial waters, and within the limits fixed by article IV of the Convention of The Hague of the 6th May, 1882, respecting the police of the fisheries to every person on board a ship or boat of any one of the high contracting parties.

Article II. The sale of spirituous liquors to persons on board or belonging to fishing boats is forbidden.

The purchase of those liquors by such persons is forbidden.

The exchange of spirituous liquors for any article, and especially for products of the fisheries, gear, or equipments of fishing boats, or fishing implements, is forbidden.

Every liquid obtained by distillation, and containing more than five litres of alcohol per hectolitre, shall be considered a spirituous liquor.

Article III. The liberty to deal with fishermen in provisions and other articles for their use (spirituous liquors excepted) shall be subject to a licence to be granted by the government of the country to which the vessel belongs. This licence must specify the following amongst other conditions:

1. The vessels may not have on board a quantity of spirits greater than what is deemed requisite for the consumption of her crew.

2. All exchange of the articles above indicated for products of the fisheries, gear, or equipment of fishing boats, or fishing implements is forbidden.

Vessels provided with this licence must carry a special and uniform mark to be agreed upon by the high contracting powers.

Article IV. The high contracting parties engage to take, or to propose to their respective Legislatures, the necessary measures for ensuring the execution of the present Convention, and especially for punishing, by either fine or imprisonment, or by both, those who may contravene articles II and III.

Article V. The tribunals competent to take cognizance of infractions of articles II and III are those of the country to which the accused vessel belongs. If vessels of different nationalities should be implicated in the same infraction, the Powers to which such vessels belong will mutually communicate to each other the judgments given by the tribunals.

Article VI. Prosecutions for infractions shall be instituted by the State, or in its name.

Infractions may be verified by all means of proof allowed by the legislation of the country of the court concerned.

Article VII. The superintendence shall be exercised by the cruisers of the high contracting parties which are charged with the police of the fisheries.

When the officers commanding these cruisers have reason to believe that an infraction of the measures provided for in the present Convention has been committed, they may require the captain or master to exhibit the official documents establishing the nationality of his vessel, and, where the case occurs, the licence. The fact of such documents having been exhibited shall then be endorsed upon them immediately.

Further, formal statements of the facts may be drawn up by the said officers, whatever may be the nationality of the accused vessel. These formal statements shall be drawn up according to the forms and in the language used in the country to which the officer belongs; they may be used as means of proof in the country where they are adduced, and conformably with the laws of that country. The accused and the witnesses shall be entitled to add or to have added thereto, in their own language, any explanations which they may think useful. These declarations must be duly signed.

Resistance to the directions of commanders of cruisers, or of those who act under their orders, shall, without taking into account the nationality of their cruisers, be considered as resistance to national authority.

The commander of the cruiser may, if the case appears to him sufficiently serious to justify the step, take the offending boat into a port of the nation to which she belongs.

Article VIII. The proceedings in respect of infractions of the provisions of the present Convention shall always take place as summarily as the laws and regulations will permit.

Article IX. The high contracting parties will communicate to each other, at the time of the exchange of the ratifications, the laws which shall have been made in their respective countries in relation to the object of the present Convention.

Article X. States which have not signed the present Convention may adhere to it on making a request to that effect. This adhesion shall be notified through the diplomatic channel to the Government of the Netherlands, and by the latter to the other Signatory Powers.

Article XI. The present Convention shall be brought into operation from and after a day to be agreed upon by the high contracting parties.

It shall remain in force for five years from that day, and, unless any of the high contracting parties shall, twelve months before the expiration

of the said period of five years, have given notice of its intention to terminate its operation, it shall remain in force for one year longer, and so on from year to year.

If the Convention of The Hague of the 6th May, 1882, respecting the police of the fisheries, should cease to be in force, article XXVI of the same Convention shall continue to operate as regards the object of the present arrangement.

Article XII. The present Convention shall be ratified; the ratifications shall be exchanged at The Hague as soon as possible, and if practicable, within a year.

Note. The *procès-verbaux* of the Conference which drafted the text of this Convention may be found in Martens, *Nouveau Recueil général de Traités*, 2nd series, vol. 14, pp. 473-540.

When the French Government gave notice that it "is unable for the moment to proceed to the ratification" of this Convention, the other parties agreed: to put it into force six weeks after the exchange of ratifications; to extend the faculty of accession to France; and to reduce the delays of five years and of twelve months in article XI of the Convention "to one year and to three months respectively". Protocol of 14 February 1893, Martens, *Nouveau Recueil général des Traités*, 2nd series, vol. 19, p. 421; *Hertslet's Commercial Treaties*, vol. 19, p. 439. For the *procès-verbal* of 11 April 1894, recording the deposit of the ratifications, see Martens, *op. cit.*, p. 422; Hertslet, *op. cit.*, p. 460.

Article 272 of the Treaty of Versailles of 28 June 1919 provided that: "Germany agrees that, notwithstanding any stipulation to the contrary contained in the Conventions relating to the North Sea fisheries and liquor traffic, all rights of inspection and police shall, in the case of fishing-boats of the Allied Powers, be exercised solely by ships belonging to those Powers."

(b) BELGIUM

Act concerning the punishment of violations of the Convention respecting the liquor traffic in the North Sea, 2 June 1890. "Moniteur belge", 30 April-1 May 1894; J. Servais and E. Mechelynck, "Les codes et les lois spéciales les plus usuelles en vigueur en Belgique," 27th edition (1947), p. 1760. Translation by the Secretariat of the United Nations

Article 1. Any person who, in contravention of article 2 of the International Convention of 16 November 1887 respecting the Liquor Traffic in the North Sea, sells spirituous liquors, or exchanges such liquors for other articles, shall be liable to imprisonment for not less than eight days nor more than one month and to a fine of not less than twenty-six nor more than 100 francs, or to one of these penalties only.

Any person who, under the same conditions, buys spirituous liquors or accepts them in exchange for other articles, shall be liable to imprisonment for not less than one nor more than seven days and to a fine of not less than one nor more than twenty-five francs, or to one of these penalties only.

If spirituous liquors are exchanged for the products of fishing, articles of equipment of fishing tackle, the persons who effected or accepted the exchange shall be liable to imprisonment for not less than fifteen days nor more than two months and to a fine of not less than twenty-six nor more than 200 francs, or to one of these penalties only.

Article 2. Any person who, in contravention of article 3 of the Convention, furnishes fishermen with articles other than spirituous liquors without a permit, shall be liable to imprisonment for not less than eight nor more than fifteen days and to a fine of not less than twenty-six nor more than fifty francs, or to one of these penalties only. Any vessel which, except in the case of *force majeure*, is unable to show its permit to any competent official who may request it shall be deemed to have committed an offence.

The permit shall be revocable at all times.

The above penalties shall also apply to the following:

Any person who effects or accepts the exchange of articles other than spirituous liquors for the products of fishing, articles of equipment, or fishing tackle.

Any person who, although holding a permit, keeps on board a quantity of spirituous liquors greater than the amount considered necessary for the consumption of the crew.

Any infringement of the regulations concerning the special mark to be borne by vessels holding the above permit shall be punishable by imprisonment for not less than one nor more than seven days and by a fine of not less than one nor more than twenty-five francs, or by one of these penalties only.

Article 3. Any person resisting the orders of the commanding officers of vessels reponsible for the supervision of the liquor traffic, or of persons acting under their orders, shall be sentenced to a fine of not less than fifty nor more than 500 francs; sentence of imprisonment for not less than eight days nor more than one year may also be passed, without prejudice to the penalties laid down in the Penal Code in cases of resistance to public authorities.

Article 4. In the case of a repeated offence, the sentence of imprisonment or fine may be doubled.

A repetition of the offence shall be deemed to have occurred if the author of an offence covered by this Act has already been sentenced for a similar offence within the preceding two years.

Article 5. Apart from officers of the judicial police, maritime commissaries and their agents, customs officials, commissioned captains commanding State vessels and officers commanding foreign cruising vessels, the latter within the limits laid down in the Convention, shall detect and report the offences covered by this Act.

Their reports shall be evidence until the contrary is proved.

Article 6. The district court of summary jurisdiction and the cantonal police court within the competence of which the home port of the accused person's vessel is situated shall be competent, respectively, according to the case, to pass judgment on the offences covered by the above articles.

Article 7. The provisions of this Act shall also apply, within the territorial waters of Belgium, to persons on board any ship or vessel, whatever its nationality may be.

The officials listed in article 5, with the exception of the commanding officers of foreign cruising vessels, shall be competent to detect and report offences committed in territorial waters.

Such offences shall be judged by the district court of summary jurisdiction or by the cantonal police court within the competence of which they have been committed.

(c) DENMARK

Act No. 35, to prohibit the sale of alcoholic liquor to fishermen in the North Sea outside territorial waters, 23 March 1888. 'Danmarks Love, 1665-1946' (Copenhagen, 1946), p. 314. Translation by the Secretariat of the United Nations

1. It shall not be lawful for any person being a member of the crew of a Danish ship or accompanying such ship to sell or by any other means supply liquor to fishermen or other persons aboard or belonging to the vessel, whether Danish nationals or aliens, who are in the North Sea fisheries within the boundaries laid down by article 4 of the Hague Convention of 6 May 1882 for regulating the Police of the North Sea Fisheries, but outside the territorial waters of an adjacent State. Furthermore, it shall not be lawful for any persons aboard or belonging to such Danish vessels to buy or in any other way procure alcoholic liquor. Any beverage produced by distillation and containing more than 5/100 alcohol shall be deemed to be alcoholic liquor.

2. If any Danish national desires by way of a commercial transaction to supply the above-mentioned fishermen with wares other than alcoholic liquor he shall obtain from the chief constable of the place of departure a permit which shall set forth the name of the vessel on which he intends to do business and shall be drawn up on the form prescribed by the Ministry of the Interior. It shall not be lawful to keep on board any vessel as above mentioned a greater quantity of alcoholic liquor than the chief constable considers necessary for the use of the crew, and all bartering with the above-mentioned fishermen for fish, fishing equipment and tackle, is prohibited. The permit shall be issued for one voyage only, and vessels having such permits shall show the special uniform markings prescribed by the Ministry of the Interior.

3. A contravention of the provisions of this Act shall be punishable by a fine not exceeding 200 kronor. Cases in which the offender is liable to a fine of this nature shall be tried as police offences in the Maritime and Commercial Court of Copenhagen.

Resistance to the directions and injunctions of commanders of cruisers charged with the police of the fisheries or of any person acting under their orders, shall, without taking into account the nationality of the cruiser, be deemed to constitute resistance to the authorities of the nation of the fishing vessel.

4. This Act shall come into force on the day on which the contracting States decide that the agreement signed at The Hague on 16 November 1887 respecting regulations against abuses in the liquor traffic with fishermen in the North Sea outside territorial waters, shall come into operation.

The Act shall cease to have effect upon the expiration of the above mentioned agreement.

(d) UNITED KINGDOM

North Sea Fisheries Act, 29 June 1893. 56 & 57 Vict. c. 17; "Halsbury's Statutes of England" (2nd edition, 1949), vol. 10. p. 236

1. *Confirmation of Convention.* The Convention set out in the schedule to this Act (hereinafter referred to as the scheduled Convention) is, with the Protocol thereto annexed hereby confirmed, and the articles thereof shall be of the same force as if they were enacted in the body of this Act.

2. *Penalty for supplying, exchanging, or otherwise selling spirits.* If within the North Sea limits but outside territorial waters any person on board or belonging to a British vessel supplies spirituous liquors to any person on board or belonging to a sea fishing boat he shall be liable:

(a) If the liquors are supplied in exchange for any article not belonging to the person supplied, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour; and

(b) If the liquors are sold otherwise than by way of exchange for any such article, to a fine not exceeding thirty pounds, or in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour.

3. *Penalty for purchasing spirits by exchange or otherwise.* If within the North Sea limits but outside territorial waters any person on board or belonging to a British sea fishing boat purchases spirituous liquors, he shall be liable:

(a) If he gives any article not belonging to him in exchange for the liquors, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour; and

(b) If he purchases the liquors otherwise than by way of exchange for any such article, to a fine not exceeding ten pounds.

4. *Penalty for breach of licence.* If within the North Sea limits but outside territorial waters any person on board or belonging to a British vessel deals with any person on board or belonging to a sea fishing boat in any provisions or other articles for his use, except spirituous liquors, without a licence granted in pursuance of article 3 of the scheduled Convention, or without carrying on his vessel the mark agreed upon in pursuance of that article, or in contravention of any conditions of a licence so granted, he shall be liable to a fine not exceeding twenty pounds, and his licence may be revoked.

5. *Power to make regulations as to licences and other matters.* Her Majesty the Queen may from time to time by Order in Council make regulations for any of the following purposes:

(a) For prescribing the mode in which licences under article 3 of the scheduled Convention are to be granted, renewed, and revoked; and

(b) For prescribing the mode of application for such licences, and the conditions under which, and the time for which, the licences are to be granted; and

(c) Generally for giving effect to any of the provisions of this Act or any of the articles of the scheduled convention.

6. *Enforcement of Act.* For the purpose of enforcing the provisions of this Act in the case of British and foreign vessels, whether within or beyond the North Sea limits, all British and foreign sea fishery officers respectively within the meaning of the Sea Fisheries Act, 1883, shall have the same powers and be entitled to the same protection, as they have and are entitled to for the purpose of enforcing the provisions of that Act in the case of British and foreign sea fishing boats respectively.

Provided that in the case of a vessel not being either a sea fishing boat or a vessel habitually employed in dealing with fishermen the power of a sea fishery officer to take the vessel to any port shall not be exercised, unless the sea fishery officer is satisfied that its exercise is necessary for the suppression of grave disorder.

7. *Legal proceedings.* Sections 16, 18, 19, 20, 21, and 22 of the Sea Fisheries Act, 1883, shall apply in the case of offences, fines, and legal proceedings under this Act in the same manner as they apply in the case of offences, fines, and legal proceedings under that Act, and in those sections as so applied the expression "sea fishing boat" shall include any vessel.

8. *Evidence.* Section 17 of the Sea Fisheries Act, 1883, shall apply in the case of any formal statement drawn up in pursuance of article 7 of the scheduled Convention in the same manner as it applies in the case of any document drawn up in pursuance of the Convention set out in the first schedule to that Act.

9. *Definitions.* In this Act:

The expression "North Sea limits" shall mean the limits of the North Sea as fixed by article 4 of the Convention set out in the first schedule to the Sea Fisheries Act, 1883.

The expression "territorial waters" shall mean the territorial waters of Her Majesty's dominions as defined by the Territorial Waters Jurisdiction Act, 1878.

The expression "sea fishing boat" shall have the same meaning as in the Sea Fisheries Act, 1883.

The expression "vessel" shall include ship, boat, lighter, and craft of every kind, whether navigated by steam or otherwise.

The expression "spirituous liquors" shall include every liquid obtained by distillation and containing more than five per centum of alcohol.

10. *Continuance and application of Act.* (1) (*Repealed by the S.L.R. Act, 1908 (c. 49).*)

(2) The provisions of this Act relating to the sea fishery officers of any foreign State bound by the Convention set out in the first schedule to the Sea Fisheries Act, 1883, shall continue in operation notwithstanding the termination of the operation of that Convention as respects that foreign State.

(3) So much of this Act as has effect outside territorial waters shall, if the scheduled Convention ceases to be binding on Her Majesty, cease to apply to the vessels and officers of any foreign State bound by the scheduled Convention, but, subject as aforesaid, this Act shall continue in force notwithstanding the determination of the scheduled Convention.

(4) A notification in the *London Gazette* shall be sufficient evidence of the adhesion of any foreign State to the scheduled Convention, and

of the application of this Act to the vessels and officers of any foreign States.

11. (*Repealed by the S.L.R. Act, 1908 (c. 49).*)

12. *Short title.* This Act may be cited as the North Sea Fisheries Act, 1893.

Schedule

Convention respecting the Liquor Traffic in the North Sea.

Note. This Act re-enacts, with slight modifications, the repealed North Sea Fisheries Act of 5 July 1888 (51 & 52 Vict., c. 18). Regulations under section 5 of this Act were made by an Order in Council, 30 April 1894. *Hertslet's Treaties and Conventions between Great Britain and Foreign Powers*, vol. 19, p. 462.

3. African slave trade

(a) GENERAL ACT OF THE BRUSSELS CONFERENCE RELATIVE TO THE AFRICAN SLAVE TRADE

Signed at Brussels, 2 July 1890. Entered into force 2 April 1892. Ratified, or acceded to, by Austria, Belgium (and Congo), Denmark, Ethiopia, France (with a reservation concerning articles XXI-XXIII and XLII-LXI), Germany, Hungary, Iran, Italy, Liberia, Netherlands, Norway, Portugal, Spain, Sweden, Turkey, Union of Soviet Socialist Republics, United Kingdom (and Zanzibar) and United States. Martens, "Nouveau Recueil général de Traités", 2nd series, vol. 16, p. 3. Translation from Malloy, "Treaties, Conventions, etc., between the United States and Other Powers", vol. 2, pp. 1974-1982

Chapter III. Repression of the Slave-trade by Sea

Section I. General provisions

Article XX. The signatory Powers recognize the desirability of taking steps in common for the more effective repression of the slave trade in the maritime zone in which it still exists.

Article XXI. This zone extends, on the one hand, between the coasts of the Indian Ocean (those of the Persian Gulf and of the Red Sea included), from Beloochistan to Cape Tangalane (Quilimane); and, on the other hand, a conventional line which first follows the meridian from Tangalane till it intersects the 26th degree of south latitude; it is then merged in this parallel, then passes round the Island of Madagascar by the east, keeping twenty miles off the east and north shore, till it intersects the meridian at Cape Ambre. From this point the limit of the zone is determined by an oblique line, which extends to the coast of Beloochistan, passing twenty miles off Cape Ras-el-Had.

Article XXII. The signatory Powers of the present general act, among whom exist special conventions for the suppression of the slave trade, have agreed to restrict the clauses of those conventions concerning the reciprocal right of visit, of search and of seizure of vessels at sea, to the above-mentioned zone.

Article XXIII. The same Powers also agree to limit the above-mentioned right to vessels whose tonnage is less than 500 tons. This stipulation shall be revised as soon as experience shall have shown the necessity thereof.

Article XXIV. All other provisions of the conventions concluded for the suppression of the slave trade between the aforesaid Powers shall remain in force provided they are not modified by the present general act.

Article XXV. The Signatory Powers engage to adopt efficient measures to prevent the unlawful use of their flag, and to prevent the transportation of slaves on vessels authorized to fly their colours.

Article XXVI. The Signatory Powers engage to adopt all measures necessary to facilitate the speedy exchange of information calculated to lead to the discovery of persons taking part in operations connected with the slave trade.

Article XXVII. At least one international bureau shall be created; it shall be established at Zanzibar. The high contracting parties engage to forward to it all the documents specified in article XLI, as well as all information of any kind likely to assist in the suppression of the slave trade.

Article XXVIII. Any slave who has taken refuge on board a ship of war bearing the flag of one of the Signatory Powers, shall be immediately and definitively set free. Such freedom, however, shall not withdraw him from the competent jurisdiction if he has been guilty of any crime or offence at common law.

Article XXIX. Any slave detained against his will on board of a native vessel shall have the right to demand his liberty. His release may be ordered by any agent of any of the Signatory Powers on whom the present general act confers the right of ascertaining the status of persons on board of such vessels, although such release shall not withdraw him from the competent jurisdiction if he has committed any crime or offence at common law.

Section II.—Regulation concerning the use of the flag and supervision by cruisers

1. Rules for granting the flag to native vessels, and as to crew lists and manifests of black passengers on board

Article XXX. The Signatory Powers engage to exercise a strict surveillance over native vessels authorized to carry their flag in the zone mentioned in article XXI, and over the commercial operations carried on by such vessels.

Article XXXI. The term “native vessel” applies to vessels fulfilling one of the following conditions:

1. It shall present the outward appearance of native build or rigging.
2. It shall be manned by a crew of whom the captain and a majority of the seamen belong by origin to one of the countries on the coasts of the Indian Ocean, the Red Sea, or the Persian Gulf.

Article XXXII. The authorization to carry the flag of one of the said Powers shall in future be granted only to such native vessels as shall satisfy at the same time the three following conditions:

1. Fitters-out or owners of ships must be either subjects of or persons protected by the Power whose flag they ask to carry.

2. They shall be obliged to prove that they possess real estate situated in the district of the authority to whom their application is addressed, or to furnish *bona fide* security as a guaranty of the payment of such fines as may be incurred.

3. The above-named fitters-out or owners of ships, as well as the captain of the vessel, shall prove that they enjoy a good reputation, and that in particular they have never been sentenced to punishment for acts connected with the slave trade.

Article XXXIII. This authorization granted shall be renewed every year. It may at any time be suspended or withdrawn by the authorities of the Power whose colours the vessel carries.

Article XXXIV. The act of authorization shall contain the statements necessary to establish the identity of the vessel. The captain shall have the keeping thereof. The name of the native vessel and the amount of its tonnage shall be cut and painted in Latin characters on the stern, and the initial or initials of the name of the port of registry, as well as the registration number in the series of the numbers of that port, shall be printed in black on the sails.

Article XXXV. A list of the crew shall be issued to the captain of the vessel at the port of departure by the authorities of the Power whose colours it carries. It shall be renewed at every fresh venture of the vessel, or, at the latest, at the end of a year, and in accordance with the following provisions:

1. The vessel shall be visaed at the departure of the vessel by the authority that has issued it.

2. No negro can be engaged as a seaman on a vessel without having previously been questioned by the authority of the Power whose colours it carries, or, in default thereof, by the territorial authority, with a view to ascertaining the fact of his having contracted a free engagement.

3. This authority shall see that the proportion of seamen and boys is not out of proportion to the tonnage or rigging.

4. The authorities who shall have questioned the men before their departure shall enter them on the list of the crew in which they shall be mentioned with a summary description of each of them alongside his name.

5. In order the more effectively to prevent any substitution, the seamen may, moreover, be provided with a distinctive mark.

Article XXXVI. When the captain of a vessel shall desire to take negro passengers on board, he shall make his declaration to that effect to the authority of the Power whose colours he carries, or in default thereof, to the territorial authority. The passengers shall be questioned, and after it has been ascertained that they embarked of their own free will, they shall be entered in a special manifest, bearing the description of each of them alongside of his name, and specially sex and height. Negro children shall not be taken as passengers unless they are accompanied

by their relations, or by persons whose respectability is well known. At the departure, the passenger roll shall be visaed by the aforesaid authority after it has been called. If there are no passengers on board, this shall be specially mentioned in the crew list.

Article XXXVII. At the arrival at any port of call or of destination, the captain of the vessel shall show to the authority of the Power whose flag he carries, or, in default thereof, to the territorial authority, the crew list, and, if need be, the passenger roll previously delivered. The authority shall check the passengers who have reached their destination or who are stopping in a port of call, and shall mention their landing in the roll. At the departure of the vessel, the same authority shall affix a fresh visa to the list and roll, and call the roll of the passengers.

Article XXXVIII. On the African coasts and on the adjacent islands, no negro passengers shall be taken on board of a native vessel, except in localities where there is a resident authority belonging to one of the Signatory Powers.

Throughout the extent of the zone mentioned in article XXI, no negro passenger shall be landed from a native vessel except at a place in which there is a resident officer belonging to one of the high contracting Powers, and unless such officer is present at the landing.

Cases of *vis major* that may have caused an infraction of these provisions shall be examined by the authority of the Power whose colours the vessel carries, or, in default thereof, by the territorial authority of the port at which the vessel in question calls.

Article XXXIX. The provisions of articles XXXV, XXXVI, XXXVII, and XXXVIII are not applicable to vessels only partially decked, having a crew not exceeding ten men, and fulfilling one of the two following conditions:

1. That it be exclusively used for fishing within the territorial waters.
2. That it be occupied in the petty coasting trade between the different ports of the same territorial Power, without going further than five miles from the coast.

These different boats shall receive, as the case may be, a special licence from the territorial or consular authority, which shall be renewed every year, and subject to revocation as provided in article XL, the uniform model of which licence is annexed to the present general act, and shall be communicated to the international information office.

Article XL. Any act or attempted act connected with the slave trade that can be legally shown to have been committed by the captain, fitter-out, or owner of a ship authorized to carry the flag of one of the Signatory Powers, or having procured the licence provided for in article XXXIX, shall entail the immediate withdrawal of the said authorization or licence. All violations of the provisions of section 2 of chapter III shall render the person guilty thereof liable to the penalties provided by the special laws and ordinances of each of the contracting parties.

Article XLI. The Signatory Powers engage to deposit at the international information office the specimen forms of the following documents:

1. Licence to carry the flag;

2. The crew list;
3. The negro passenger list.

These documents, the tenor of which may vary according to the different regulations of each country, shall necessarily contain the following particulars, drawn up in one of the European languages:

1. As regards the authorization to carry the flag:

(a) The name, tonnage, rig, and the principal dimensions of the vessel;

(b) The register number and the signal letter of the port of registry;

(c) The date of obtaining the licence, and the office held by the person who issued it.

2. As regards the list of the crew:

(a) The name of the vessel, of the captain and the fitter-out or owner;

(b) The tonnage of the vessel;

(c) The register number and the port of registry, its destination, as well as the particulars specified in article XXV.

3. As regards the list of negro passengers:

The name of the vessel which conveys them, and the particulars indicated in article XXXVI, for the proper identification of the passengers.

The Signatory Powers shall take the necessary measures so that the territorial authorities or their consuls may send to the same office certified copies of all authorizations to carry their flag as soon as such authorizations shall have been granted, as well as notices of the withdrawal of any such authorization.

The provisions of the present article have reference only to papers intended for native vessels.

2. The stopping of suspected vessels

Article XLII. When the officers in command of war vessels of any of the Signatory Powers have reason to believe that a vessel whose tonnage is less than 500 tons, and which is found navigating in the above named zone, is engaged in the slave trade or is guilty of the fraudulent use of a flag, they may examine the ship's papers.

The present article does not imply any change in the present state of things as regards jurisdiction in territorial waters.

Article XLIII. To this end, a boat commanded by a naval officer in uniform may be sent to board the suspected vessel after it has been hailed and informed of this intention.

The officers sent on board of the vessel which has been stopped shall act with all possible consideration and moderation.

Article XLIV. The examination of the ship's papers shall consist of the examination of the following documents:

1. As regards native vessels, the papers mentioned in article XLI.

2. As regards other vessels, the documents required by the different treaties or conventions that are in force.

The examination of the ship's papers only authorizes the calling of the roll of the crew and passengers in the cases and in accordance with the conditions provided for in the following article.

Article XLV. The examination of the cargo or the search can only take place in the case of vessels sailing under the flag of one of the Powers

that have concluded, or may hereafter conclude the special conventions provided for in article XXII, and in accordance with the provisions of such conventions.

Article XLVI. Before leaving the detained vessel, the officer shall draw up a minute according to the forms and in the language in use in the country to which he belongs.

This minute shall be dated and signed by the officer, and shall recite the facts.

The captain of the detained vessel, as well as the witnesses, shall have the right to cause to be added to the minutes any explanations they may think expedient.

Article XLVII. The commander of a man-of-war who has detained a vessel under a foreign flag shall, in all cases, make a report thereof to his own government, and state the grounds upon which he has acted.

Article XLVIII. A summary of this report, as well as a copy of the minute drawn up by the officer on board of the detained vessel, shall be sent, as soon as possible, to the international information office, which shall communicate the same to the nearest consular or territorial authority of the Power whose flag the vessel in question has shown. Duplicates of these documents shall be kept in the archives of the bureau.

Article XLIX. If, in performing the acts of supervision mentioned in the preceding articles, the officer in command of the cruiser is convinced that an act connected with the slave trade has been committed on board during the passage, or that irrefutable proofs exist against the captain, or fitter-out, for accusing him of fraudulent use of the flag, or fraud, or participation in the slave trade, he shall conduct the arrested vessel to the nearest port of the zone where there is a competent magistrate of the Power whose flag has been used.

Each Signatory Power engages to appoint in the zone, and to make known to the international information office, the territorial or consular authorities or special delegates who are competent in the above mentioned cases.

A suspected vessel may also be turned over to a cruiser of its own nation, if the latter consents to take charge of it.

3. Of the examination and trial of vessels seized.

Article L. The magistrate referred to in the preceding article, to whom the arrested vessel has been turned over, shall proceed to make a full investigation, according to the laws and rules of his country, in the presence of an officer belonging to the foreign cruiser.

Article LI. If it is proved by the inquiry that the flag has been fraudulently used, the arrested vessel shall remain at the disposal of its captor.

Article LII. If the examination shows an act connected with the slave trade, proved by the presence on board of slaves destined for sale, or any other offence connected with the slave trade for which provision is made by special convention, the vessel and cargo shall remain sequestered in charge of the magistrate who shall have conducted the inquiry.

The captain and crew shall be turned over to the tribunals designated by articles LIV and LVI. The slaves shall be set at liberty as soon as judgment has been pronounced.

In the cases provided for by this article, liberated slaves shall be disposed of in accordance with the special conventions concluded, or to be concluded, between the Signatory Powers. In default of such conventions, the said slaves shall be turned over to the local authority, to be sent back, if possible, to their country of origin; if not, this authority shall facilitate to them, in so far as may be in its power, the means of livelihood, and, if they desire it, of settling on the spot.

Article LIII. If it shall be proved by the inquiry that the vessel has been illegally arrested, there shall be clear title to an indemnity in proportion to the damages suffered by the vessel being taken out of its course.

The amount of this indemnity shall be fixed by the authority that has conducted the inquiry.

Article LIV. In case the officer of the capturing vessel does not accept the conclusions of the inquiry held in his presence, the matter shall be turned over to the tribunal of the nation whose flag the captured vessel has borne.

No exception shall be made to this rule, unless the disagreement arises in respect of the amount of the indemnity stipulated in article LIII, and this shall be fixed by arbitration, as specified in the following article.

Article LV. The capturing officer and the authority which has conducted the inquiry shall each appoint a referee within forty-eight hours, and the two arbitrators shall have twenty-four hours to choose an umpire. The arbitrators shall, as far as possible, be chosen from among the diplomatic, consular, or judicial officers of the Signatory Powers. Natives in the pay of the contracting governments are formally excluded. The decision shall be by a majority of votes, and be considered as final.

If the court of arbitration is not constituted in the time indicated, the procedure in respect of the indemnity, as in that of damages, shall be in accordance with the provisions of article LVIII, paragraph 2.

Article LVI. The cases shall be brought with the least possible delay before the tribunal of the nation whose flag has been used by the accused. However, the consuls or any other authority of the same nation as the accused, specially commissioned to this end, may be authorized by their government to pronounce judgment instead of the tribunal.

Article LVII. The procedure and trial of violations of the provisions of chapter III shall always be conducted in as summary a manner as is permitted by the laws and regulations in force in the territories subject to the authority of the Signatory Powers.

Article LVIII. Any decision of the national tribunal or authorities referred to in article LVI, declaring that the seized vessel did not carry on the slave trade, shall be immediately enforced, and the vessel shall be at perfect liberty to continue on its course.

In this case, the captain or owner of any vessel that has been seized without legitimate ground of suspicion, or subjected to annoyance, shall have the right of claiming damages, the amount of which shall be fixed by agreement between the governments directly interested, or by

arbitration, and shall be paid within a period of six months from the date of the judgment acquitting the captured vessel.

Article LIX. In case of condemnation, the sequestered vessel shall be declared lawfully seized for the benefit of the captor.

The captain, crew, and all other persons found guilty shall be punished according to the gravity of the crimes or offences committed by them, and in accordance with article V.

Article LX. The provisions of articles L to LIX do not in any way affect the jurisdiction or procedure of existing special tribunals, or of such as may hereafter be formed to take cognizance of offences connected with the slave trade.

Article LXI. The high contracting parties engage to make known to one another, reciprocally, the instructions which they shall give, for the execution of the provisions of chapter III, to the commanders of their men-of-war navigating the seas of the zone referred to.

Note. For the text of the protocols of 2 July 1891, 2 January, 2 February and 30 March 1892, concerning the ratification of the General Act, see Martens, *Nouveau Recueil général de Traités*, 2nd series, vol. 17, p. 625; *idem*, vol. 22, p. 259; Malloy, *Treaties, Conventions, etc., between the United States and Other Powers*, vol. 2, p. 1991; *Hertslet's Commercial Treaties*, vol. 19, p. 784. The Convention of St. Germain, of 10 September 1920, abrogated the General Act of 1890 as between the parties to that Convention, i.e., as between Belgium, Ethiopia, France, Italy, Japan, Portugal, United Kingdom and United States. *League of Nations Treaty Series*, vol. 8, p. 25; Hudson, *International Legislation*, vol. 1, p. 343.

For an analysis of prior international agreements relating to the suppression of maritime trade in slaves, see the Belgian memorandum presented to the Brussels Conference in 1889, which is reproduced in Martens, *Nouveau Recueil général de Traités*, 2nd series, vol. 16, pp. 30-88.

4. Trade in arms and ammunition

(a) CONVENTION ON THE CONTROL OF TRADE IN ARMS AND AMMUNITION

Signed at St. Germain-en-Laye, 10 September 1919. Entered into force on 30 March 1921. Ratified, or adhered to, by Brazil (denounced in 1929), Bulgaria, Chile, China, (Estonia,) Ethiopia, Finland, Greece, Guatemala, Haiti, Iran, Muscat, Peru, Portugal, Thailand, Uruguay and Venezuela. Translation from "League of Nations Treaty Series", vol. 7, p. 331.

The United States of America, Belgium, Bolivia, the British Empire, China, Cuba, Ecuador, France, Greece, Guatemala, Haiti, the Hedjaz, Italy, Japan, Nicaragua, Panama, Peru, Poland, Portugal, Romania, the Serb-Croat-Slovene State, Siam and Czechoslovakia;

Whereas the long war now ended, in which most nations have successively become involved, has led to the accumulation in various parts of the world of considerable quantities of arms and munitions of war, the dispersal of which would constitute a danger to peace and public order;

Whereas in certain parts of the world it is necessary to exercise special supervision over the trade in, and the possession of, arms and ammunition;

Whereas the existing treaties and conventions, and particularly the Brussels Act of 2 July 1890, regulating the traffic in arms and ammunition in certain regions, no longer meet present conditions, which require more elaborate provisions applicable to a wider area in Africa and the establishment of a corresponding régime in certain territories in Asia;

Whereas a special supervision of the maritime zone adjacent to certain countries is necessary to ensure the efficacy of the measures adopted by the various governments both as regards the importation of arms and ammunition into those countries and the export of such arms and ammunition from their own territory;

And with the reservation that, after a period of seven years, the present Convention shall be subject to revision in the light of the experience gained, if the Council of the League of Nations, acting if need be by a majority, so recommends;

Have appointed as their Plenipotentiaries:

. . .

Who, having communicated their full powers found in good and due form,

Have agreed as follows:

Chapter I. Export of Arms and Ammunition

Article 1. The high contracting parties undertake to prohibit the export of the following arms of war: artillery of all kinds, apparatus for the discharge of all kinds of projectiles explosive or gas-diffusing, flame-throwers, bombs, grenades, machine-guns and rifled small-bore breech-loading weapons of all kinds, as well as the exportation of the ammunition for use with such arms. The prohibition of exportation shall apply to all such arms and ammunition, whether complete or in parts.

Nevertheless, notwithstanding this prohibition, the high contracting parties reserve the right to grant, in respect of arms whose use is not prohibited by international law, export licences to meet the requirements of their governments or those of the government of any of the high contracting parties, but for no other purpose.

In the case of firearms and ammunition adapted both to warlike and also to other purposes, the high contracting parties reserve to themselves the right to determine from the size, destination, and other circumstances of each shipment for what uses it is intended and to decide in each case whether the provisions of this article are applicable to it.

Article 2. The high contracting parties undertake to prohibit the export of firearms and ammunition, whether complete or in parts, other than arms and munitions of war, to the areas and zone specified in article 6.

Nevertheless, notwithstanding this prohibition, the high contracting parties reserve the right to grant export licences on the understanding that such licences shall be issued only by their own authorities. Such authorities must satisfy themselves in advance that the arms or ammunition for which an export licence is requested are not intended for export to any destination, or for disposal in any way, contrary to the provisions of this Convention.

Article 3. Shipments to be effected under contracts entered into before the coming into force of the present Convention shall be governed by its provisions.

Article 4. The high contracting parties undertake to grant no export licences to any country which refuses to accept the tutelage under which it has been placed, or which, after having been placed under the tutelage of any Power, may endeavour to obtain from any other Power any of the arms or ammunition specified in articles 1 and 2.

Article 5. A Central International Office, placed under the control of the League of Nations, shall be established for the purpose of collecting and preserving documents of all kinds exchanged by the high contracting parties with regard to the trade in, and distribution of, the arms and ammunition specified in the present Convention.

Each of the high contracting parties shall publish an annual report showing the export licences which it may have granted, together with the quantities and destination of the arms and ammunition to which the export licences referred. A copy of this report shall be sent to the Central International Office and to the Secretary-General of the League of Nations.

Further, the high contracting parties agree to send to the Central International Office and to the Secretary-General of the League of Nations full statistical information as to the quantities and destination of all arms and ammunition exported without licence.

Chapter II. Import of Arms and Ammunition. Prohibited Areas and Zone of Maritime Supervision

Article 6. The high contracting parties undertake, each as far as the territory under its jurisdiction is concerned, to prohibit the importation of the arms and ammunition specified in articles 1 and 2 into the following territorial areas, and also to prevent their importation and transportation in the maritime zone defined below:

(1) The whole of the continent of Africa with the exception of Algeria, Libya and the Union of South Africa.

Within this area are included all islands situated within 100 nautical miles of the coast, together with Prince's Island, St. Thomas Island and the Islands of Annobon and Socotra.

(2) Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on 4 August 1914.

(3) A maritime zone, including the Red Sea, the Gulf of Aden, the Persian Gulf, and the Sea of Oman, and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich, and proceeding thence direct to the eastern frontier of Persia in the Gulf of Oman.

Special licences for the import of arms or ammunition into the areas defined above may be issued. In the African area they shall be subject to the regulations specified in articles 7 and 8 or to any local regulations of a stricter nature which may be in force. In the other areas specified in the present article, these licences shall be subject to similar regulations put into effect by the governments exercising authority there.

Chapter III. Supervision on Land

Chapter IV. Maritime Supervision

Article 11. Subject to any contrary provisions in existing special agreements, or in future agreements, provided that in all cases such agreements comply with the provisions of the present Convention, the sovereign State or Mandatory Power shall carry out all supervision and police measures within territorial waters in the prohibited areas and zone specified in article 6.

Article 12. Within the prohibited areas and maritime zone specified in article 6, no native vessel of less than 500 tons burden shall be allowed to ship, discharge, or tranship arms or ammunition.

For this purpose, a vessel shall be considered as a native vessel if she is either owned by a native, or fitted out or commanded by a native, or if more than half of the crew are natives of the countries bordering on the Indian Ocean, the Red Sea, the Persian Gulf, or the Gulf of Oman.

This provision does not apply to lighters or barges, nor to vessels which, without going more than five miles from the shore, are engaged exclusively in the coasting trade between different ports of the same State, Colony, Protectorate or territory under mandate, where warehouses are situated.

No cargo of arms or ammunition shall be shipped on the vessels specified in the preceding paragraph without a special licence from the territorial authority, and all arms or ammunition so shipped shall be subject to the provisions of the present Convention.

This licence shall contain all details necessary to establish the nature and quantity of the items of the shipment, the vessel on which the shipment is to be loaded, the name of the ultimate consignee, and the ports of loading and discharge. It shall also be specified thereon that the licence has been issued in conformity with the regulations of the present Convention.

The above regulations do not apply:

(1) To arms or ammunition conveyed on behalf of the government, provided that they are accompanied by a duly qualified official.

(2) To arms or ammunition in the possession of persons provided with a licence to carry arms, provided such arms are for the personal use of the bearer and are accurately described on his licence.

Article 13. To prevent all illicit conveyance of arms or ammunition within the zone of maritime supervision specified in article 6 (3), native vessels of less than 500 tons burden not exclusively engaged in the coasting trade between different ports of the same State, Colony, Protectorate or territory under mandate, not going more than five miles from the shore, and proceeding to or from any point within the said zone, must carry a manifest of their cargo or similar document specifying the quantities and nature of the goods on board, their origin and destination. This document shall remain covered by the secrecy to which it is entitled by the law of the State to which the vessel belongs and must not be examined during the proceedings for the verification of the flag unless the interested party consents thereto.

The provisions as to the above-mentioned documents shall not apply to vessels only partially decked, having a maximum crew of ten men, and exclusively employed in fishing within territorial waters.

Article 14. Authority to fly the flag of one of the high contracting parties within the zone of maritime supervision specified in article 6 (3) shall be granted only to such native vessels as satisfy all the three following conditions:

1. The owners must be nationals of the Power whose flag they claim to fly.

2. They must furnish proof that they possess real estate in the district of the authority to which their application is addressed, or must supply a solvent security as a guarantee for any fines to which they may become liable.

3. Such owners, as well as the captain of the vessel, must furnish proof that they enjoy a good reputation, and especially that they have never been convicted of illicit conveyance of the articles referred to in the present Convention.

The authorization must be renewed every year. It shall contain the indications necessary to identify the vessel, the name, tonnage, type of rigging, principal dimensions, registered number, and signal letters. It shall bear the date on which it was granted and the status of the official who granted it.

The name of the native vessel and the amount of her tonnage shall be incised and painted in Latin characters on the stern, and the initial letters of the name of the port of registry, as well as the registration number in the series of the numbers of that port, shall be painted in black on the sails.

Article 15. Native vessels to which, under the provisions of the last paragraph of article 13, the regulations relating to the manifest of the cargo are not applicable, shall receive from the territorial or consular authorities, as the case may be, a special licence, renewable annually and revocable under the conditions provided for in article 19.

This special licence shall show the name of the vessel, her description, nationality, port of registry, name of captain, name of owner and the waters in which she is allowed to sail.

Article 16. The high contracting parties agree to apply the following rules in the maritime zone specified in article 6 (3):

1. When a warship belonging to one of the high contracting parties encounters outside territorial waters a native vessel of less than 500 tons burden flying the flag of one of the high contracting parties, and the commander of the warship has good reason to believe that the native vessel is flying this flag without being entitled to do so, for the purpose of the illicit conveyance of arms or ammunition, he may proceed to verify the nationality of the vessel by examining the document authorizing the flying of the flag, but no other papers.

2. With this object, a boat commanded by a commissioned officer in uniform may be sent to visit the suspected vessel after she has been hailed to give notice of such intention. The officer sent on board the vessel shall act with all possible consideration and moderation; before leaving the vessel the officer shall draw up a *procès-verbal* in the form

and language in use in his own country. This *procès-verbal* shall state the facts of the case and shall be dated and signed by the officer.

Should there be on board the warship no commissioned officer other than the commanding officer, the above-prescribed operations may be carried out by the warrant, petty, or non-commissioned officer highest in rank.

The captain or master of the vessel visited, as well as the witnesses, shall be invited to sign the *procès-verbal*, and shall have the right to add to it any explanations which they may consider expedient.

3. If the authorization to fly the flag cannot be produced, or if this document is not in proper order, the vessel shall be conducted to the nearest port in the zone where there is a competent authority of the Power whose flag has been flown and shall be handed over to such authority.

Should the nearest competent authority representing the Power whose flag the vessel has flown be at some port at such a distance from the point of arrest that the warship would have to leave her station or patrol to escort the captured vessel to that port, the foregoing regulation need not be carried out. In such a case, the vessel may be taken to the nearest port where there is a competent authority of one of the high contracting parties of nationality other than that of the warship, and steps shall at once be taken to notify the capture to the competent authority representing the Power concerned.

No proceedings shall be taken against the vessel or her crew until the arrival of the representative of the Power whose flag the vessel was flying or without instructions from him.

4. The procedure laid down in paragraph 3 may be followed if, after the verification of the flag and in spite of the production of the manifest, the commander of the warship continues to suspect the native vessel of engaging in the illicit conveyance of arms or ammunition.

The high contracting parties concerned shall appoint in the zone territorial or consular authorities or special representatives competent to act in the foregoing cases, and shall notify their appointment to the Central Office and to the other contracting parties.

The suspected vessel may also be handed over to a warship of the nation whose flag she has flown, if the latter consents to take charge of her.

Article 17. The high contracting parties agree to communicate to the Central Office specimen forms of the documents mentioned in articles 12, 13, 14 and 15, as well as a detailed list of the licences granted in accordance with the provisions of this chapter whenever such licences are granted.

Article 18. The authority before whom the suspected vessel has been brought shall institute a full inquiry in accordance with the laws and rules of his country in the presence of an officer of the capturing warship.

If it is proved at this inquiry that the flag has been illegally flown, the detained vessel shall remain at the disposal of the captor, and those responsible shall be brought before the courts of his country.

If it should be established that the use of the flag by the detained vessel was correct, but that the vessel was engaged in the illicit conveyance of arms or ammunition, those responsible shall be brought before

the courts of the State under whose flag the vessel sailed. The vessel herself and her cargo shall remain in charge of the authority directing the inquiry.

Article 19. Any illicit conveyance or attempted conveyance legally established against the captain or owner of a vessel authorized to fly the flag of one of the Signatory Powers or holding the licence provided for in article 15 shall entail the immediate withdrawal of the said authorization or licence.

The high contracting parties will take the necessary measures to ensure that their territorial authorities or their consuls shall send to the Central Office certified copies of all authorizations to fly their flag as soon as such authorizations shall have been granted, as well as notice of withdrawal of any such authorization. They also undertake to communicate to the said Office copies of the licences provided for under article 15.

Article 20. The commanding officer of a warship who may have detained a vessel flying a foreign flag shall in all cases make a report thereon to his government, stating the grounds on which he acted.

An extract from this report, together with a copy of the *procès-verbal* drawn up by the officer, warrant officer, petty or non-commissioned officer sent on board the vessel detained shall be sent as soon as possible to the Central Office and at the same time to the government whose flag the detained vessel was flying.

Article 21. If the authority entrusted with the inquiry decides that the detention and diversion of the vessel or the measures imposed upon her were irregular, he shall fix the amount of the compensation due. If the capturing officer, or the authorities to whom he is subject, do not accept the decision or contest the amount of the compensation awarded, the dispute shall be submitted to a court of arbitration consisting of one arbitrator appointed by the government whose flag the vessel was flying, one appointed by the government of the capturing officer, and an umpire chosen by the two arbitrators thus appointed. The two arbitrators shall be chosen, as far as possible, from among the diplomatic, consular or judicial officers of the high contracting parties. These appointments must be made with the least possible delay, and natives in the pay of the high contracting parties shall in no case be appointed. Any compensation awarded shall be paid to the person concerned within six months at most from the date of the award.

The decision shall be communicated to the Central Office and to the Secretary-General of the League of Nations.

Chapter V. General Provisions

Article 22. The high contracting parties who exercise authority over territories within the prohibited areas and zone specified in article 6 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and in particular for the prosecution and repression of offences against the provisions contained therein.

They shall communicate these measures to the Central Office and to the Secretary-General of the League of Nations, and shall inform them of the competent authorities referred to in the preceding articles.

Article 23. The high contracting parties will use their best endeavours to secure the accession to the present Convention of other States Members of the League of Nations.

This accession shall be notified through the diplomatic channel to the Government of the French Republic, and by it to all the signatory or adhering States. The accession will come into force from the date of such notification to the French Government.

Article 24. The high contracting parties agree that if any dispute whatever should arise between them relating to the application of the present Convention which cannot be settled by negotiation, this dispute shall be submitted to an arbitral tribunal in conformity with the provisions of the Covenant of the League of Nations.

Article 25. All the provisions of former general international Conventions, relating to the matters dealt with in the present Convention, shall be considered as abrogated in so far as they are binding between the Powers which are parties to the present Convention.

Article 26. The present Convention shall be ratified as soon as possible.

Each Power will address its ratification to the French Government, who will inform all the other Signatory Powers.

The ratifications will remain deposited in the archives of the French Government.

The present Convention shall come into force for each Signatory Power from the date of the deposit of its ratification, and from that moment that Power will be bound in respect of other Powers which have already deposited their ratifications.

On the coming into force of the present Convention, the French Government will transmit a certified copy to the Powers which under the Treaties of Peace have undertaken to accept and observe it, and are in consequence placed in the same position as the contracting parties. The names of these Powers will be notified to the States which accede.

Note. This Convention was accompanied by a protocol, stating that the signatory Governments "would regard it as contrary to the intention of the High Contracting Parties and to the spirit of this Convention that, pending the coming into force of the Convention, a Contracting Party should adopt any measure which is contrary to its provisions". *League of Nations Treaty Series*, vol. 7, p. 357.

(b) CONVENTION ON SUPERVISION OF INTERNATIONAL TRADE IN ARMS

Opened for signature at Geneva, 17 June 1925. Not in force. Ratified by Australia, Bulgaria, Canada, China, Denmark, Egypt, France, Iraq, (Latvia,) Liberia, Netherlands, Poland, Spain, Sweden, United Kingdom and United States, but several of these ratifications were conditional on the ratifications of certain other States and, as these conditions were not fulfilled, they did not come into force. League of Nations doc. A.16.1925.IX; Hudson, "International Legislation", vol. 3, p. 1634

Germany, the United States of America, Austria, Belgium, Brazil, the British Empire, Canada, the Irish Free State and India, Bulgaria, Chile, China, Colombia, Denmark, Egypt, Spain, Esthonia, Abyssinia,

Finland, France, Greece, Hungary, Italy, Japan, Latvia, Lithuania, Luxembourg, Nicaragua, Norway, Panama, the Netherlands, Persia, Poland, Portugal, Romania, Salvador, Siam, Sweden, Switzerland, the Kingdom of the Serbs, Croats and Slovenes, Czechoslovakia, Turkey, Uruguay and Venezuela,

Whereas the international trade in arms and ammunition and in implements of war should be subjected to a general and effective system of supervision and publicity;

Whereas such a system is not provided by existing Treaties and Conventions;

Whereas in relation to certain areas of the world a special supervision of this trade is necessary in order to render more effective the measures adopted by the various governments as regards both the import of such arms and ammunition and implements of war into these areas and their export therefrom; and

Whereas the export or import of arms, ammunition or implements, the use of which in war is prohibited by international law, must not be permitted for such purpose;

Have decided to conclude a Convention and have accordingly appointed as their Plenipotentiaries:

. . .

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

Chapter I. Categories

Article 1. For the purposes of the present Convention, five categories of arms, ammunition and implements are established:

Category I. Arms, ammunition and implements of war exclusively designed and intended for land, sea or aerial warfare

. . .

Category II. Arms and ammunition capable of use both for military and other purposes

. . .

Category III. Vessels of war and their armament

1. Vessels of war of all kinds.
2. Arms, ammunition and implements of war mounted on board vessels of war and forming part of their normal armament.

Category IV.

1. Aircraft, assembled or dismantled.
2. Aircraft engines.

Category V.

1. Gunpowder and explosives, except common black gunpowder.
2. Arms and ammunition other than those covered by categories I and II...

Chapter II. Supervision and Publicity

Article 2. The high contracting parties undertake not to export or permit the export of articles covered by category I, except in accordance with the following conditions:

1. The export shall be for a direct supply to the government of the importing State or, with the consent of such government, to a public authority subordinate to it;

2. An order in writing, which shall be signed or endorsed by a representative of the importing government duly authorized so to act, shall have been presented to the competent authorities of the exporting country. This order shall state that the articles to be exported are required for delivery to the importing government or public authority as provided in paragraph 1.

Article 3. Nevertheless, export for supply to private persons may be permitted in the following cases:

1. Articles covered by category I exported direct to a manufacturer of war material for use by him for the requirements of his industry, provided their import has been duly authorized by the government of the importing country;

2. Rifles, muskets and carbines and their ammunition exported for supply to rifle associations formed for the encouragement of individual sport and duly authorized by their own government to use them, the import of which is not contrary to any other provisions of the present Convention. Such arms and ammunition shall be sent direct to the government of the importing country for transmission by such government to the associations for which they are supplied.

3. Samples of articles covered by category I exported for demonstration purposes direct to a trade representative of the exporting manufacturer, such representative being duly authorized by the government of the importing country to receive them.

In the above-mentioned cases, an order in writing, endorsed by the government of the importing country or by its representative duly authorized so to act, must have been presented to the authorities of the exporting country. It shall contain all the information necessary to show that the order is properly made under this article.

Article 4. Permission to export under articles 2 and 3 shall be signified by a licence. An export declaration, if filed with and approved by the competent authorities of the exporting country, may take the place of a licence.

. . .

Each separate consignment which crosses the frontier of the exporting country, whether by land, water or air, shall be accompanied by a document containing the particulars indicated above. This document may be either the licence or export declaration or a certified copy thereof or a certificate issued by the customs authorities of the exporting country, stating that the consignment is exported under licence or export declaration in accordance with the provisions of the present Convention.

Article 5. The articles covered by category II shall only be exported under cover of an export document, which may be either a licence issued by the competent authorities of the exporting country or an export declaration endorsed by or filed with them. If the legislation of the importing country requires the endorsement of a duly authorized representative of its government, and if this fact has been notified by the said government to the government of the exporting country, then such an endorsement must have been obtained and submitted to the competent authorities of the exporting country before the export may take place.

Neither the licence nor the export declaration shall entail any responsibility upon the government of the exporting country as to the destination or ultimate use of any consignment.

Nevertheless, if the high contracting parties consider, on account of the size, destination or other circumstances of a consignment, that the arms and ammunition consigned are intended for war purposes, they undertake to apply to such consignment the provisions of articles 2, 3 and 4.

Article 6. As a preliminary to a general system of publicity for armaments irrespective of their origin, the high contracting parties undertake to publish, within two months of the close of each quarter, a statistical return of their foreign trade during this quarter in the articles covered by categories I and II...

In all cases where the consignment comes from, or is sent to, a territory possessing an autonomous customs system, such territory shall be shown as the country of origin or destination.

The high contracting parties further undertake, so far as each may be concerned, to publish within the same time-limits a return containing the same information in respect of the consignments of articles covered by categories I and II to other territories placed under their sovereignty, jurisdiction, protection or tutelage, or under the same sovereignty, jurisdiction, protection or tutelage.

The first statistical return to be published by each of the high contracting parties shall be for the quarter beginning on the first day of January, April, July or October, subsequent to the date on which the present Convention comes into force with regard to the high contracting party concerned.

The high contracting parties undertake to publish as an annex to the above-mentioned return the text of the provisions of all statutes, orders or regulations in force within their territory dealing with the export and import of articles covered by article 1, and to include therein all provisions enacted for the purpose of carrying out the present Convention. Amendments and additions to these provisions shall be likewise published in annexes to subsequent quarterly returns.

Article 7. The high contracting parties, in all cases covered by category III, undertake to publish within two months of the close of each quarter a return for that quarter, giving the information detailed below for each vessel of war constructed, in course of construction or to be constructed within their territorial jurisdiction on behalf of the government of another State...

Article 8. Without prejudice to the provisions of article 7, if the transport of any vessel of war is carried out otherwise than by such vessel's own motive power or towage, the vessel, whether assembled or in component parts, and the armament thereof will become subject also to the provisions of this Convention as if they were included in category I.

Article 9. The high contracting parties undertake to publish, within six months of the close of each quarter, a return for that quarter of the export of aircraft and aircraft engines, giving quantities exported and their allocation according to country of destination.

Article 10. Subject to the provisions of chapter III, the articles covered by categories IV and V may be exported without formalities or restrictions.

Article 11. The high contracting parties undertake not to apply a more favourable régime to imports of articles referred to in article 1 coming from territories of non-contracting States than that which they will apply to such imports coming from territories of contracting States, and to subject these imports, of whatever origin, to the same conditions of authorization and, so far as possible, of publicity.

Chapter III. Special Zones

Article 12. The high contracting parties agree that the provisions of this chapter apply to the territorial and maritime zones hereinafter defined and referred to in the present Convention as the "special zones".

1. *Land zone*

(a) The whole of the continent of Africa, with the exception of Egypt, Lybia, Tunisia, Algeria, the Spanish possessions in North Africa, Abyssinia, and of the Union of South Africa together with the territory under its mandate, and of Southern Rhodesia.

This zone also includes the adjacent islands which are situated within 100 marine miles from the coast thereof and also Prince's Island (Principe) in the Bight of Biafra, St. Thomas (São Thomé), Annobon and Socotra, but does not include the Spanish islands situated to the north of the parallel of 26° north latitude.

(b) The Arabian peninsula, Gwadar, Syria and Lebanon, Palestine and Transjordan, and Iraq.

2. *Maritime zone*

A maritime zone, which includes the Red Sea, the Gulf of Aden, the Persian Gulf and the Gulf of Oman and is bounded by a line drawn from and following the latitude of Cape Guardafui to the point of intersection with longitude 57° east of Greenwich and proceeding thence direct to the point at which the eastern frontier of Gwadar meets the sea.

Article 13. The high contracting parties undertake not to export or to permit articles covered by categories I, II, IV and V to be exported to places within the special zones, unless a licence has been issued in conformity with the conditions defined in article 14.

An export declaration, if filed with and approved by the competent authorities of the exporting country, may take the place of a licence.

The high contracting parties also undertake, each in respect of any territory under its sovereignty, jurisdiction, protection or tutelage situated within the special zones, not to permit articles covered by the categories above mentioned to be imported into such territory unless their import has been authorized by the authorities of the territory concerned. Such articles shall only be admitted into territory within the special zones at such ports or other places as the authorities of the State, colony, protectorate or mandated territory concerned shall designate for this purpose.

Article 14. The high contracting parties undertake not to issue the export licences nor to approve the export declarations required under article 13 unless they are satisfied that the conditions stated in paragraph (a) or (b) hereof are fulfilled and also, as regards articles covered by categories I and II, the conditions laid down in articles 2, 3, 4 and 5.

(a) That, if an export is being made to territory under the sovereignty, jurisdiction, protection or tutelage of a high contracting party, articles covered by categories I, II and IV to which the licence or export declaration applies are required for lawful purposes and that the authorities of the territory to which they are consigned are willing to admit them; and that, in the case of articles covered by category V, a copy of the licence or export declaration has been sent to the authorities aforesaid before the export takes place.

(b) That, if an export is being made to territory which is not under the sovereignty, jurisdiction, protection or tutelage of a high contracting party, articles covered by categories I, II, IV and V are required for lawful purposes.

Article 15. The high contracting parties undertake to publish, in addition to the returns provided for in article 6 and article 9 in respect of articles covered by categories I, II and IV, a return of articles covered by category V exported to territory situated within the special zones. This return shall be published within the same time-limits and at the same intervals as those provided in the first paragraph of article 6, and shall contain, as far as possible, the same particulars.

Article 16. The trade in articles covered by categories I, II, IV and V within the special zones shall be placed under the supervision of officials of the authorities of the State, colony, protectorate or mandated territory concerned.

The admission and transit of and trade in such articles within the said zones shall also be subject to the provisions of section I, articles 1 and 2, of annex II of the present Convention, to which provisions the high contracting parties undertake to conform.

An authorization must be given by a duly authorized representative of the authorities aforesaid in each case before any such articles may be re-consigned to any place outside the territory to which they have been admitted.

Article 17. The manufacture, assembly and repair within the special zones of articles covered by categories I, II, IV and V shall be subject to the provisions of section I, article 3, of annex II of the present Convention, to which provisions the high contracting parties undertake to conform.

Article 18. The high contracting parties undertake, each in respect of any territory under its sovereignty, jurisdiction, protection or tutelage situated within the special zones, not to permit the transit by land across such territory of articles covered by categories I, II, IV and V when their destination is another territory also situated in the special zones, unless their transport to their destination is assured and the authorities of the latter territory have authorized their import.

The prohibition referred to in the above paragraph shall not apply to the transit of such articles through a territory situated in the special zones when their destination is territory of one of the high contracting parties not included in the said zones, provided that their transport to their destination is assured.

If, for the purposes of transport to a territory situated within the special zones, it is necessary to pass through a contiguous territory likewise situated within the said zones, the transit shall be permitted, subject always to the conditions laid down in the first paragraph hereof, at the request of the authorities of the importing territory, provided that such authorities guarantee that the articles in respect of which the request is made shall not at any time be sold, or otherwise transferred, contrary to the provisions of the present Convention. Nevertheless, if the attitude or the disturbed condition of the importing State constitutes a threat to peace or public order, permission for transit shall be refused to such State by the authorities of all such contiguous territories until this threat has ceased to exist.

Article 19. Subject to any contrary provisions in existing special agreements or in any future agreements, provided that in all cases such agreements otherwise comply with the provisions of the present Convention, the high contracting parties agree that in the special zones the authorities of the State, colony, protectorate or mandated territory concerned shall carry out within their territorial waters the supervision and police measures necessary for the application of the present Convention.

Article 20. The high contracting parties agree that within the special zones no native vessel, as hereinafter defined, of less than 500 tons (net tonnage) shall be allowed to ship, discharge or tranship articles covered by categories I, II, IV and V.

A vessel shall be deemed to be a native vessel if she is either owned, fitted out or commanded by a native of any country bordering on the Indian Ocean west of the meridian of 95° east of Greenwich and north of the parallel of 11° south latitude, the Red Sea, the Persian Gulf, or the Gulf of Oman, or if at least one-half of the crew are natives of such countries.

The provisions of paragraph 1 hereof do not apply to lighters or barges or to vessels engaged exclusively in the coasting trade between different ports of the same State, colony, protectorate or mandated territory where warehouses are situated. The conditions under which articles covered by categories I, II, IV and V may be carried by such vessels are laid down in article 1 of section II of annex II of the present Convention, to which the high contracting parties undertake to conform.

The provisions of this article and of section II, article 1 of annex II do not apply:

(a) To arms, ammunition or implements carried on behalf of a government either under an authorization or accompanied by a duly authorized official of such government; or

(b) To arms and ammunition in the possession of persons provided with a licence to carry arms on the condition that such arms are for the personal use of the bearer and are accurately described in such licence.

Article 21. The high contracting parties agree that, with the object of preventing all illicit conveyance within the special zones of articles covered by categories I, II, IV and V, all native vessels within the meaning of article 20 must carry a manifest of their cargo or a similar document specifying the quantities and nature of the goods on board, their origin and destination. This manifest shall remain covered by the secrecy to which it is entitled by the law of the State to which the vessel belongs, and must not be examined during proceedings for the verification of the flag, unless the interested party consents thereto.

The provisions of this article shall not apply to:

(a) Vessels exclusively engaged in the coasting trade between different ports of the same State, colony, protectorate or mandated territory; or

(b) Vessels engaged in carrying arms, ammunition and implements on behalf of a government under the conditions defined in article 20 (a) and proceeding to or from any point within the said zones; or

(c) Vessels only partially decked, having a maximum crew of ten men, and exclusively employed in fishing within territorial waters.

Article 22. The high contracting parties agree that no authorization to fly the flag of any of such high contracting parties shall be granted to native vessels of less than 500 tons (net tonnage) as defined in article 20, except in accordance with the conditions prescribed in section II, articles 3 and 4 of annex II of the present Convention. Such authorization, which shall be in writing, shall be renewed every year and shall contain the particulars necessary to identify the vessel, the name, tonnage, type of rigging, principal dimensions, registered number and signal letters if any. It shall bear the date on which it was granted and the status of the official who granted it.

Article 23. The high contracting parties agree to communicate to any other high contracting party who so requests the forms of the documents to be issued by them under articles 20 (a), 21 and 22 and section II, article 1 of annex II of the present Convention.

The high contracting parties further agree to take all necessary measures to ensure that the following documents shall be supplied as soon as possible to any other high contracting party who has requested the same:

(a) Certified copies of all authorizations to fly the flag granted under the provisions of article 22;

(b) Notice of the withdrawal of such authorizations;

(c) Copies of authorizations issued under section II, article 1 of annex II.

Article 24. The high contracting parties agree to apply in the maritime zone the regulations laid down in annex II, section II, article 5, of the present Convention.

Article 25. The high contracting parties agree that any illicit conveyance or attempted conveyance legally established against the captain or owner of a vessel authorized to fly the flag of one of the high contracting parties, or holding the licence provided for in section II, article 1 of annex II, of the present Convention, shall entail the immediate withdrawal of the said authorization or licence.

Article 26. The high contracting parties who have under their sovereignty, jurisdiction, protection or tutelage territory situated within the special zones, undertake, so far as each is concerned, to take the necessary measures to ensure the application of the present Convention and, in particular, the prosecution and punishment of offences against the provisions thereof, and to appoint the territorial and consular officers or competent special representatives for the purpose.

They will communicate these measures to such high contracting parties as shall have expressed the desire to be informed thereof.

Article 27. The high contracting parties agree that the provisions of articles 16 to 26 inclusive and of annex II of the present Convention establishing a certain régime of supervision in the special zones shall not be interpreted, as regards such high contracting parties as have no territory under their sovereignty, jurisdiction, protection or tutelage within or immediately adjacent to the said special zones, either as constituting an obligation to apply the régime defined in the above-mentioned provisions or as involving their responsibility with respect to the application of this régime.

However, the said high contracting parties shall conform to the provisions of articles 22, 23 and 25, which relate to the conditions under which native vessels under 500 tons (net tonnage) may be authorized to fly the flag of such high contracting parties.

. . .

Annex II. Supervision within the special zones

Section I.—Supervision on Land

. . .

Section II.—Maritime supervision

Article 1. Cargoes of articles covered by categories I, II, IV and V shipped on board the lighters, barges or coasting vessels referred to in article 20, paragraph 3, must be covered by a special licence issued by the authorities of the State, colony, protectorate or mandated territory in which such cargoes are shipped, and containing the particulars specified in article 2 hereof. All articles so shipped shall in addition be subject to the provisions of the present Convention.

Article 2. Special licences referred to in article 1 of section II of the present Annex shall contain the following particulars:

- (a) A statement of the nature and quantity of the articles in respect of which the licence is issued.
- (b) The name of the vessel on which the cargoes are to be shipped.
- (c) The name of the ultimate consignee.
- (d) The ports of loading and discharge.

It shall be certified on such licences that they have been issued in conformity with the provisions of the present Convention.

Article 3. An authorization to fly the flag of a high contracting party may only be granted by the authorities mentioned in paragraph (b) below, and subject to the three following conditions:

(a) The owners must be nationals of the Power whose flag they claim to fly or companies who are nationals under the laws of that Power.

(b) The owners must have furnished proof that they are *bona fide* owners of real estate in the territory of the authorities to whom the application for a licence is addressed, or have given to such authorities sufficient guarantees for the payment of any fines to which they may become liable.

(c) The owners and the captain of the vessel must have furnished proof that they enjoy a good reputation and, in particular, that they have never been convicted of illicit conveyance of arms or ammunition or implements of war.

Article 4. All native vessels before they are authorized to fly the flag of a high contracting party shall have complied with the following regulations for the purpose of their identification at sea:

(a) The initial letters of the port of registration of the native vessel, followed by the vessel's registration number in the serial port numbers, must be incised and painted in white on black ground on both quarters of each vessel in such a position as to be easily distinguishable from a distance.

(b) The net tonnage of the native vessel shall also, if practicable, be incised and painted inside the hull in a conspicuous position.

Article 5. The regulations referred to in article 24 of the present Convention are as follows:

1. When a warship belonging to one of the high contracting parties encounters within the maritime zone but outside territorial waters a presumed native vessel of under 500 tons burden (net tonnage),

(a) Flying the flag of one of the high contracting parties, or

(b) Flying no flag,

and the commanding officer of the warship has good reason to believe that the said vessel is flying the flag of any high contracting party without being entitled to do so, or is illicitly conveying articles covered by categories I, II, IV and V, he may proceed to stop the vessel in order to verify the nationality of the vessel by examining the document authorizing the flying of the flag, but no other document.

2. Any vessel which presents the appearance of native build and rig may be presumed to be a native vessel.

3. For the purpose of verifying the nationality of the suspected vessel, a boat commanded by a commissioned officer in uniform may be sent to visit the vessel after she has been hailed so as to give notice of such intention. The officer sent on board the vessel shall act with all possible consideration and moderation. Before leaving the vessel, the officer shall draw up a *procès-verbal* in the form and language in use in his own country. This *procès-verbal* shall state the facts of the case and shall be dated and signed by the officer.

Should there be on board the warship no commissioned officer other than the commanding officer, the above prescribed operations may be carried out by a warrant, petty or non-commissioned officer at the discretion of the commanding officer.

The captain or master of the vessel visited, as well as the witnesses, shall be invited to sign the *procès-verbal* and shall have the right to add to it any explanations which they may consider expedient.

4. In the cases referred to in paragraph 1 (a) hereof, unless the right to fly the flag can be established, the vessel may be conducted to the nearest port in the maritime zone where there is a competent authority of the Power whose flag has been flown and shall be handed over to such authority, but if such a port should be at such a distance from the point of detention that the warship would have to leave her station or patrol to escort the detained vessel thereto, the vessel may be taken to the nearest port where there is a competent authority of one of the high contracting parties of nationality other than that of the warship and handed over to such authority, and steps shall at once be taken to notify this fact to the competent authority representing the power concerned.

No proceedings shall be taken against the vessel or her crew until the arrival of the representative of the Power whose flag the vessel was flying or without authority from such representative.

Instead of conducting the suspected vessel to a port as laid down above, the commanding officer of the detaining warship may hand her over to a warship of the nation whose flag she has flown if the latter consents to take charge of her.

5. The procedure laid down in paragraph 4 may also be followed if, after the verification of the flag and in spite of the voluntary production of the manifest, the commanding officer of the warship continues to suspect the vessel of engaging in the illicit conveyance of articles covered by categories I, II, IV and V.

6. In the cases referred to in paragraph 1 (b) hereof, if it is ascertained, as a result of the visit made on board the vessel that, whereas it flew no flag, it was also not entitled to fly the flag of a recognized State, the vessel may, unless the innocent nature of her cargo can be duly established to the satisfaction of the commanding officer of the warship, be conducted to the nearest point in the maritime zone where there is a competent authority of the Power to which the detaining warship belongs, and shall be handed over to such authority.

7. The authority before whom the suspected vessel has been brought shall institute a full inquiry in accordance with the laws and regulations of his country and in conformity with the procedure laid down in paragraph 8 below.

This inquiry shall be carried out in the presence of an officer of the detaining warship.

If, however, the presence of such officer is impracticable owing to the duties upon which the warship is engaged, an affidavit sworn by the commanding officer may in special cases be accepted by the authority holding the inquiry in place of the oral evidence of an officer of the warship.

8. (a) In the case of vessels referred to in paragraph 1 (a) above, if it is proved at this inquiry that the flag has been illegally flown, but that the vessel is entitled to fly the flag of a recognized State, she shall, if that State is one of the high contracting parties, be handed over to the nearest authority of that State. If such State is not a high contracting party, the vessel shall be disposed of by agreement between the State responsible for her detention and the State whose flag she is entitled to fly, and, pending such agreement shall remain in the custody of the authorities of the nationality of the detaining warship.

(b) If it should be established that the use of the flag by the detained vessel was correct, but that the vessel was engaged in the illicit conveyance of articles covered by categories I, II, IV and V, those responsible shall be brought before the courts of the State under whose flag the vessel sailed. The vessel herself and her cargo shall remain in charge of the authority conducting the inquiry. The illicit cargo may be destroyed in accordance with laws and regulations drawn up for the purpose.

(c) In the case of vessels referred to in paragraph 1 (b) above, if it be established that the vessel had the right to fly the flag of one of the high contracting parties but was engaged in the illicit conveyance of any of the articles covered by categories I, II, IV and V, the procedure laid down in the preceding paragraph should be followed.

(d) In the case of vessels referred to in paragraph 1 (b) above, if it be established that the vessel was not entitled to fly the flag of any of the high contracting parties and was engaged in the illicit conveyance of any of the articles covered by categories I, II, IV and V, the vessel and all cargo carried in addition to these articles shall be seized by such authorities and disposed of according to the national laws and regulations of the authorities before whom the vessel has been brought. The destruction of this cargo may be ordered according to the same laws and regulations.

(e) If the authority entrusted with the inquiry decides that the detention and diversion of the vessel or other measures imposed upon her were irregular, he shall assess the amount of the compensation which he considers to be due.

9. If the decision and assessment of the said authority are accepted by the detaining officer and the authorities to whom he is subject, the amount awarded shall be paid within six months from the date of the said assessment.

10. If the detaining officer, or the authorities to whom he is subject, contest the decision or the amount of the compensation assessed, the dispute shall be submitted to a court of arbitration consisting of one arbitrator appointed by the government whose flag the vessel was flying, one appointed by the government of the detaining officer, and an umpire chosen by the two arbitrators thus appointed. The two arbitrators shall be chosen, as far as possible, from among the diplomatic, consular or judicial officers of the high contracting parties. These appointments must be made with the least possible delay. Any compensation awarded shall be paid to the persons concerned within six months at most from the date of the award of the court.

11. The commanding officer of a warship who may have stopped a vessel flying a foreign flag shall in all cases make a report thereon to his government, stating the grounds on which he acted. An extract from this report, together with a copy of the *procès-verbal*, drawn up by the officer, warrant officer, petty or non-commissioned officer sent on board the vessel detained, shall be sent as soon as possible to the government whose flag the detained vessel was flying and to such of the high contracting parties as may have expressed the desire to receive such documents.

ANNEX

CHAPTER I. CONTINENTAL SHELF

1. Brazil

- (a) *Decree No. 28,840 integrating into national territory the adjoining part of the continental shelf, 8 November 1950. Diario Oficial, Vol. 89, No. 264 (18 November 1950), p. 16,617. Translation by the Secretariat of the United Nations.*

Whereas the continental shelf contiguous to continents and islands and extending beneath the high seas is in reality submerged territory and constitutes one geographical unit with the adjacent land;

Whereas the need for States to proclaim their sovereignty or dominion and jurisdiction over the area thus added to the national territory has grown with the ever-increasing probability that natural resources will be found there;

Whereas various American States have therefore, by presidential declarations or decrees, affirmed their rights of dominion and jurisdiction or of sovereignty over a part of the continental shelf contiguous to and adjoining (*correspondente*) the national territory (proclamation by the President of the United States of America dated 28 September 1945, proclamation by the President of Mexico dated 29 October 1945, and by the President of Chile dated 25 June 1947; decree by the President of Argentina dated 11 October 1946 and by the President of Peru dated 1 August 1947);

Whereas in such circumstances it is the duty of the Brazilian Government to make a similar declaration in order to protect the rights of Brazil over that part of the continental shelf which adjoins its continental territory and islands;

Whereas the proclamation of Brazilian rights has become urgent and cannot be deferred;

Whereas fishing in territorial waters and on the high seas is governed by national laws and international conventions, and it may be in the interests of Brazil to accede to new conventions or to promulgate new laws on the subject;

Whereas under the terms of the Federal Constitution the President of the Republic is required to protect the integrity of the nation and the internal security of the country, without prejudice to the competence of the Legislative Power;

Now therefore,

the President of the Republic hereby decrees:

Article 1. It is formally proclaimed that part of the continental shelf which adjoins (*correspondente*) the continental and insular territory of

Brazil is integrated into that territory, under the exclusive jurisdiction and dominion of the Federal Union.

Article 2. The utilization and exploration of products or natural resources of that part of the national territory shall be subject in all cases to federal authorization or concession.

Article 3. The rules governing navigation in the waters covering the aforesaid continental shelf shall continue in force without prejudice to any further rules which may be made, especially as regards fishing in that area.

2. Costa Rica

(a) *Political Constitution, 7 November 1949. La Gaceta: Diario Oficial, Vol. 71, No. 251 (7 November, 1949), p. 2069. Translation by the Secretariat of the United Nations.*

Article 6. The State exercises complete and exclusive sovereignty in respect of the air space above its territory and in respect of its territorial waters and continental shelf, in accordance with the principles of international law and the treaties in force.

3. El Salvador

(a) *Political Constitution, 7 September 1950. Diario Oficial, Vol. 149, No. 196 (8 September 1950), p. 3105.*

Article 7. The territory of the Republic within its present boundaries is irreducible. It includes the adjacent seas to a distance of two hundred sea miles from low water line and the corresponding air space, subsoil and continental shelf.

The provisions of the foregoing paragraph shall not affect the freedom of navigation in accordance with the principles recognized under International Law.

The Gulf of Fonseca is a historic bay subject to a special régime.

Note. On 12 December 1950, the United States Government sent a note to the Government of El Salvador, commenting as follows on Article 7 of the Constitution of 1950:

"I am directed to inform Your Excellency that the Government of the United States of America has noted with deep concern the implications of this provision of the Constitution. Under long-established principles of international law, it is universally agreed that the territorial sovereignty of a coastal state extends over a narrow belt of territorial waters beyond which lie the high seas. The provisions of Article 7 would, if carried into execution, bring within the exclusive jurisdiction and control of El Salvador wide ocean areas which have hitherto been considered high seas by all nations. It would in these extensive waters and in the air spaces above supplant the free and untrammelled navigation of foreign vessels and aircraft by such controls as El Salvador, in the exercise of the sovereignty claimed, might apply. This is true despite the disclaimer of the second paragraph of Article 7, since, consequent upon the assertion of sovereignty, freedom of navigation in these areas might be claimed to be a privilege granted by El Salvador rather than based on a right deriving from international law.

"The United States of America has, in common with the great majority of other maritime nations, long adhered to the principle that the belt of territorial waters extends three marine miles from the coasts. My Government desires to inform the Government of El Salvador, accordingly, that it will not consider its nationals or vessels or aircraft as being subject to the provisions of Article 7 or to any measures designed to carry it into execution." U. S. Department of State Bulletin, vol. 24 (1951), p. 24.

4. Honduras

- (a) *Congressional Decree No. 104, amending the Civil Code, 7 March 1950. La Gaceta, Vol. 75, No. 14,055 (16 March 1950), pp. 2-3. Translation by the Secretariat of the United Nations.*

Article 1. Articles 619 and 621 of the Civil Code shall be amended to read as follows:

"*Article 619.* Ownership of all mines of gold, silver, copper, platinum, mercury, lead, zinc, bismuth, antimony, cobalt, nickel, tin, arsenic, iron, chromium, manganese, molybdenum, vanadium, rhodium, iridium, radium, uranium, plutonium, tungsten, sulphur, petroleum, apatite, mepheline, rock salt and nitrates, precious stones, coal and fossilized substances, and any other mines and substances that are defined as national property by the Mineral Code, shall be vested in the State, notwithstanding ownership of the surface of the land in which they may be situated by corporations or individuals. The right, however, shall be granted to individuals to make surveys and excavations on land, by whomsoever owned, for the purpose of prospecting for such mines, and to work and develop them and to dispose of them as owners, subject to the conditions and regulations laid down by the said Code. The development and exploitation of radium, uranium, plutonium, and other radioactive metals, as well as of petroleum resources, shall be governed by special statute.

"Ownership of all natural wealth, existing or that may exist, in its submarine platform or continental and insular shelf, in its lower strata and in the sea space included within the vertical planes rising from its limits, shall also be vested in the State.

"Building and ornamental stone, sand, slate, clay, lime, possolana, peat, loam and other substances shall belong to the owner of the land on which they may be found, subject to the provisions of the Mineral Code."

"*Article 621.* The adjacent waters, to a distance of 12 kilometers from the low water mark, shall be territorial waters and national property; but the sovereignty of the State shall extend to the submarine platform or continental and insular shelf and the overlying waters, at whatever depth it may be encountered and whatever may be its extent, without prejudice to the right of free navigation in accordance with international law."

- (b) *Congressional Decree No. 25 (approving Presidential Decree No. 96 of 28 January 1950), 17 January 1951. La Gaceta, Vol. 76, No. 14,306 (22 January 1951), p. 1. Translation by the Secretariat of the United Nations.*

*The National Congress
Decrees as follows:*

SINGLE ARTICLE.—Decree No. 96, issued by the President of the Republic in the Council of Ministers on 28 January 1950, is hereby approved in whole and in every part, as follows:

“DECREE No. 96.—By Juan Manuel GALVEZ, Constitutional President of the Republic of Honduras.

“*Whereas* scientific survey has shown that the land mass of the mainland and islands continues into the sea for varying distances and at varying depths, and that such continuation, known as the submarine platform or the continental and insular shelf, forms with the land mass a single morphological and geological unit;

“*Whereas* legal doctrine has acknowledged and international law has declared that the said shelf belongs lawfully to the riparian States, which are entitled to proclaim their sovereignty over it and over the waters covering it, as is shown by the statements of the President of the United States of America on 28 September 1945, of the President of Mexico on 29 October 1945, of the President of the Argentine Republic on 11 October 1946, of the President of the Republic of Chile on 23 June 1947, of the President of the Republic of Peru on 1 August 1947 and by the Legislative Decree of the Founding Committee (*Junta Fundadora*) of the Second Republic of Costa Rica on 27 July 1948;

“*Whereas* the said shelf contains natural riches of inestimable value, such as vegetable plankton, the staple food of marine life, by reason whereof the overlying waters are an inexhaustible source of fish; marine algae producing foodstuffs, fertilizer, potash, bromine, iodine, textiles, etc.; petroleum, and a great variety of other wealth which must be protected as part of the national property;

“*Whereas* for the reasons aforesaid an immediate statement is required setting forth in clear and precise terms the nation's right to the continental shelf and the waters covering it in both the Atlantic and the Pacific Oceans;

“*Now therefore* the President, in the Council of Ministers,
Decrees as follows:

“ARTICLE 1. It is hereby declared that the sovereignty of Honduras extends to the continental shelf of the national territory, both of the mainland and of the islands, and to the waters covering it, at whatever depth it lies and whatever its extent, and that the nation has full, inalienable and imprescriptible domain over all wealth which exists or may exist in it, in its lower strata or in the area of water bounded by the vertical plane passing through its borders.

“ARTICLE 2. The zone of protection of hunting, fishing and exploitation of the mainland and island waters falling by virtue of this Decree within

the State's jurisdiction shall be delimited in accordance with this declaration of sovereignty whenever the Government shall see fit, and such delimitation shall be ratified, extended or amended as the national interest may require.

"ARTICLE 3. The protection and supervision of the State is hereby declared to extend in the Atlantic Ocean over all waters lying within the perimeter formed by the coast of the mainland of Honduras and a mathematical parallel drawn at sea 200 sea miles therefrom. With regard to the islands of Honduras in the Atlantic, such delimitation shall enclose the zone of sea contiguous to their coasts and extending for two hundred sea miles from every point thereon.

"ARTICLE 4. Subject to reciprocity, this declaration does not deny similar lawful rights of other States, nor affect the freedom of navigation recognized in international law, nor derogate from the rights of sovereignty and domain held by the State of Honduras over its territorial waters".

5. Pakistan

(a) *Declaration by the Governor-General, 9 March 1950. The Gazette of Pakistan, Extraordinary, 14 March 1950, p. 123.*

I, Khwaja Nazimuddin, Governor-General of Pakistan, hereby declare in pursuance of clause (bb) of sub-section (1) of section 5 of the Government of India Act, 1935, that the sea bed along the coasts of Pakistan extending to the one hundred fathom contour into the open sea shall, with effect from the date of this declaration, be included in the territories of Pakistan.

6. Union of South Africa

(a) *Sea-shore Act, 6 April 1935. Statutes of the Union of South Africa, 1935, No. 21, pp. 136-148.*

Section 3. Subject to the provisions of this Act, the Governor-General shall be entitled to exercise full control over the sea-shore of which he is declared by section two to be the owner and of the sea and the bed of the sea within the three miles limit.

. . .

Section 5. The Governor-General may, if authorized thereto by resolution of both Houses of Parliament, and on such conditions as may be set forth in such resolution:

. . .

- (c) Permit the construction or laying on the bed of the sea within the three miles limit of:
 - (i) Cables, wharves, piers, breakwaters, sea walls, embankments, jetties, landing-stages or other structures,
 - (ii) Drainpipes or sewers, or
 - (iii) Any work of public utility;

- (d) Permit the removal for industrial purposes of shells from the bed of the sea within the three miles limit;

Section 6. The Governor-General may, if authorized thereto by a resolution of both Houses of Parliament and on such conditions as may be set forth in such resolution, authorize the use of the sea-shore of which he is by section two declared to be the owner or the bed of the sea within the three miles limit for the purpose of any Government undertaking or work.

Section 8. For the purposes of any law which is or at any time has been in force in any part of the Union relating to the exploitation of metals, minerals, precious stones, coal or oil, the sea-shore of which the Governor-General is by section two declared to be the owner and the bed of the sea within the three miles limit shall be deemed to be Crown land; and, in the application of any such law, this section shall be deemed to have been in operation as from the commencement of such law.

Section 10. (1) The Governor-General may make regulations, not inconsistent with this Act—

- (c) concerning the removal from the sea-shore or the bed of the sea within the three miles limit of sand, shingle, rock, stone, shells or seaweed;
- (d) for the prevention or the regulation of the depositing or the discharging upon the sea-shore or in the sea within the three miles limit of offal, rubbish or anything liable to be a nuisance or danger to health;
- (e) concerning the control, generally, of the sea-shore and of the sea and the bed of the sea within the three miles limit;
- (f) prescribing fees for the doing of any act upon or in or in relation to the sea-shore or the bed of the sea or the sea within the three miles limit

7. United Kingdom

(a) *British Honduras*

- (i) *British Honduras (Alteration of Boundaries) Order in Council, 9 October 1950. Statutory Instruments, 1950, No. 1649.*

Whereas it is desirable to extend the boundaries of the Colony of British Honduras so as to include the continental shelf contiguous to the coasts of the Colony:

Now, therefore, His Majesty, in pursuance of the powers conferred upon Him by the Colonial Boundaries Act, 1895, and of all other powers enabling Him in that behalf, is pleased by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the British Honduras (Alteration of Boundaries) Order in Council, 1950.

2. The boundaries of the Colony of British Honduras are hereby extended to include the area of the continental shelf which lies beneath the sea contiguous to the coasts of British Honduras.

3. Nothing in this Order shall be deemed to affect the character as high seas of any waters above the continental shelf and outside the limits of territorial waters.

(b) Falkland Islands

(i) Falkland Islands (Continental Shelf) Order in Council, 21 December 1950. Statutory Instruments, 1950, No. 2100.

Whereas it is desirable to extend the boundaries of the Colony of the Falkland Islands so as to include the continental shelf contiguous to the coasts of the Colony:

Now, therefore, His Majesty, in pursuance of the powers conferred upon Him by the Colonial Boundaries Act, 1895, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Falkland Islands (Continental Shelf) Order in Council, 1950.

2. The boundaries of the Colony of the Falkland Islands are hereby extended to include the area of the continental shelf being the sea-bed and its subsoil contiguous to the coasts of the Falkland Islands. The boundary of such area shall be from a position on the 100 fathom line 110 nautical miles 023 degrees true from Jason West Cay (the Westernmost of the Jason Islands, latitude 50 degrees 58 minutes South, longitude 61 degrees 27 minutes West approximately), following the 100 fathom line as shown on Admiralty Chart No. 2202B round the northern, eastern, southern and western sides of the Falkland Islands to a position 20 nautical miles 278 degrees true from Jason West Cay, thence by a straight line crossing in its narrowest part the area where the depths are less than 100 fathoms, in a 032 degree true direction for 115 nautical miles to the starting point.

3. Nothing in this Order shall be deemed to affect the character as high seas of any waters above the continental shelf and outside the limits of territorial waters.

CHAPTER 2. CONTIGUOUS ZONES

1. Egypt

- (a) *Decree concerning the territorial waters of the Kingdom, 15 January 1951. Official Gazette, Vol. 78, No. 6 (18 January 1951), Arabic edition, p. 4. Translation by the Secretariat of the United Nations.*

Article 5. The coastal sea of the Kingdom lies outside the inland waters of the Kingdom and extends seaward for a distance of six nautical miles.

Article 9. For the enforcement of statutes and regulations relating to security, navigation, revenue and health, maritime surveillance may be exercised in a contiguous zone outside the coastal sea extending for a further distance of six nautical miles beyond the six nautical miles measured from the base-lines of the coastal sea; but no provision of this article shall affect the rights of the Kingdom of Egypt with respect to fishing.

2. Lebanon

- (a) *Penal Code, enacted by Legislative Decree No. 340-NI, 1 March 1943. Journal Officiel, No. 4104 (27 October 1943), Suppl., p. 2. Translation by the Secretariat of the United Nations.*

Article 17. For the purposes of the application of penal law, the following shall be assimilated to Lebanese territory:

1. The territorial sea to the distance of twenty kilometres from the shore, measured from the line of the low tide;
2. The air space over the territorial sea;
3. Lebanese vessels and aircraft;
4. Foreign territory occupied by a Lebanese army, to the extent to which the offences committed endanger the security of the army or its interests.

3. Yugoslavia

- (a) *General Act on Maritime Fishing, 23 January 1950. Službeni Novine, Vol. 6, No. 12 (18 February 1950), c. 114, p. 285. Translation by the Secretariat of the United Nations.*

Article 4. No foreign nationals may engage in fishing in the coastal seas of the Federal People's Republic of Yugoslavia or in a maritime zone four nautical miles wide calculated from the outer edge of the territorial waters of the FPRY to the open sea, unless it is otherwise provided by law, by an international agreement, or by a convention which has been concluded by the Federal People's Republic of Yugoslavia.

