

Chapter I

MULTILATERAL TREATIES

- 1) CONVENTION¹ POUR RÉGLER LA POLICE DE LA PÊCHE DANS LA MER DU NORD EN DEHORS DES EAUX TERRITORIALES, SIGNÉE À LA HAYE, LE 6 MAI 1882²

Article 2. Les pêcheurs nationaux jouiront du droit exclusif de pêche dans le rayon de trois milles, à partir de la laisse de basse mer, le long de toute l'étendue des côtes de leurs pays respectifs, ainsi que des îles et des bancs qui en dépendent.

Pour les baies, le rayon de trois milles sera mesuré à partir d'une ligne droite, tirée en travers de la baie, dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excédera pas dix milles.

Le présent article ne porte aucune atteinte à la libre circulation reconnue aux bateaux de pêche, naviguant ou mouillant dans les eaux territoriales, à la charge par eux de se conformer aux règles spéciales de police édictées par les Puissances riveraines.

Article 3. Les milles mentionnés dans l'article précédent sont des milles géographiques de soixante au degré de latitude.

- 2) CONVENTION DESTINÉE À GARANTIR EN TOUS TEMPS ET À TOUTES LES PUISSANCES LE LIBRE USAGE DU CANAL MARITIME DE SUEZ, SIGNÉE À CONSTANTINOPLE LE 29 OCTOBRE 1888^{3 4}

Article 1er. Le Canal Maritime de Suez sera toujours libre et ouvert, en temps de guerre comme en temps de paix, à tout navire de commerce ou de guerre, sans distinction de pavillon.

En conséquence, les Hautes Parties contractantes conviennent de ne porter aucune atteinte au libre usage du Canal en temps de guerre comme en temps de paix.

Le Canal ne sera jamais assujéti à l'exercice du droit de blocus.

¹ Martens, *Nouveau Recueil général de Traités*, 2^{me} série, t. IX, p. 556 et suiv. Texte anglais: *Halsbury's Statutes of England*, Second Edition, vol. 10, p. 213.

² Signée et ratifiée par l'Allemagne, la Belgique, le Danemark, la France, la Grande-Bretagne et les Pays-Bas.

³ *Ibid.*, t. XV p. 557. Texte anglais: *American Journal of International Law*, Supplement, vol. 3, 1909, p. 123.

⁴ Signée et ratifiée par l'Allemagne, l'Autriche-Hongrie, l'Espagne, la France, la Grande-Bretagne, l'Italie, les Pays-Bas, la Russie et la Turquie.

Article IV. Le Canal Maritime restant ouvert, en temps de guerre, comme passage libre, même aux navires de guerre des belligérants, aux termes de l'article I^{er} du présent Traité, les Hautes Parties contractantes conviennent qu'aucun droit de guerre, aucun acte d'hostilité ou aucun acte ayant pour but d'entraver la libre navigation du Canal ne pourra être exercé dans le Canal et ses ports d'accès, ainsi que dans un rayon de trois milles marins de ces ports, alors même que l'Empire Ottoman serait l'une des Puissances belligérantes.

Les bâtiments de guerre des belligérants ne pourront, dans le Canal et ses ports d'accès, se ravitailler ou s'approvisionner que dans la limite strictement nécessaire. Le transit des dits bâtiments par le Canal s'effectuera dans le plus bref délai d'après les Règlements en vigueur, et sans autre arrêt que celui qui résulterait des nécessités du service.

Leur séjour à Port-Saïd et dans la rade de Suez ne pourra dépasser vingt-quatre heures sauf le cas de relâche forcée. En pareil cas, ils seront tenus de partir le plus tôt possible. Un intervalle de vingt-quatre heures devra toujours s'écouler entre la sortie d'un port d'accès d'un navire belligérant et le départ d'un navire appartenant à la Puissance ennemie.

Article V. En temps de guerre, les Puissances belligérantes ne débarqueront et ne prendront dans le Canal et ses ports d'accès, ni troupes, ni munitions, ni matériel de guerre. Mais, dans le cas d'un empêchement accidentel dans le Canal, on pourra embarquer ou débarquer, dans les ports d'accès des troupes fractionnées par groupes, n'excédant pas 1.000 hommes avec le matériel de guerre correspondant.

Article VI. Les prises seront soumises sous tous les rapports au même régime que les navires de guerre des belligérants.

Article VII. Les Puissances ne maintiendront dans les eaux du Canal (y compris le lac Timsah et les Lacs Amers) aucun bâtiment de guerre.

Toutefois, dans les ports d'accès de Port-Saïd et de Suez, elles pourront faire stationner des bâtiments de guerre dont le nombre ne devra pas excéder deux pour chaque Puissance.

Ce droit ne pourra être exercé par les belligérants.

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3) CONVENTION¹ RELATIVE À LA POSE DE MINES SOUS-MARINES AUTOMATIQUES DE CONTACT, SIGNÉE À LA HAYE, LE 18 OCTOBRE 1907²

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Article 2. Il est interdit de placer des mines automatiques de contact devant les côtes et les ports de l'adversaire, dans le seul but d'intercepter la navigation de commerce.

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¹ *Ibid.*, 3^{me} série, vol. III, p. 580 et suiv.; traduction anglaise: *British and Foreign State Papers*, vol. 100, pp. 389 et seq.

² Ont ratifié: l'Allemagne, l'Australie, l'Autriche, la Belgique, le Brésil, le Canada, le Danemark, les États-Unis d'Amérique, la France, le Guatemala, Haïti, la Hongrie, l'Inde, l'Irlande, le Japon, le Luxembourg, le Mexique, la Nouvelle-Zélande, la Norvège, le Panama, les Pays-Bas, la Roumanie, le Royaume-Uni, le Salvador, la Suisse, la Thaïlande, l'Union Sud-Africaine. Ont adhéré: la Chine, l'Éthiopie, la Finlande, le Libéria, le Nicaragua.

Article 4. Toute Puissance neutre qui place des mines automatiques de contact devant ses côtes doit observer les mêmes règles et prendre les mêmes précautions que celles qui sont imposées aux belligérants.

La Puissance neutre doit faire connaître à la navigation, par un avis préalable, les régions où seront mouillées des mines automatiques de contact. Cet avis devra être communiqué d'urgence aux Gouvernements par voie diplomatique.

Article 5. A la fin de la guerre, les Puissances contractantes s'engagent à faire tout ce qui dépend d'elles pour enlever, chacune de son côté, les mines qu'elles ont placées.

Quant aux mines automatiques de contact amarrées que l'un des belligérants aurait posées le long des côtes de l'autre, l'emplacement en sera notifié à l'autre Partie par la Puissance qui les a posées et chaque Puissance devra procéder dans le plus bref délai à l'enlèvement des mines qui se trouvent dans ses eaux.

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4) CONVENTION ¹ CONCERNANT LES DROITS ET LES DEVOIRS DES PUISSANCES NEUTRES EN CAS DE GUERRE MARITIME, SIGNÉE À LA HAYE, LE 18 OCTOBRE 1907 ²

Article 1^{er}. Les belligérants sont tenus de respecter les droits souverains des Puissances neutres et de s'abstenir, dans le territoire où les eaux sont neutres, de tous actes qui constitueraient de la part des Puissances qui les toléreraient un manquement à leur neutralité.

Article 2. Tous actes d'hostilité, y compris la capture et l'exercice du droit de visite, commis par des vaisseaux de guerre belligérants dans les eaux territoriales d'une Puissance neutre, constituent une violation de la neutralité et sont strictement interdits.

Article 3. Quand un navire a été capturé dans les eaux territoriales d'une Puissance neutre, cette Puissance doit, si la prise est encore dans sa juridiction, user des moyens dont elle dispose pour que la prise soit relâchée avec ses officiers et son équipage, et pour que l'équipage mis à bord par le capteur soit interné.

Si la prise est hors de la juridiction de la Puissance neutre, le Gouvernement capteur, sur la demande de celle-ci, doit relâcher la prise avec ses officiers et son équipage.

Article 4. Aucun Tribunal des prises ne peut être constitué par un belligérant sur un territoire neutre ou sur un navire dans les eaux neutres.

Article 5. Il est interdit aux belligérants de faire des ports et des eaux neutres la base d'opérations navales contre leurs adversaires, notamment d'y installer des stations radio-télégraphiques ou tout appareil destiné à servir comme moyen de communication avec des forces belligérantes sur terre ou sur mer.

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¹ *Ibid.*, p. 713 et suiv.; traduction anglaise: *British and Foreign State Papers*, vol. 100, pp. 448 et seq.

² Ont ratifié: l'Allemagne, l'Autriche, la Belgique, le Brésil, le Danemark, la France, le Guatemala, Haïti, la Hongrie, le Japon, le Luxembourg, le Mexique, la Norvège, le Panama, les Pays-Bas, le Portugal, la Roumanie, le Salvador, la Suisse, la Thaïlande. Ont adhéré: la Chine, l'Éthiopie, la Finlande, le Libéria, le Nicaragua, les États-Unis d'Amérique.

Article 8. Un Gouvernement neutre est tenu d'user des moyens dont il dispose pour empêcher dans sa juridiction l'équipement ou l'armement de tout navire, qu'il a des motifs raisonnables de croire destiné à croiser ou à concourir à des opérations hostiles contre une Puissance avec laquelle il est en paix. Il est aussi tenu d'user de la même surveillance pour empêcher le départ hors de sa juridiction de tout navire destiné à croiser ou à concourir à des opérations hostiles, et qui aurait été, dans ladite juridiction, adapté en tout ou en partie à des usages de guerre.

Article 9. Une Puissance neutre doit appliquer également aux deux belligérants les conditions, restrictions ou interdictions édictées par elle pour ce qui concerne l'admission dans ses ports, rades ou eaux territoriales, des navires de guerre belligérants ou de leurs prises.

Toutefois, une Puissance neutre peut interdire l'accès de ses ports et ses rades au navire belligérant qui aurait négligé de se conformer aux ordres et prescriptions édictés par elle ou qui aurait violé la neutralité.

Article 10. La neutralité d'une Puissance n'est pas compromise par le simple passage dans ses eaux territoriales des navires de guerre et des prises des belligérants.

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Article 12. A défaut d'autres dispositions spéciales de la législation de la Puissance neutre, il est interdit aux navires de guerre des belligérants de demeurer dans les ports et rades ou dans les eaux territoriales de ladite Puissance, pendant plus de vingt-quatre heures, sauf dans les cas prévus par la présente Convention.

Article 13. Si une Puissance avisée de l'ouverture des hostilités apprend qu'un navire de guerre d'un belligérant se trouve dans un de ses ports et rades ou dans ses eaux territoriales, elle doit notifier audit navire qu'il devra partir dans les vingt-quatre heures ou dans le délai prescrit par la loi locale.

Article 14. Un navire de guerre belligérant ne peut prolonger son séjour dans un port neutre au-delà de la durée légale que pour cause d'avaries ou à raison de l'état de la mer. Il devra partir dès que la cause du retard aura cessé.

Les règles sur la limitation du séjour dans les ports, rades et eaux neutres, ne s'appliquent pas aux navires de guerre exclusivement affectés à une mission religieuse, scientifique ou philanthropique.

Article 15. A défaut d'autres dispositions spéciales de la législation de la Puissance neutre, le nombre maximum des navires de guerre d'un belligérant qui pourront se trouver en même temps dans un de ses ports ou rades sera de trois.

Article 16. Lorsque les navires de guerre des deux Parties belligérantes se trouvent simultanément dans un port ou une rade neutres, il doit s'écouler au moins vingt-quatre heures entre le départ du navire d'un belligérant et le départ du navire de l'autre.

L'ordre des départs est déterminé par l'ordre des arrivées, à moins que le navire arrivé le premier ne soit dans le cas où la prolongation de la durée légale du séjour est admise.

Un navire de guerre belligérant ne peut quitter un port ou une rade neutres moins de vingt-quatre heures après le départ d'un navire de commerce portant le pavillon de son adversaire.

Article 17. Dans les ports et rades neutres, les navires de guerre belligérants ne peuvent réparer leurs avaries que dans la mesure indispensable à la sécurité de leur navigation et non pas accroître d'une manière quelconque leur force militaire. L'autorité neutre constatera la nature des réparations à effectuer, qui devront être exécutées le plus rapidement possible.

Article 18. Les navires de guerre belligérants ne peuvent pas se servir des ports, rades et eaux territoriales neutres, pour renouveler ou augmenter leurs approvisionnements militaires ou leur armement ainsi que pour compléter leurs équipages.

Article 19. Les navires de guerre belligérants ne peuvent se ravitailler dans les ports et rades neutres que pour compléter leur approvisionnement normal du temps de paix.

Ces navires ne peuvent, de même, prendre du combustible que pour gagner le port le plus proche de leur propre pays. Ils peuvent, d'ailleurs, prendre le combustible nécessaire pour compléter le plein de leurs soutes proprement dites, quand ils se trouvent dans les pays neutres qui ont adopté ce mode de détermination du combustible à fournir.

Si, d'après la loi de la Puissance neutre, les navires ne reçoivent du charbon que vingt-quatre heures après leur arrivée, la durée légale de leur séjour est prolongée de vingt-quatre heures.

Article 20. Les navires de guerre belligérants, qui ont pris du combustible dans le port d'une Puissance neutre, ne peuvent renouveler leur approvisionnement qu'après trois mois dans un port de la même Puissance.

Article 21. Une prise ne peut être amenée dans un port neutre que pour cause d'innavigabilité, de mauvais état de la mer, de manque de combustible ou de provisions.

Elle doit repartir aussitôt que la cause qui en a justifiée l'entrée a cessé. Si elle ne le fait pas, la Puissance neutre doit lui notifier l'ordre de partir immédiatement; au cas où elle ne s'y conformerait pas, la Puissance neutre doit user des moyens dont elle dispose pour la relâcher avec ses officiers et son équipage et interner l'équipage mis à bord par le capteur.

Article 22. Une Puissance neutre peut permettre l'accès de ses ports et rades aux prises escortées ou non, lorsqu'elles y sont amenées pour être laissées sous séquestre en attendant la décision du tribunal des prises. Elle peut faire conduire la prise dans un autre de ses ports.

Si la prise est escortée par un navire de guerre, les officiers et les hommes mis à bord par le capteur sont autorisés à passer sur le navire d'escorte.

Si la prise voyage seule, le personnel placé à son bord par le capteur est laissé en liberté.

Article 23. Si, malgré la notification de l'Autorité neutre, un navire de guerre belligérant ne quitte pas un port dans lequel il n'a pas le droit de rester, la Puissance neutre a le droit de prendre les mesures qu'elle pourra juger nécessaires pour rendre le navire incapable de prendre la mer pendant la durée de la guerre, et le commandant du navire doit faciliter l'exécution de ces mesures.

Lorsqu'un navire belligérant est retenu par une Puissance neutre, les officiers et l'équipage sont également retenus.

Les officiers et l'équipage ainsi retenus peuvent être laissés dans le navire ou logés, soit sur un autre navire, soit à terre, et ils peuvent être assujettis aux mesures restrictives qu'il paraîtrait nécessaire de leur imposer. Toutefois, on devra toujours laisser sur le navire les hommes nécessaires à son entretien.

Les officiers peuvent être laissés libres en prenant l'engagement sur parole de ne pas quitter le territoire neutre sans autorisation.

Article 24. Une Puissance neutre est tenue d'exercer la surveillance que comportent les moyens dont elle dispose pour empêcher dans ses ports ou rades et dans ses eaux toute violation des dispositions qui précèdent.

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Article 26. Les puissances contractantes se communiqueront réciproquement, en temps utile, toutes les lois, ordonnances et autres dispositions réglant chez elles le régime des navires de guerre belligérants dans leurs ports en leurs eaux, au moyen d'une notification adressée au Gouvernement des Pays-Bas et transmise immédiatement par celui-ci aux autres Puissances contractantes.

5) TRAITÉ DE PAIX ENTRE LES PUISSANCES ALLIÉES ET ASSOCIÉES ET L'ALLEMAGNE, SIGNÉ À VERSAILLES, LE 28 JUIN 1919¹

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PARTIE XII. PORTS, VOIES D'EAU ET VOIES FERRÉES

Section I. Dispositions générales

Article 321. L'Allemagne s'engage à accorder la liberté du transit à travers son territoire sur les voies les plus appropriées au transit international, par chemin de fer, par cours d'eau navigable ou par canal, aux personnes, marchandises, navires, bateaux, wagons et services postaux en provenance ou à destination des territoires de l'une quelconque des Puissances alliées et associées, limitrophes ou non; à cet effet, la traversée des eaux territoriales sera permise. Les personnes, marchandises, navires, bateaux, voitures, wagons et services postaux ne seront soumis à aucun droit de transit, ni à aucun délai ou restriction inutiles, et ils auront droit, en Allemagne, au traitement national, en tout ce qui concerne les taxes et les facilités, ainsi qu'à tous autres égards.

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Section II. Navigation

Chapitre I^{er}. Liberté de navigation

Article 327. Les ressortissants des Puissances alliées et associées, ainsi que leurs biens, navires et bateaux, jouiront, dans tous les ports et sur les voies de navigation intérieure de l'Allemagne, d'un traitement égal, à tous égards, à celui des ressortissants, des biens et des navires et bateaux allemands.

En particulier, les navires et bateaux de l'une quelconque des Puissances alliées et associées seront autorisés à transporter des marchandises de toute

¹ *Ibid.*, t. XI, p. 323 et suiv.

nature et des passagers à destination ou en provenance de tous ports ou localités situés sur le territoire de l'Allemagne auxquels les navires et bateaux allemands peuvent avoir accès, à des conditions qui ne seront pas plus onéreuses que celles appliquées dans le cas de navires et bateaux nationaux; ils seront traités sur le pied d'égalité avec des navires et bateaux nationaux, en ce qui concerne les facilités et charges de ports et de quai de toute sorte, y compris les facilités de stationnement, de chargement et de déchargement, les droits et charges de tonnage, de quai, de pilotage, de phare, de quarantaine et tous droits et charges analogues, de quelque nature qu'ils soient, perçus au nom et au profit du Gouvernement, de fonctionnaires publics, de particuliers, de corporations ou d'établissements de quelque espèce que ce soit.

Au cas où l'Allemagne accorderait à l'une quelconque des Puissances alliées et associées ou à toute autre Puissance étrangère, un traitement préférentiel, ce régime sera étendu sans délai et sans conditions à toutes les Puissances alliées et associées.

Il ne sera apporté à la circulation des personnes et des navires et bateaux d'autres entraves que celles résultant des dispositions relatives aux douanes, à la police, aux prescriptions sanitaires, à l'émigration ou à l'immigration, ainsi qu'à l'importation ou à l'exportation des marchandises prohibées. Ces dispositions, raisonnables et uniformes, ne devront pas entraver inutilement le trafic.

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6) TRAITÉ DE PAIX ENTRE LES PUISSANCES ALLIÉES ET ASSOCIÉES ET LA BULGARIE, SIGNÉ À NEUILLY-SUR-SEINE, LE 27 NOVEMBRE 1919 ¹

Note. Les dispositions des articles 212 et 218 de ce traité sont identiques à celles des articles 321 et 327 du traité n° 5 mentionné plus haut.

7) TREATY ² CONCERNING THE ARCHIPELAGO OF SPITSBERGEN, SIGNED AT PARIS, 9 FEBRUARY 1920 ³

Article 1. The High Contracting Parties undertake to recognise, subject to the stipulations of the present Treaty, the full and absolute sovereignty of Norway over the Archipelago of Spitsbergen, comprising, with Bear Island or Beeren-Eiland, all the islands situated between 10° and 35° longitude East of Greenwich and between 74° and 81° latitude North, especially West Spitsbergen, North-East Land, Barents Island, Edge Island, Wiche Islands, Hope Island or Hopen-Eiland, and Prince Charles Foreland, together with all islands great or small and rocks appertaining thereto.

Article 2. Ships and nationals of all the High Contracting Parties shall enjoy equally the rights of fishing and hunting in the territories specified in article 1 and in their territorial waters.

Norway shall be free to maintain, take or decree suitable measures to ensure the preservation and, if necessary, the re-constitution of the fauna

¹ *Ibid.*, t. XII, p. 323 et suiv.

² League of Nations, *Treaty Series*, vol. 2, pp. 8 et seq., French text: *ibid.*

³ Signed and ratified by: Denmark, France, Great Britain and Ireland and the British Dominions beyond the Seas, Italy, Japan, Netherlands, Norway, Sweden, and the United States of America.

and flora of the said regions, and their territorial waters; it being clearly understood that these measures shall always be applicable equally to the nationals of all the High Contracting Parties without any exemption, privilege or favour whatsoever, direct or indirect to the advantage of any one of them.

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Article 3. The nationals of all the High Contracting Parties shall have equal liberty of access and entry for any reason or object whatever to the waters, fjords and ports of the territories specified in article 1; subject to the observance of local laws and regulations, they may carry on there without impediment all maritime, industrial, mining and commercial operations on a footing of absolute equality.

They shall be admitted under the same conditions of equality to the exercise and practice of all maritime, industrial, mining or commercial enterprises both on land and in the territorial waters, and no monopoly shall be established on any account or for any enterprise whatever.

Notwithstanding any rules relating to coasting trade which may be in force in Norway, ships of the High Contracting Parties going to or coming from the territories specified in article 1 shall have the right to put into Norwegian ports on their outward or homeward voyage for the purpose of taking on board or disembarking passengers or cargo going to or coming from the said territories, or for any other purpose.

It is agreed that in every respect and especially with regard to exports, imports and transit traffic, the nationals of all the High Contracting Parties, their ships and goods shall not be subject to any charges or restrictions whatever which are not borne by the nationals, ships or goods which enjoy in Norway the treatment of the most favoured nation; Norwegian nationals, ships or goods being for this purpose assimilated to those of the other High Contracting Parties, and not treated more favourably in any respect.

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8) CONVENTION¹ AND STATUTE ON FREEDOM OF TRANSIT, BARCELONA,
20 APRIL 1921²

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Article 1. The High Contracting Parties declare that they accept the Statute on Freedom of Transit annexed hereto, adopted by the Barcelona Conference on April 14th, 1921.

This Statute will be deemed to constitute an integral part of the present Convention. Consequently, they hereby declare that they accept the obligations and undertakings of the said Statute in conformity with the terms and in accordance with the conditions set out therein.

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¹ *Ibid.*, vol. 7, pp. 13 *et seq.*; French text: *ibid.*, pp. 12 *et seq.*

² *Ratifications or accessions*: Albania, Austria, Belgium, British Empire, Bulgaria, Chile, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, India, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Peru, Persia, Poland, Romania, Serb-Croat-Slovene State, Siam, Sweden, Switzerland.

Statute on Freedom of Transit

Article 1. Persons, baggage and goods, and also vessels, coaching and goods stock, and other means of transport, shall be deemed to be in transit across territory under the sovereignty or authority of one of the Contracting States, when the passage across such territory, with or without transshipment, warehousing, breaking bulk, or change in the mode of transport, is only a portion of a complete journey, beginning and terminating beyond the frontier of the State across whose territory the transit takes place.

Traffic of this nature is termed in this Statute "traffic in transit".

Article 2. Subject to the other provisions of this Statute, the measures taken by Contracting States for regulating and forwarding traffic across territory under their sovereignty or authority shall facilitate free transit by rail or waterway on routes in use convenient for international transit. No distinction shall be made which is based on the nationality of persons, the flag of vessels, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods or of vessels coaching or goods stock or other means of transport.

In order to ensure the application of the provisions of this Article, Contracting States will allow transit in accordance with the customary conditions and reserves across their territorial waters.

Article 3. Traffic in transit shall not be subject to any special dues in respect of transit (including entry and exit). Nevertheless, on such traffic in transit there may be levied dues intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such dues must correspond as nearly as possible with the expenses which they are intended to cover, and the dues must be imposed under the conditions of equality laid down in the preceding Article, except that on certain routes such dues may be reduced or even abolished on account of differences in the cost of supervision.

Article 4. The Contracting States undertake to apply to traffic in transit on routes operated or administered by the State or under concession, whatever may be the place of departure or destination of the traffic, tariffs which, having regard to the conditions of the traffic and to considerations of commercial competition between routes, are reasonable as regards both their rates and the method of their application. These tariffs shall be so fixed as to facilitate international traffic as much as possible. No charges, facilities or restrictions shall depend, directly or indirectly, on the nationality or ownership of the vessel or other means of transport on which any part of the complete journey has been or is to be accomplished.

Article 5. No Contracting State shall be bound by this Statute to afford transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public health or security, or as a precaution against diseases of animals or plants.

Each Contracting State shall be entitled to take reasonable precautions to ensure that persons, baggage and goods, particularly goods which are the subject of a monopoly, and also vessels, coaching and goods stock and other means of transport, are really in transit, as well as to ensure that passengers in transit are in a position to complete their journey, and to prevent the safety of the routes and means of communication being endangered.

Nothing in this Statute shall affect the measures which one of the Contracting States may feel called upon to take in pursuance of general international Conventions to which it is a party, or which may be concluded hereafter, particularly Conventions concluded under the auspices of the League of Nations, relating to the transit, export or import of particular kinds of articles, such as opium or other dangerous drugs, arms or the produce of fisheries, or in pursuance of general Conventions intended to prevent any infringement of industrial, literary or artistic property, or relating to false marks, false indications of origin, or other methods of unfair competition.

Any haulage service established as a monopoly on waterways used for transit must be so organised as not to hinder the transit of vessels.

Article 6. This Statute does not of itself impose on any of the Contracting States a fresh obligation to grant freedom of transit to the nationals and their baggage, or to the flag of a non-Contracting State, nor to the goods, nor to coaching and goods stock or other means of transport coming or entering from, or leaving by, or destined for a non-Contracting State, except when a valid reason is shown for such transit by one of the other Contracting States concerned. It is understood that for the purposes of this Article, goods in transit under the flag of a Contracting State shall, if no transshipment takes place, benefit by the advantages granted to that flag.

Article 7. The measures of a general or particular character which a Contracting State is obliged to take in case of an emergency affecting the safety of the State or the vital interests of the country may in exceptional cases, and for as short a period as possible, involve a deviation from the provisions of the above Articles; it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

Article 8. This Statute does not prescribe the rights and duties of belligerents and neutrals in time of war. The Statute shall, however, continue in force in time of war so far as such rights and duties permit.

9) CONVENTION¹ RELATIVE À LA NON-FORTIFICATION ET À LA NEUTRALISATION DES ÎLES D'ALAND, SIGNÉE À GENÈVE, LE 20 OCTOBRE 1921²

Article 1er. La Finlande, confirmant en tant que de besoin, en ce qui la concerne, la déclaration faite par la Russie dans la Convention du 30 mars 1856, relative aux îles d'Aland, annexée au Traité de Paris du même jour, s'engage à ne pas fortifier la partie de l'archipel finlandais, dite « les îles d'Aland ».

Article 2.—I. Par la dénomination « les îles d'Aland » la présente Convention entend l'ensemble des îles, îlots et récifs, situés dans l'étendue de mer délimitée par les lignes suivantes:

a) Au Nord, par le parallèle de latitude 60°41'N.

b) A l'Est, par les lignes droites reliant successivement les points géographiques suivants:

¹ Hudson, *International Legislation*, vol. I, 1919-1921, pp. 744 et seq.; traduction anglaise: *ibid.*

² Signée et ratifiée par l'Allemagne, le Danemark, l'Empire britannique, la France, l'Italie, la Lettonie, la Pologne et la Suède.

1. lat. 60°41'.0 N et long. 21°00'.0 E de Greenwich
2. „ 60°35'.9 N „ „ 21°06'.9 E „ „
3. „ 60°33'.3 N „ „ 21°08'.6 E „ „
4. „ 60°15'.8 N „ „ 21°05'.5 E „ „
5. „ 60°11'.4 N „ „ 21°00'.4 E „ „
6. „ 60°09'.4 N „ „ 21°01'.2 E „ „
7. „ 60°05'.5 N „ „ 21°04'.3 E „ „
8. „ 60°01'.1 N „ „ 21°11'.3 E „ „
9. „ 59°59'.0 N „ „ 21°08'.3 E „ „
10. „ 59°53'.0 N „ „ 21°20'.0 E „ „
11. „ 59°48'.5 N „ „ 21°20'.0 E „ „
12. „ 59°27'.0 N „ „ 20°46'.3 E „ „

c) Au Sud par le parallèle de latitude 59°27'N.

d) A l'Ouest par les lignes droites reliant successivement les points géographiques suivants:

13. lat. 59°27'.0 N et long. 20°09'.7 E de Greenwich
 14. „ 59°47'.8 N „ „ 19°40'.0 E „ „
 15. „ 60°11'.8 N „ „ 19°05'.5 E „ „
- Milieu du rocher Märket
16. „ 60°18'.4 N et long. 19°08'.5 E „ „
 17. „ 60°41'.0 N „ „ 19°14'.4 E „ „

Les lignes reliant les points 14, 15 et 16 sont celles qui ont été fixées par la « Description topographique de la frontière entre le Royaume de Suède et l'Empire de Russie d'après la démarcation de l'année 1810 corrigée d'après la revision de 1888 ».

La position de tous les points indiqués dans le présent article se réfère généralement à la carte de l'Amirauté britannique n° 2297 de 1872 (avec les corrections apportées jusqu'au mois d'août 1921); toutefois, pour plus de précision, la position des points 1 à 2 se réfère aux cartes suivantes: cartes finlandaises n° 32 de 1921, n° 29 de 1920, et carte russe n° 742 de 1916 (corrigée en mars 1916).

Un exemplaire de chacune de ces différentes cartes est déposé aux archives du Secrétariat permanent de la Société des Nations.

II. Les eaux territoriales des îles d'Aland sont considérées comme s'étendant à une distance de trois milles marins de la laisse de basse mer des îles, îlots et récifs non constamment submergés, délimités ci-dessus; toutefois, sur aucun point ces eaux ne s'étendent au-delà des lignes fixées dans le paragraphe I du présent article.

III. L'ensemble des îles, îlots et récifs délimités par le paragraphe I, et des eaux territoriales définies par le paragraphe II, constituent la « zone » à laquelle s'appliquent les articles suivants.

Article 3. Aucun établissement ou base d'opérations militaires ou navales, aucun établissement ou base d'opérations d'aéronautique militaire, ni aucune autre installation utilisée à des fins de guerre ne pourra être maintenue ou créée dans la zone décrite à l'article 2.

Article 4. Sous réserve des dispositions de l'article 7, aucune force militaire, navale ou aérienne d'aucune Puissance, ne pourra pénétrer ni séjourner dans la zone décrite à l'article 2; la fabrication, l'importation, le transit et la réexportation des armes et du matériel de guerre y sont formellement interdits.

Les dispositions suivantes seront toutefois appliquées en temps de paix.

a) En dehors du personnel de police régulière nécessaire pour le maintien de l'ordre et de la sécurité publique dans la zone, conformément aux dispositions générales en vigueur dans la République finlandaise, la Finlande pourra, si des circonstances exceptionnelles l'exigent, y introduire et y entretenir temporairement telles autres forces armées qui seront strictement nécessaires au maintien de l'ordre.

b) La Finlande se réserve également le droit de faire visiter les îles, de temps à autre, par un ou deux de ses navires de guerre légers de surface, qui pourront, dans ce cas, mouiller temporairement dans leurs eaux. En dehors de ces navires, la Finlande pourra, si des circonstances particulières importantes l'exigent, introduire dans les eaux de la zone et y entretenir temporairement d'autres navires de surface ne devant en aucun cas dépasser le déplacement total de 6.000 tonnes.

La faculté d'entrer dans l'archipel et d'y mouiller temporairement ne pourra être accordée par le Gouvernement finlandais qu'à un seul navire de guerre de toute autre Puissance.

c) La Finlande pourra faire survoler la zone par ses avions militaires ou navals, mais leur atterrissage y est interdit hors le cas de force majeure.

Article 5. L'interdiction de faire entrer et stationner des navires de guerre dans la zone décrite à l'article 2 ne porte pas atteinte à la liberté du passage inoffensif à travers les eaux territoriales, passage qui reste soumis aux règles et usages internationaux en vigueur.

Article 6. En temps de guerre, la zone décrite à l'article 2 sera considérée comme zone neutre et ne sera, directement ni indirectement, l'objet d'une utilisation quelconque ayant trait à des opérations militaires.

Néanmoins, au cas où une guerre intéresserait la mer Baltique, il sera loisible à la Finlande, en vue d'assurer le respect de la neutralité de la zone, de poser des mines à titre temporaire dans ses eaux et de prendre à cet effet les dispositions d'ordre maritime strictement nécessaires.

La Finlande en référera immédiatement au Conseil de la Société des Nations.

. . .

10) TRAITÉ DE PAIX, SIGNÉ À LAUSANNE, LE 24 JUILLET 1923 ¹

. . .

A moins de stipulations contraires du présent Traité, les frontières maritimes comprennent les îles et les îlots situés à moins de trois milles de la côte.

. . .

11) CONVENTION ² ON THE INTERNATIONAL RÉGIME OF MARITIME PORTS, SIGNED AT GENEVA, 9 DECEMBER 1923 ³

Article 1. The Contracting States declare that they accept the Statute on the International Régime of Maritime Ports, annexed hereto, adopted

¹ Société des Nations, *Recueil des Traités*, vol. 28, p. 12 et suiv.; traduction anglaise, *ibid.*, p. 13 et suiv.

² *Ibid.*, vol. 58, pp. 287 et seq., French text: *ibid.*, pp. 286 et seq.

³ *Ratifications or definitive accessions*: Australia, Belgium, British Empire, Czechoslovakia, Denmark, Estonia, France, Germany, Greece, Hungary, India, Iraq, Italy, Japan, Mexico, Netherlands, New Zealand, Norway, Sweden, Switzerland, Thailand, Yugoslavia.

Signatures or accessions not yet perfected by ratification: Brazil, Bulgaria, Chile, Lithuania, Panama, Salvador, Spain, Uruguay.

by the Second General Conference on Communications and Transit which met at Geneva on November 15, 1923.

This Statute shall be deemed to constitute an integral part of the present Convention.

Consequently, they hereby declare that they accept the obligations and undertakings of the said Statute in conformity with the terms and in accordance with the conditions set out therein.

. . .

STATUTE

Article 1. All ports which are normally frequented by sea-going vessels and used for foreign trade shall be deemed to be maritime ports within the meaning of the present Statute.

Article 2. Subject to the principle of reciprocity and to the reservation set out in the first paragraph of Article 8, every Contracting State undertakes to grant the vessels of every other Contracting State equality of treatment with its own vessels, or those of any other State whatsoever, in the maritime ports situated under its sovereignty or authority, as regards freedom of access to the port, the use of the port, and the full enjoyment of the benefits as regards navigation and commercial operations which it affords to vessels, their cargoes and passengers.

The equality of treatment thus established shall cover facilities of all kinds, such as allocation of berths, loading and unloading facilities, as well as dues and charges of all kinds levied in the name of or for the account of the Government, public authorities, concessionaries or undertakings of any kind.

Article 3. The provisions of the preceding article in no way restrict the liberty of the competent Port Authorities to take such measures as they may deem expedient for the proper conduct of the business of the port provided that these measures comply with the principle of equality of treatment as defined in the said article.

Article 4. All dues and charges levied for the use of maritime ports shall be duly published before coming into force.

The same shall apply to the by-laws and regulations of the port.

In each maritime port, the Port Authority shall keep open for inspection by all persons concerned a table of the dues and charges in force, as well as a copy of the by-laws and regulations.

. . .

Article 10. Each Contracting State reserves the right to make such arrangements for towage in its maritime ports as it thinks fit, provided that the provisions of Articles 2 and 4 are not thereby infringed.

Article 11. Each Contracting State reserves the right to organise and administer pilotage services as it thinks fit. Where pilotage is compulsory, the dues and facilities offered shall be subject to the provisions of articles 2 and 4, but each Contracting State may exempt from the obligation of compulsory pilotage such of its nationals as possess the necessary technical qualifications.

. . .

Article 13. This Statute applies to all vessels, whether publicly or privately owned or controlled.

It does not, however, apply in any way to warships or vessels performing police or administrative functions, or, in general, exercising any kind of public authority, or any other vessels which for the time being are exclusively employed for the purposes of the Naval, Military or Air Forces of a State.

Article 14. This Statute does not in any way apply to fishing vessels or to their catches.

Article 15. Where in virtue of a treaty, convention or agreement, a Contracting State has granted special rights to another State within a defined area in any of its maritime ports for the purpose of facilitating the transit of goods or passengers to or from the territory of the said State, no other Contracting State can invoke the stipulations of this Statute in support of any claim for similar special rights.

Every Contracting State which enjoys the aforesaid special rights in a maritime port of another State, whether Contracting or not, shall conform to the provisions of this Statute in its treatment of the vessels trading with it, and their cargoes and passengers.

Every Contracting State which grants the aforesaid special rights to a non-Contracting State is bound to impose, as one of the conditions of the grant, an obligation on the State which is to enjoy the aforesaid rights to conform to the provisions of this Statute in its treatment of the vessels trading with it, and their cargoes and passengers.

Article 16. Measures of a general or particular character which a Contracting State is obliged to take in case of an emergency affecting the safety of the State or the vital interests of the country may, in exceptional cases, and for as short a period as possible, involve a deviation from the provisions of Articles 2 to 7 inclusive; it being understood that the principles of the present Statute must be observed to the utmost possible extent.

. . .

PROTOCOL OF SIGNATURE OF THE CONVENTION ON THE INTERNATIONAL
RÉGIME OF MARITIME PORTS

At the moment of signing the Convention of to-day's date relating to the International Régime of Maritime Ports, the undersigned, duly authorised, have agreed as follows:

(1) It is understood that the provisions of the present Statute shall apply to ports of refuge specially constructed for that purpose.

. . .

(4) It is understood that the condition of reciprocity laid down in article 2 of the Statute on the International Régime of Maritime Ports shall not exclude from the benefit of the said Statute Contracting States which have no maritime ports and do not enjoy in any zone of a maritime port of another State the rights mentioned in article 15 of the said Statute.

. . .

The present Protocol will have the same force, effect and duration as the Statute of to-day's date, of which it is to be considered as an integral part.

. . .

12) CONVENTION ¹ POUR LA RÉPRESSION DE LA CONTREBANDE DES MARCHAN-
DISES ALCOOLIQUES, SIGNÉE À HELSINGFORS, LE 19 AOÛT 1925 ²

Article 9. Les Parties contractantes s'engagent à ne faire aucune objection à ce que chacune d'entre elles applique, dans une zone s'étendant jusqu'à douze milles marins de la côte ou de la limite extérieure des archipels, ses lois aux navires qui se livrent manifestement à la contrebande.

Si un navire soupçonné de se livrer à la contrebande est rencontré dans la zone élargie nommée ci-dessus et qu'il s'échappe hors de cette zone, les autorités du pays dont relève cette zone pourront le poursuivre aussi au-delà de cette zone dans la mer ouverte et user envers lui des mêmes droits que s'il avait été saisi à l'intérieur de la zone.

Ces dispositions sont adoptées sans préjudice de la position prise par chacune des Parties contractantes vis-à-vis des principes juridiques régissant les zones territoriales et douanières.

PROTOCOLE DE CLÔTURE ³

Ad Article 9. Il est entendu que la limite de la zone élargie prévue à cet article sera censée concorder avec la ligne médiane des eaux séparant deux États contractants, quand leur largeur sera inférieure à vingt-quatre milles marins, à moins qu'une autre ligne-frontière n'ait été fixée par convention, par l'usage ou autrement.

Il est de plus entendu que les mots « la mer ouverte » indiquent sans préjudice le territoire qui n'est pas touché par la stipulation de l'alinéa 1^{er} de cet article.

LES DÉLÉGUÉS ALLEMANDS, ESTHONIENS ET POLONAIS déclarent que leurs Gouvernements approuvent les stipulations de l'article 9, dans la supposition que la navigation légale n'en sera pas gênée, et que la stipulation de l'alinéa 2 de cet article n'implique nullement la reconnaissance *ipso facto* d'un tel droit de poursuite — que ce soit au-delà de la limite des eaux territoriales ou au-delà de la zone prévue à l'alinéa 1^{er}.

LE DÉLÉGUÉ DE L'UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES . . .
Déclare à titre d'information que la partie du golfe de Finlande à l'Est du méridien 28°54' de Greenwich, les eaux territoriales finlandaises exclues, entre nécessairement dans la zone de contrôle de l'Union des Républiques soviétiques socialistes.

¹ *Ibid.*, vol. 42, p. 74 et suiv. ; texte anglais, *ibid.*, p. 75 et suiv.

² Signée et ratifiée par l'Allemagne, le Danemark, l'Esthonie, la Finlande, la Lettonie, la Lithuanie, la Norvège, la Pologne et la Ville libre de Dantzig, la Suède et l'Union des Républiques soviétiques socialistes.

³ Entré en vigueur le 23 décembre 1925.

13) CONVENTION¹ ON PRIVATE INTERNATIONAL LAW, SIGNED AT THE
SIXTH INTERNATIONAL CONFERENCE OF AMERICAN STATES, HABANA,
20 FEBRUARY 1928²

. . . .
Article 1. The contracting Republics accept and put into force the Code of Private International Law annexed to the present convention.

. . . .
Article 4. The Code shall come into force, for the Republics which ratify it, thirty days after the deposit of the respective ratification, provided it has been ratified by at least two of them.

. . . .
CODE OF PRIVATE INTERNATIONAL LAW. BUSTAMANTE CODE³

. . . .
BOOK II. INTERNATIONAL COMMERCIAL LAW

. . . .
Title III. Maritime and Air Commerce

. . . .
Chapter I. Ships and Aircraft

. . . .
Article 280. The recognition of the ship, the request for a pilot, and the sanitary police depend upon the territorial law.

Article 281. The obligations of the officers and seamen and the internal order of the vessel are subject to the law of the flag.

Article 282. The preceding provisions of this chapter are also applicable to aircraft.

. . . .
Article 284. Provisions relating to the nationality of ships and aircraft for river, lake, and coastwise commerce, or commerce between certain points of the territory of the contracting States, as well as for fishing and other submarine exploitations in the territorial sea, also are of an international public order..

. . . .
Article 289. A fortuitous collision in territorial waters or in the national air is subject to the law of the flag if common to colliding vessels.

Article 290. In the same case, if the flags are different the law of the place is applied.

Article 291. The same local law is in every case applied to wrongful collisions in territorial waters or in the national air.

¹ *Ibid.*, vol. 86, p. 246.

² Ratified (up to September 1956) by: Bolivia, Brazil, Costa Rica, Cuba, Chile, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, Dominican Republic, Venezuela.

³ The Sixth International American Conference decides: that the Code of Private International Law, approved by the Conference, shall be officially designated as "Bustamante Code".

BOOK III. INTERNATIONAL PENAL LAW

Chapter I. Penal Laws

Article 299. Nor are the penal laws of the State applicable to offenses committed within the field of military operations when it authorizes the passage of an army of another contracting State through its territory, except offenses not legally connected with said army.

Article 300. The same exemption is applied to offenses committed on board foreign war vessels or aircraft while in territorial waters or in the national air.

Article 301. The same is the case in respect to offenses committed in territorial waters or in the national air, on foreign merchant vessels or aircraft, if they have no relation with the country and its inhabitants and do not disturb its tranquillity.

14) CONVENTION¹ ON MARITIME NEUTRALITY, ADOPTED BY THE VITH INTERNATIONAL CONFERENCE OF AMERICAN STATES AND SIGNED AT HABANA, 20 FEBRUARY 1928²

SECTION I

Freedom of Commerce in Time of War

Article 1. The following rules shall govern commerce of war:

(1) Warships of the belligerents have the right to stop and visit on the high seas and in territorial waters that are not neutral any merchant ship with the object of ascertaining its character and nationality and of verifying whether it conveys cargo prohibited by international law or has committed any violation of blockade. If the merchant ship does not heed the signal to stop, it may be pursued by the warship and stopped by force; outside of such a case the ship cannot be attacked unless, after being hailed, it fails to observe the instructions given it.

The ship shall not be rendered incapable of navigation before the crew and passengers have been placed in safety.

(2) Belligerent submarines are subject to the foregoing rules. If the submarine cannot capture the ship while observing these rules, it shall not have the right to continue to attack or to destroy the ship.

Article 2. Both the detention of the vessel and its crew for violation of neutrality shall be made in accordance with the procedure which best suits the state effecting it and at the expense of the transgressing ship. Said state, except in the case of grave fault on its part, is not responsible for damages which the vessel may suffer.

¹ *Ibid.*, Vol. 135, pp. 188 *et seq.*

² Ratified (up to September, 1956) by: Bolivia, Colombia, Dominican Republic, Ecuador, Haiti, Nicaragua, Panama, United States of America.

SECTION II

Duties and Rights of Belligerents

Article 3. Belligerent states are obligated to refrain from performing acts of war in neutral waters or other acts which may constitute on the part of the state that tolerates them, a violation of neutrality.

Article 4. Under the terms of the preceding article, a belligerent state is forbidden:

(a) To make use of neutral waters as a base of naval operations against the enemy, or to renew or augment military supplies or the armament of its ships, or to complete the equipment of the latter;

(b) To install in neutral waters radiotelegraph stations or any other apparatus which may serve as a means of communication with its military forces, or to make use of installations of this kind it may have established before the war and which may not have been opened to the public.

Article 5. Belligerent warships are forbidden to remain in the ports or waters of a neutral state more than twenty-four hours. This provision will be communicated to the ship as soon as it arrives in port or in the territorial waters, and if already there at the time of the declaration of war, as soon as the neutral state becomes aware of this declaration.

Vessels used exclusively for scientific, religious, or philanthropic purposes are exempted from the foregoing provisions.

A ship may extend its stay in port more than twenty-four hours in case of damage or bad conditions at sea, but must depart as soon as the cause of the delay has ceased.

When, according to the domestic law of the neutral state, the ship may not receive fuel until twenty-four hours after its arrival in port the period of its stay may be extended an equal length of time.

Article 6. The ship which does not conform to the foregoing rules may be interned by order of the neutral government.

A ship shall be considered as interned from the moment it receives notice to that effect from the local neutral authority, even though a petition for reconsideration of the order has been interposed by the transgressing vessel, which shall remain under custody from the moment it receives the order.

Article 7. In the absence of a special provision of the local legislation, the maximum number of ships of war of a belligerent which may be in a neutral port at the same time shall be three.

Article 8. A ship of war may not depart from a neutral port within less than twenty-four hours after the departure of an enemy warship. The one entering first shall depart first, unless it is in such condition as to warrant extending its stay. In any case the ship which arrived later has the right to notify the other through the competent local authority that within twenty-four hours it will leave the port, the one first entering, however, having the right to depart within that time. If it leaves, the notifying ship must observe the interval which is above stipulated.

Article 9. Damaged belligerent ships shall not be permitted to make repairs in neutral ports beyond those that are essential to the continuance of the voyage and which in no degree constitute an increase in its military strength.

Damages which are found to have been produced by the enemy's fire shall in no case be repaired.

The neutral state shall ascertain the nature of the repairs to be made and will see that they are made as rapidly as possible.

Article 10. Belligerent warships may supply themselves with fuel and stores in neutral ports, under the conditions especially established by the local authority and in case there are no special provisions to that effect, they may supply themselves in the manner prescribed for provisioning in time of peace.

Article 11. Warships which obtain fuel in a neutral port cannot renew their supply in the same state until a period of three months has elapsed.

Article 12. Where the sojourn, supplying, and provisioning of belligerent ships in the ports and jurisdictional waters of neutrals are concerned, the provisions relative to ships of war shall apply equally:

- (1) To ordinary auxiliary ships;
- (2) To merchant ships transformed into warships, in accordance with Convention¹ VII of The Hague of 1907.

The neutral vessel shall be seized and in general subjected to the same treatment as enemy merchantmen:

- (a) When taking a direct part in the hostilities;
- (b) When at the orders or under direction of an agent placed on board by an enemy government;
- (c) When entirely freight-loaded by an enemy government;
- (d) When actually and exclusively destined for transporting enemy troops or for the transmission of information on behalf of the enemy.

In the cases dealt with in this article, merchandise belonging to the owner of the vessel or ship shall also be liable to seizure.

- (3) To armed merchantmen.

Article 13. Auxiliary ships of belligerents, converted anew into merchantmen, shall be admitted as such in neutral ports subject to the following conditions:

- (1) That the transformed vessel has not violated the neutrality of the country where it arrives;
- (2) That the transformation has been made in the ports or jurisdictional waters of the country to which the vessel belongs, or in the ports of its allies;
- (3) That the transformation be genuine, namely, that the vessel show neither in its crew nor in its equipment that it can serve the armed fleet of its country as an auxiliary, as it did before.
- (4) That the government of the country to which the ship belongs communicate to the states the names of auxiliary craft which have lost such character in order to recover that of merchantmen; and
- (5) That the same government obligate itself that said ships shall not again be used as auxiliaries to the war fleet.

Article 14. The airships of belligerents shall not fly above the territorial waters of neutrals if it is not in conformity with the regulations of the latter.

¹ *British and Foreign State Papers*, vol. 100, p. 377.

SECTION III

Rights and Duties of Neutrals

Article 15. Of the acts of assistance coming from the neutral states, and the acts of commerce on the part of individuals, only the first are contrary to neutrality.

Article 16. The neutral state is forbidden:

(a) To deliver to the belligerent, directly or indirectly, or for any reason whatever, ships of war, munitions or any other war material;

(b) To grant it loans, or to open credits for it during the duration of war.

Credits that a neutral state may give to facilitate the sale or exportation of its food products and raw materials are not included in this prohibition.

Article 17. Prizes cannot be taken to a neutral port except in case of unseaworthiness, stress of weather, or want of fuel or provisions. When the cause has disappeared, the prizes must leave immediately; if none of the indicated conditions exist, the state shall suggest to them that they depart, and if not obeyed shall have recourse to the means at its disposal to disarm them with their officers and crew, or to intern the prize crew placed on board by the captor.

Article 18. Outside of the cases provided for in Article 17, the neutral state must release the prizes which may have been brought into its territorial waters.

Article 19. When a ship transporting merchandise is to be interned in a neutral state, cargo intended for said country shall be unloaded and that destined for others shall be transhipped.

Article 20. The merchantman supplied with fuel or other stores in a neutral state which repeatedly delivers the whole or part of its supplies to a belligerent vessel, shall not again receive stores and fuel in the same state.

Article 21. Should it be found that a merchantman flying a belligerent flag, by its preparations or other circumstances, can supply to warships of a state the stores which they need, the local authority may refuse it supplies or demand of the agent of the company a guaranty that the said ship will not aid or assist any belligerent vessel.

Article 22. Neutral states are not obligated to prevent the export or transit at the expense of any one of the belligerents of arms, munitions and in general of anything which may be useful to their military forces.

Transit shall be permitted when, in the event of a war between two American nations, one of the belligerents is a Mediterranean country, having no other means of supplying itself, provided the vital interests of the country through which transit is requested do not suffer by the granting thereof.

Article 23. Neutral states shall not oppose the voluntary departure of nationals of belligerent states even though they leave simultaneously in great numbers; but they may oppose the voluntary departure of their own nationals going to enlist in the armed forces.

Article 24. The use by the belligerents of the means of communication of neutral states or which cross or touch their territory is subject to the measures dictated by the local authority.

Article 25. If as the result of naval operations beyond the territorial waters of neutral states there should be dead or wounded on board belligerent vessels, said states may send hospital ships under the vigilance of the neutral government to the scene of the disaster. These ships shall enjoy complete immunity during the discharge of their mission.

Article 26. Neutral states are bound to exert all the vigilance within their power in order to prevent in their ports or territorial waters any violation of the foregoing provisions.

. . .

The delegation of Chile signs the present convention with a reservation concerning article 22, paragraph 2.

. . .

The delegation of the United States of America signs the present convention with a reservation regarding article 12, section 3.

. . .

The delegation of the Republic of Cuba signs with a reservation in reference to article 12, section 3.

. . .

15) CONVENTION¹ CONCERNANT LE RÉGIME DES DÉTROITS, SIGNÉE À MONTREUX, LE 20 JUILLET 1936²

. . .

Article premier. Les Hautes Parties contractantes reconnaissent et affirment le principe de la liberté de passage et de navigation par mer dans les Détroits.

L'usage de ladite liberté est dorénavant réglé par les dispositions de la présente convention.

SECTION I

Navires de commerce

Article 2. En temps de paix, les navires de commerce jouiront de la complète liberté de passage et de navigation dans les Détroits, de jour et de nuit, quels que soient le pavillon et le chargement, sans aucune formalité, sous réserve des dispositions de l'article 3 ci-après. Aucune taxe ou charge autre que celles dont la perception est prévue par l'annexe I à la présente convention ne sera prélevée par les autorités turques sur ces navires lorsqu'ils passeront en transit sans faire escale dans un port des Détroits.

Afin de faciliter la perception de ces taxes ou charges, les navires de commerce qui franchiront les Détroits feront connaître aux agents du poste visé à l'article 3 leurs nom, nationalité, tonnage, destination et provenance.

Le pilotage et le remorquage restent facultatifs.

¹ *Ibid.*, vol. 173, p. 214 et suiv.; traduction anglaise: *ibid.*, p. 215 et suiv.

² Ratifié par l'Australie, la Bulgarie, la France, la Grande-Bretagne et l'Irlande du Nord ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations, la Grèce, le Japon, la Roumanie, l'Union des Républiques soviétiques socialistes, la Yougoslavie, l'Italie y a adhéré par la suite.

Article 3. Tout navire qui pénètre dans les Détroits par la mer Egée ou par la mer Noire s'arrêtera à un poste sanitaire près de l'entrée des Détroits aux fins du contrôle sanitaire établi par les règlements turcs dans le cadre des prescriptions sanitaires internationales. Ce contrôle, dans le cas de navires possédant une patente nette de santé ou présentant une déclaration de santé attestant qu'ils ne tombent pas sous le coup des dispositions de l'alinéa 2 du présent article, s'effectuera de jour et de nuit, avec le plus de rapidité possible, et ces navires ne devront être astreints à aucun autre arrêt au cours de leur passage dans les Détroits.

Les navires qui ont à bord des cas de peste, de choléra, de fièvre jaune, de typhus exanthématique ou de variole, ou qui en ont eu moins de sept jours auparavant, ainsi que les navires qui ont quitté un port contaminé depuis moins de cinq fois vingt-quatre heures, s'arrêteront au poste sanitaire indiqué à l'alinéa précédent pour y embarquer les gardes sanitaires que les autorités turques pourraient désigner. Il ne sera, à ce titre, prélevé aucune taxe ou charge et les gardes devront être débarqués à un poste sanitaire à la sortie des Détroits.

Article 4. En temps de guerre, la Turquie n'étant pas belligérante, les navires de commerce, quels que soient le pavillon et le chargement, jouiront de la liberté de passage et de navigation dans les Détroits dans les conditions prévues aux articles 2 et 3.

Le pilotage et le remorquage restent facultatifs.

Article 5. En temps de guerre, la Turquie étant belligérante, les navires de commerce n'appartenant pas à un pays en guerre avec la Turquie jouiront de la liberté de passage et de navigation dans les Détroits à condition de n'assister en aucune façon l'ennemi.

Ces navires entreront de jour dans les Détroits et le passage devra s'effectuer par la route qui sera, dans chaque cas, indiquée par les autorités turques.

Article 6. Au cas où la Turquie s'estimerait menacée d'un danger de guerre imminent, il continuerait néanmoins à être fait application des dispositions de l'article 2, sauf que les navires devraient entrer de jour dans les Détroits et que le passage devrait s'effectuer par la route indiquée, dans chaque cas, par les autorités turques.

Le pilotage pourrait, dans ce cas, être rendu obligatoire, mais sans rétribution.

Article 7. Le terme « navires de commerce » s'applique à tous les navires qui ne sont pas visés par la section II de la présente convention.

SECTION II

Bâtiments de guerre

Article 8. Aux fins de la présente convention, la définition applicable aux bâtiments de guerre et à leurs spécifications, ainsi qu'au calcul des tonnages est celle qui figure dans l'annexe II à la présente convention.

Article 9. Les bâtiments auxiliaires de la marine militaire spécifiquement conçus pour le transport des combustibles, liquides ou non, ne seront pas astreints au préavis visé à l'article 13 et n'entreront pas dans le calcul des tonnages soumis à limitation en vertu des articles 14 et 18, à condition de traverser les Détroits isolément. Toutefois ils demeureront assimilés aux bâtiments de guerre en ce qui concerne les autres conditions de passage.

Les bâtiments auxiliaires visés au précédent alinéa ne pourront bénéficier de la dérogation envisagée que si leur armement ne comporte pas : comme artillerie contre objectifs flottants, plus de deux pièces d'un calibre de 105 mm au maximum ; comme artillerie contre objectifs aériens, plus de deux matériels d'un calibre de 75 mm au maximum.

Article 10. En temps de paix, les bâtiments légers de surface, les petits navires de combat et les navires auxiliaires, qu'ils appartiennent à des Puissances riveraines ou non de la mer Noire, quel que soit leur pavillon, jouiront de la liberté de passage dans les Détroits sans aucune taxe ou charge quelconque, pourvu qu'ils y pénètrent de jour et dans les conditions prévues aux articles 13 et suivants ci-après.

Les bâtiments de guerre autres que ceux qui entrent dans les classes visées à l'alinéa précédent n'auront le droit de passage que dans les conditions spéciales prévues aux articles 11 et 12.

Article 11. Les Puissances riveraines de la mer Noire sont autorisées à faire passer par les Détroits leurs bâtiments de ligne d'un tonnage supérieur au tonnage prévu à l'alinéa premier de l'article 14, à la condition que ces bâtiments ne franchissent les Détroits qu'un à un, escortés au plus de deux torpilleurs.

Article 12. Les Puissances riveraines de la mer Noire auront le droit de faire passer par les Détroits, en vue de rallier leur base, leurs sous-marins construits ou achetés en dehors de cette mer, si un avis de mise en chantier ou d'achat a été donné en temps utile à la Turquie.

Les sous-marins appartenant auxdites Puissances pourront également traverser les Détroits pour être réparés dans des chantiers situés hors de cette mer à la condition que des précisions à ce sujet soient données à la Turquie.

Dans l'un et l'autre cas, les sous-marins devront naviguer de jour et en surface et traverser les Détroits isolément.

Article 13. Pour le passage dans les Détroits des bâtiments de guerre, un préavis devra être donné au Gouvernement turc par la voie diplomatique. La durée normale du préavis sera de huit jours ; mais il est désirable que, pour les Puissances non riveraines de la mer Noire, elle soit portée à quinze jours. Il sera indiqué dans le préavis la destination, le nom, le type et le nombre des bâtiments ainsi que la date de passage pour l'aller et, s'il y a lieu, pour le retour. Tout changement de date devra faire l'objet d'un préavis de trois jours.

L'entrée dans les Détroits pour le passage d'aller devra avoir lieu dans un délai de cinq jours à partir de la date indiquée dans le préavis initial. Après l'expiration de ce délai, il devra être donné un nouveau préavis, dans les mêmes conditions que pour le préavis initial.

Lors du passage, le commandant de la force navale communiquera, sans avoir à s'arrêter, à une station de signaux à l'entrée des Dardanelles ou du Bosphore, la composition exacte de la force se trouvant sous ses ordres.

Article 14. Le tonnage global maximum de toutes les forces navales étrangères pouvant se trouver en cours de transit dans les Détroits ne devra pas dépasser 15.000 tonnes, sauf dans les cas prévus à l'article 11 et à l'annexe III à la présente convention.

Toutefois les forces visées à l'alinéa précédent ne devront pas comprendre plus de neuf bâtiments.

Ne seront pas compris dans ce tonnage les bâtiments appartenant à des Puissances riveraines ou non riveraines de la mer Noire qui, conformément aux dispositions de l'article 17, rendent visite à un port des Détroits.

Ne seront pas davantage compris dans ce tonnage les bâtiments de guerre qui auraient subi une avarie lors de la traversée; ces bâtiments se soumettront, pendant les réparations, aux dispositions spéciales de sécurité édictées par la Turquie.

Article 15. Les bâtiments de guerre en transit dans les Détroits ne pourront en aucun cas, utiliser les aéronefs dont ils seraient porteurs.

Article 16. Les bâtiments de guerre en transit dans les Détroits ne devront, sauf en cas d'avarie ou de fortune de mer, y séjourner au-delà du temps nécessaire pour effectuer leur passage.

Article 17. Les dispositions des articles précédents ne sauraient en aucune manière empêcher une force navale d'un tonnage et d'une composition quelconques de rendre, dans un port des Détroits, sur l'invitation du Gouvernement turc, une visite de courtoisie d'une durée limitée. Cette force devra quitter les Détroits par la même route que pour l'entrée, à moins qu'elle ne soit dans les conditions voulues pour passer en transit dans les Détroits, conformément aux dispositions des articles 10, 14 et 18.

Article 18. 1. Le tonnage global que les Puissances non riveraines de la mer Noire peuvent avoir dans cette mer en temps de paix est limité de la façon suivante:

a) Sauf dans le cas prévu au paragraphe b) ci-après, le tonnage global desdites Puissances n'excédera pas 30.000 tonnes;

b) Au cas où, à un moment quelconque, le tonnage de la flotte la plus forte de la mer Noire viendrait à dépasser d'au moins 10.000 tonnes celui de la flotte la plus forte en cette mer à la date de la signature de la présente convention, le tonnage global de 30.000 tonnes mentionné au paragraphe a) sera majoré d'autant, jusqu'à concurrence d'un maximum de 45.000 tonnes. A cette fin, chaque Puissance riveraine fera connaître, conformément à l'annexe IV à la présente convention, au Gouvernement turc, le 1^{er} janvier et le 1^{er} juillet de chaque année, le tonnage total de sa flotte en mer Noire, et le Gouvernement turc transmettra cette information aux autres Hautes Parties contractantes ainsi qu'au Secrétaire général de la Société des Nations;

c) Le tonnage que l'une quelconque des Puissances non riveraines aura la faculté d'avoir en mer Noire sera limité aux deux tiers du tonnage global visé aux paragraphes a) et b) ci-dessus;

d) Toutefois au cas où une ou plusieurs Puissances non riveraines de la mer Noire désireraient y envoyer, dans un but humanitaire, des forces navales, ces forces, dont l'ensemble ne devra, en aucune hypothèse, excéder 8.000 tonnes, seront admises à pénétrer dans la mer Noire, sans le préavis prévu à l'article 13 de la présente convention, moyennant une autorisation obtenue du Gouvernement turc dans les conditions suivantes: si le tonnage global visé aux paragraphes a) et b) ci-dessus n'est pas atteint et ne doit pas être dépassé par les forces dont l'envoi est demandé, le Gouvernement turc accordera ladite autorisation dans le plus bref délai après la réception de la demande dont il aura été saisi; si ledit tonnage global se trouve être déjà utilisé ou s'il devait être dépassé par les forces dont l'envoi est demandé, le Gouvernement turc donnera immédiatement connaissance de la demande, d'autorisation aux autres Puissances riveraines de la mer Noire et si ces

Puissances, vingt-quatre heures après en avoir été informées, n'y font pas d'objection, il fera savoir aux Puissances intéressées, au plus tard dans un délai utile de quarante-huit heures, la suite qu'il aura décidé de donner à leur demande.

Toute entrée ultérieure en mer Noire de forces navales des Puissances non riveraines ne s'effectuera que dans les limites disponibles du tonnage global visé aux paragraphes *a* et *b* ci-dessus.

2. Quel que soit l'objet de leur présence en mer Noire, les bâtiments de guerre des Puissances non riveraines ne pourront pas y rester plus de vingt et un jours.

Article 19. En temps de guerre, la Turquie n'étant pas belligérante, les bâtiments de guerre jouiront d'une complète liberté de passage et de navigation dans les Détroits dans des conditions identiques à celles qui sont stipulées aux articles 10 à 18.

Toutefois il sera interdit aux bâtiments de guerre de toute Puissance belligérante de passer à travers les Détroits, sauf dans les cas rentrant dans l'application de l'article 25 de la présente convention, ainsi que dans le cas d'assistance prêtée à un Etat victime d'une agression en vertu d'un traité d'assistance mutuelle engageant la Turquie, conclu dans le cadre du Pacte de la Société des Nations, enregistré et publié conformément aux dispositions de l'article 18 dudit pacte.

Dans les cas exceptionnels visés à l'alinéa précédent, ne seront pas applicables les limitations indiquées dans les articles 10 à 18.

Malgré l'interdiction de passage édictée dans l'alinéa 2 ci-dessus, les bâtiments de guerre des Puissances belligérantes riveraines ou non de la mer Noire, séparés de leurs ports d'attache, sont autorisés à rallier ces ports.

Il est interdit aux bâtiments de guerre belligérants de procéder à toute capture, d'exercer le droit de visite et de se livrer à un acte hostile quelconque dans les Détroits.

Article 20. En temps de guerre, la Turquie étant belligérante, les dispositions des articles 10 à 18 ne seront pas applicables; le passage des bâtiments de guerre sera entièrement laissé à la discrétion du Gouvernement turc.

Article 21. Au cas où la Turquie s'estimerait menacée d'un danger de guerre imminent, elle aurait le droit d'appliquer les dispositions de l'article 20 de la présente convention.

Les bâtiments de guerre qui, après avoir passé par les Détroits antérieurement à l'usage par la Turquie de la faculté que lui confère l'alinéa précédent, se trouveraient ainsi séparés de leurs ports d'attache, pourront rallier ces ports. Il est cependant entendu que la Turquie pourra ne pas faire bénéficier de ce droit les bâtiments de l'Etat dont l'attitude aurait motivé l'application du présent article.

Si le Gouvernement ture fait usage de la faculté que lui confère l'alinéa premier ci-dessus, il adressera une notification à cet effet aux Hautes Parties contractantes ainsi qu'au Secrétaire général de la Société des Nations.

Si le Conseil de la Société des Nations, par une majorité des deux tiers, décide que les mesures ainsi prises par la Turquie ne sont pas justifiées et si tel est également l'avis de la majorité des Hautes Parties contractantes signataires de la présente convention, le Gouvernement turc s'engage à rapporter les mesures en question ainsi que celles qui auraient été prises en vertu de l'article 6 de la présente convention.

Article 22. Les bâtiments de guerre qui ont à bord des cas de peste, de choléra, de fièvre jaune, de typhus exanthématique ou de variole, ou qui en ont eu moins de sept jours auparavant, ainsi que les bâtiments qui ont quitté un port contaminé depuis moins de cinq fois vingt-quatre heures devront passer les Détroits en quarantaine et appliquer par les moyens du bord les mesures prophylactiques nécessaires pour éviter toute possibilité de contamination des Détroits.

16) TREATY ¹ ON INTERNATIONAL PENAL LAW, ² SIGNED AT MONTEVIDEO, 19 MARCH 1940 ³

Article 9. Crimes perpetrated on board men-of-war or military planes of one State, while these are in the territorial waters of another State, shall be tried by the tribunals, and punished according to the laws of the State to which the said men-of-war or airplanes belong.

If only persons who do not belong to the crew of the warship or airplane participate in the commission, on board, of such acts, prosecution and punishment shall be conducted in accordance with the laws of the State within whose territorial waters the warship or airplane is located.

The laws of the country to which the ship or airplane belongs shall also govern the trial and punishment of such punishable acts as are committed elsewhere than on board by members of the crew or by individuals charged with the exercise of some function on board, when the said acts affect only the disciplinary order of those ships or planes.

Article 10. Crimes committed on board vessels other than vessels of war shall be tried and punished by the judges or tribunals, and according to the laws of the State in whose territorial waters a given vessel was located at the time when such a crime was committed.

If the crimes are committed on board private airplanes which are not in flight, the corresponding trial and imposition of punishment shall be conducted according to the laws, and by the judges, of the territory where the crimes occurred.

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.

Article 13. A riparian State has the right to continue on the high seas a pursuit begun within its territorial waters, as well as the right to arrest and try the vessel that has committed an offence within the said waters. In all cases where a capture is effected on the high seas, that fact shall be communicated without delay to the State whose flag the vessel flies. The pursuit must be broken off instantly when the vessel enters [other] territorial waters, or a port belonging to its own country or to a third State.

¹ Manley O. Hudson, *International Legislation*, vol. VIII, 1938-1941, pp. 482 *et seq.*

² Signed by: Argentina, Bolivia, Brazil, Colombia, Paraguay, Peru and Uruguay.

³ Ratified by Uruguay. Not entered into force (December 1955).

Note. The treaty concerning international criminal law, signed at Montevideo, 23 January 1889 (Martens, *Nouveau Recueil Général de Traités*, 2^{ème} série, vol. XVIII, p. 433) contains the following provisions:

“*Article 9.* If an offence is committed on board a warship belonging to one State while the ship is in the territorial waters of another State, then the offender shall be tried and punished in conformity with the law of the State to which the ship belongs.

“Similarly, if any member of the crew or officer of a warship commits, otherwise than on board the said ship, some punishable act which affects, principally, the discipline in the ship, then the offender shall likewise be tried and punished in conformity with the law of the State to which the warship belongs.

“ . . .

“*Article 11.* If an offence is committed on board a merchant vessel, the offender shall be tried and punished in conformity with the law of the State in the territorial waters of which the vessel was lying at the time of the offence.

“*Article 12.* For the purposes of criminal jurisdiction, the expression ‘territorial waters’ means the waters within an area extending five miles from the coast of the mainland or from the coast of the islands which form part of the territory of the particular State.”

This treaty has been ratified by Argentina, Bolivia, Paraguay, Peru and Uruguay.

17) INTERNATIONAL CONVENTION¹ ON CERTAIN RULES CONCERNING CIVIL JURISDICTION IN MATTERS OF COLLISION, SIGNED AT BRUSSELS, 10 MAY 1952²

Article 1. (1) An action for collision occurring between seagoing vessels, or between seagoing vessels and inland navigation craft, can only be introduced—

(a) Either before the Court where the defendant has his habitual residence or a place of business;

(b) Or before the Court of the place where arrest has been effected of the defendant ship or of any other ship belonging to the defendant which can be lawfully arrested, or where arrest could have been effected and bail or other security has been furnished;

(c) Or before the Court of the place of collision when the collision has occurred within the limits of a port or in inland waters.

¹ United Kingdom, *Parliamentary Papers*, 1952-53, vol. XXIX, Cmd. 8954; French text, *ibid.*

² Signed by (up to April, 1956): Belgium, Brazil, Denmark, Egypt, France, Germany (Federal Republic), Greece, Italy, Lebanon, Monaco, Nicaragua, Spain, United Kingdom, the Vatican, Yugoslavia.

Ratifications and Accessions (up to April, 1956): Costa Rica, Egypt, Spain, Switzerland, Yugoslavia. Entered into force on 14 September 1955 in respect of Spain, Switzerland and Yugoslavia, on 13 January 1956 in respect of Costa Rica, and on 24 February 1956 in respect of Egypt.

(2) It shall be for the Plaintiff to decide in which of the Courts referred to in § (1) of this article the action shall be instituted.

(3) A claimant shall not be allowed to bring a further action against the same defendant on the same facts in another jurisdiction, without discontinuing an action already instituted.

Article 2. The provisions of article 1 shall not in any way prejudice the right of the parties to bring an action in respect of a collision before a Court they have chosen by agreement or to refer it to arbitration.

Note. The Government of the Republic of Costa Rica, in acceding to this Convention, formulated the reservation that a civil action for collision occurring between seagoing vessels or between seagoing vessels and inland navigation craft could be introduced only before the Court where the defendant has his habitual residence or before the Court of the State whose flag the vessel was flying.

Accordingly, the Republic of Costa Rica did not recognize the provisions of article 1, paragraph 1 (b) and (c) as binding.

Pursuant to the Code of Private International Law, approved at the Sixth International Conference of American States at Havana, Cuba, the Government of the Republic of Costa Rica, in accepting this Convention, formulated the express reservation that it would in no case renounce its competence or jurisdiction to apply Costa Rican law in collisions occurring on the high seas or in its territorial waters in which a Costa Rican vessel was damaged.

18) INTERNATIONAL CONVENTION¹ FOR THE UNIFICATION OF CERTAIN RULES RELATING TO PENAL JURISDICTION IN MATTERS OF COLLISION OR OTHER INCIDENTS OF NAVIGATION, SIGNED AT BRUSSELS, 10 MAY 1952²

Article 4. This Convention does not apply to collisions or other incidents of navigation occurring within the limits of a port or in inland waters.

Furthermore, the High Contracting Parties shall be at liberty, at the time of signature, ratification or accession to the Convention, to reserve to themselves the right to take proceedings in respect of offences committed within their own territorial waters.

Note. Pursuant to article 4 of this Convention, the Governments of Spain, France, Egypt, Viet-Nam and Yugoslavia reserved the right to take proceeding in respect of offences committed within their own territorial waters. The Government of Costa Rica did not recognize articles 1 and 2 of this Convention as binding.

¹ *Ibid.*; French text, *ibid.*

² *Signed by* (up to April, 1956): Belgium, Brazil, Denmark, Egypt, France, Germany (Federal Republic), Greece, Italy, Lebanon, Monaco, Nicaragua, Spain, United Kingdom, the Vatican, Yugoslavia.

Ratifications and Accessions (up to April, 1956): Burma, Costa Rica, Egypt, Haiti, France, Switzerland, Spain, Viet-Nam (Republic), Yugoslavia. Entered into force on 20 November 1955 in respect of Burma, France, Haiti, Spain and Switzerland, and in respect of Costa Rica on 13 January 1956, Egypt on 24 February 1956, Viet-Nam on 26 May 1956, and Yugoslavia on 21 October 1956.

19) INTERNATIONAL CONVENTION¹ RELATING TO THE ARREST OF SEA-GOING SHIPS, SIGNED AT BRUSSELS, 10 MAY 1952²

Article 2. A ship flying the flag of one of the Contracting States may be arrested in the jurisdiction of any of the Contracting States in respect of any maritime claim, but in respect of no other claim; but nothing on this Convention shall be deemed to extend or restrict any right or powers vested in any Governments or their Departments, Public Authorities, or Dock or Harbour Authorities under their existing domestic laws or regulations to arrest, detain or otherwise prevent the sailing of vessels within their jurisdiction.

Article 4. A ship may only be arrested under the authority of a Court or of the appropriate judicial authority of the Contracting State in which the arrest is made.

Article 6. All questions whether in any case the claimant is liable in damages for the arrest of a ship or for the costs of the bail or other security furnished to release or prevent the arrest of a ship, shall be determined by the law of the Contracting State in whose jurisdiction the arrest was made or applied for.

The rules of procedures relating to the arrest of a ship, to the application for obtaining the authority referred to in Article 4, and to all matters of procedure which the arrest may entail, shall be governed by the law of the Contracting State in which the arrest was made or applied for.

20) AGREEMENTS³ BETWEEN CHILE, ECUADOR AND PERU, SIGNED AT THE FIRST CONFERENCE ON THE EXPLOITATION AND CONSERVATION OF THE MARITIME RESOURCES OF THE SOUTH PACIFIC, SANTIAGO, 18 AUGUST 1952

(a) DECLARATION ON THE MARITIME ZONE⁴

1. Governments are bound to ensure for their peoples access to necessary food supplies and to furnish them with the means of developing their economy.

2. It is therefore the duty of each Government to ensure the conservation and protection of its natural resources and to regulate the use thereof to the greatest possible advantage of its country.

¹ *Ibid.*; French text, *ibid.*

² Signed (up to April, 1956) by: Belgium, Brazil, Egypt, France, Germany (Federal Republic), Greece, Italy, Lebanon, Monaco, Nicaragua, Spain, United Kingdom, the Vatican, Yugoslavia.

Ratifications and Accessions (up to August, 1956): Costa Rica, Egypt, Haiti, Spain, Switzerland, the Vatican. This Convention entered into force on 24 August 1953 in respect of all of the five first-mentioned States, and on 10 January 1957 in respect of the Vatican.

³ Ratified by all the signatory States. Costa-Rica has acceded.

⁴ *Revista Peruana de Derecho Internacional*, tomo XIV, No. 45, 1954, pp. 104 *et seq.* Translation by the Secretariat of the United Nations.

3. Hence it is likewise the duty of each Government to prevent the said resources from being used outside the area of its jurisdiction so as to endanger their existence, integrity and conservation to the prejudice of peoples so situated geographically that their seas are irreplaceable sources of essential food and economic materials.

For the foregoing reasons the Government of Chile, Ecuador and Peru, being resolved to preserve for and make available to their respective peoples the natural resources of the areas of sea adjacent to their coasts, hereby declare as follows:

(I) Owing to the geological and biological factors affecting the existence, conservation and development of the marine fauna and flora of the waters adjacent to the coasts of the declarant countries, the former extent of the territorial sea and contiguous zone is insufficient to permit of the conservation, development and use of those resources, to which the coastal countries are entitled.

(II) The Governments of Chile, Ecuador and Peru therefore proclaim as a principle of their international maritime policy that each of them possesses sole sovereignty and jurisdiction over the area of sea adjacent to the coast of its own country and extending not less than 200 nautical miles from the said coast.

(III) Their sole jurisdiction and sovereignty over the zone thus described includes sole sovereignty and jurisdiction over the sea floor and subsoil thereof.

(IV) The zone of 200 nautical miles shall extend in every direction from any island or group of islands forming part of the territory of a declarant country. The maritime zone of an island or group of islands belonging to one declarant country and situated less than 200 nautical miles from the general maritime zone of another declarant country shall be bounded by the parallel of latitude drawn from the point at which the land frontier between the two countries reaches the sea.

(V) This Declaration shall not be construed as disregarding the necessary restrictions on the exercise of sovereignty and jurisdiction imposed by international law to permit the innocent and inoffensive passage of vessels of all nations through the zone aforesaid.

(VI) The Governments of Chile, Ecuador and Peru state that they intend to sign agreements or conventions to put into effect the principles set forth in this Declaration and to establish general regulations for the control and protection of hunting and fishing in their respective maritime zones and the control and co-ordination of the use and working of all other natural products or resources of common interest present in the said waters.

(b) ORGANIZATION OF THE STANDING COMMITTEE OF THE CONFERENCE ON THE USE AND CONSERVATION OF THE MARINE RESOURCES OF THE SOUTH PACIFIC¹

(1) To achieve the objects set forth in the Declaration on the Maritime Zone signed at this First Conference on the Use and Conservation of the Marine Resources of the South Pacific, the Governments of Chile, Ecuador and Peru agree to establish a Standing Committee composed of not more

Ibid., pp. 105 *et seq.* Translation by the Secretariat of the United Nations.

than three representatives of each. The Committee shall hold one ordinary meeting a year and any of the Governments may also convene special meetings.

The Standing Committee shall meet in accordance with a system of annual rotation, under a chairman appointed by the host Government.

(2) The Standing Committee shall establish Technical Offices to co-ordinate all action by the Parties in pursuance of the aims and objects of the Conference. These Offices shall not frame policy but shall merely assemble administrative, industrial, scientific, economic and statistical information relating to the objects of the Conference and circulate the same to the Parties in order to keep them duly and promptly informed. They shall likewise act as secretariats of the Standing Committee.

(3) The Standing Committee shall carry out studies and adopt resolutions as hereinafter indicated with a view to the conservation and improved use of marine fauna and other resources, having regard to the interest of each contracting country.

The Standing Committee shall, with a view to the conservation of marine resources, standardize the regulations governing the hunting and fishing of common marine species of the contracting countries, and for this purpose shall have power—

(a) To determine protected species; open and closed seasons and areas of sea; fishing and hunting times, methods and equipment; and prohibited gear and methods; and to lay down general regulations for hunting and fishing;

(b) To study and propose to the Parties such measures as it considers suitable for the protection, defence, conservation and use of marine resources;

(c) To encourage scientific and technical study of and research into biological phenomena in the South Pacific;

(d) To prepare general statistics of the industrial use of marine resources by the Parties, and to suggest protective measures based on the study thereof;

(e) To deal with requests for advice on the protective measures based on study of the said statistics;

(f) To prepare the agenda and propose dates and sites for future plenary meetings of the Conference;

(g) To exchange scientific and technical information with other international or private organizations concerned with the study and protection of marine resources;

(h) To ensure that the fishing and hunting quotas fixed annually by each Party in the exercise of its exclusive rights do not endanger the preservation of the marine resources of the South Pacific;

(i) To settle all questions relating to its own operation, the organization of the secretariats and Technical Offices, and procedural matters in general.

(4) Every resolution adopted by the Standing Committee shall have mandatory effect forthwith in each signatory State; provided that a resolution to which a signatory State lodges an objection within ninety days shall cease to have effect in that State until the objection has been withdrawn. In computing the said period of ninety days, a Government shall be deemed to have been notified of a resolution on the date of its adoption solely by the assent of that Government's representatives thereto. If the representatives of a country are not present, notice of an agreement shall be given

in writing to the diplomatic representative of that country accredited to the country in which the Committee is sitting.

(5) The signatory Governments shall enforce the agreements of the Conference and the resolutions of the Standing Committee by imposing a system of legal penalties for breaches thereof committed within their jurisdiction. In the absence of appropriate statutory penalties they shall request the competent authorities to establish the same.

Notice of the imposition of any penalty under this provision shall be given to the Standing Committee through the competent Technical Office referred to in paragraph (2). Technical Offices shall keep complete and detailed registers of all charges and penalties.

(6) Any Party may denounce this agreement by giving one full calendar year's notice of denunciation to the other Parties.

(c) JOINT DECLARATION ON FISHERY PROBLEMS IN THE SOUTH PACIFIC¹

The representatives of Chile, Ecuador and Peru to the First Conference on the Use and Conservation of the Marine Resources of the South Pacific,

CONSIDERING:

That the Governments of Chile, Ecuador and Peru are concerned at the danger caused by lack of protection to the conservation of fishery resources in the maritime zones under their jurisdiction and sovereignty;

That because of the progressive development of new methods and techniques, large areas of their waters are being fished more intensively, and that some fishery resources highly important to the food supply and irreplaceable as sources of industrial materials are in serious danger of exhaustion;

That the principal species of South Pacific fauna periodically migrate and appear at certain seasons off the western coast of South America;

That there is a need to establish and apply measures of protection and conservation with a view to the improvement of yield, to the advantage of the national food supply and economies of the signatory States;

That it is necessary to standardize fishery legislation, to regulate or prohibit the use of certain destructive forms and methods of fishing, and in general to establish practices conducing to the rational use of joint marine resources;

HEREBY AGREE AS FOLLOWS:

(1) To recommend the Governments here represented to establish on their coasts and ocean islands such marine biological stations as may be necessary for the study of the migration and reproduction of the species of greatest nutritive value, in order to prevent reduction of the stocks thereof;

(2) To co-ordinate national and international scientific research and to enlist the co-operation of fishery organizations with similar objects;

(3) To recommend the enactment of such regulations as may be necessary for the conservation of fishery resources in the maritime zones under their jurisdiction;

(4) To recommend to the signatory Governments that licences to fish in their maritime zones should be issued only for such fishing as does not

¹ *Ibid.*, pp. 107 *et seq.* Translation by the Secretariat of the United Nations.

impair the conservation of the species covered by the licence and is intended to provide fish for domestic consumption or raw materials for domestic industry.

(d) REGULATIONS GOVERNING WHALING IN THE WATERS OF THE SOUTH PACIFIC¹

WHEREAS

The representatives of Chile, Ecuador and Peru attending the First Conference on the Utilization and Conservation of the Marine Resources of the South Pacific are convinced of the urgent need to regulate whaling forthwith,

AND WHEREAS

It is the duty of each Government to ensure the conservation and protection of the stock of whales existing in the area of the South Pacific;

It is necessary to regulate the hunting of the said whales so as to prevent such intensive operations as might lead to the temporary or permanent extinction of that animal species, with consequent injury to the economies of the countries of the South Pacific;

The carrying on of this industry through land stations implies *per se* a restriction on whale-hunting owing to the immobility of such stations and to the limited radius of action of whale catchers;

Land stations carry on whaling operations more efficiently than factory ships, for, in addition to the fats, such stations also utilize the meat and bones of whales for the purpose of producing foodstuffs for human beings and animals;

NOW THEREFORE THE SAID REPRESENTATIVES HEREBY AGREE:

To constitute themselves a Provisional Standing Committee, and in that capacity make the following Regulations governing whaling:

Article 1. Whaling in the South Pacific, and more particularly in the maritime zones under the sovereignty or jurisdiction of the signatory States, whether carried on by land-based industries or by floating factories, shall be subject to the rules prescribed by the Conference, whose Standing Committee shall study and, in agreement with the Governments of the States aforesaid, decide upon any amendment which may be advisable for the purpose of the expansion or improvement of the industries or which (so far as it is not inconsistent with the provisions agreed upon by the Conference) is consequential upon some international commitment entered into hereafter.

Article 2. The authorities of the several States shall be responsible for the control of whaling, whether carried on by floating factories or from land stations, and for the enforcement of the provisions of these Regulations.

Article 3. For the purposes of the previous article, every whaling undertaking now existing or to be organized in the future must be entered in the special register kept by the Standing Committee; every such undertaking shall file a declaration specifying the number and position of its land stations, the number and category of the whaling units at its disposal, or the number and characteristics of the ships or vessels constituting the floating factory.

¹ *Ibid.*, pp. 108 *et seq.* Translation by the Secretariat of the United Nations.

Article 4. Pelagic whaling shall not be carried on in the maritime zone under the jurisdiction or sovereignty of the signatory countries except under a permit issued by the Standing Committee, which shall prescribe the conditions governing the issue of such permits. Any such permit shall not be issued except by unanimous decision of the Standing Committee.

The signatory countries shall prescribe the penalties applicable to any person who fails to comply with this provision.

Article 5. The taking and treatment of whales by a land station shall not be carried on in the maritime zone under the sovereignty or jurisdiction of a Contracting State except by an undertaking thereunto authorized by the Government concerned pursuant to these Regulations.

Article 6. An offence under these Regulations committed by an undertaking established in a Contracting State shall be punished in accordance with the legislation in force in that State.

Article 7. The crew of a whale catcher or of a factory ship, and the technical staff employed at a land station, must be registered in a special register, kept for the purpose by the Standing Committee, in which the undertaking employing the crew or staff shall be specified.

Article 10. Pelagic whaling for baleen whales shall be forbidden in the maritime zone under the jurisdiction or sovereignty of the States aforesaid.

Article 22. The skipper of a vessel engaged in the whaling industry shall be bound to notify the competent authorities immediately, by wireless, if he observes the presence of whale catchers or factory ships of foreign nationality in the waters subject to the jurisdiction of the Contracting States, and shall, in his message, report their position. He shall likewise report to the said authorities any message intercepted by him which originates from a whaling vessel of foreign nationality and which affords grounds for suspecting that the vessel in question is engaged in whaling operations in the waters subject to the said jurisdiction.

He shall at the same time transmit a similar report to the Technical Offices of the Standing Committee.

Article 23. Each signatory Government undertakes to prevent whaling operations from being carried on in the waters subject to its jurisdiction in circumstances constituting a breach of the provisions of these Regulations.

Article 24. For the purposes of these Regulations, the following expressions shall have the meanings respectively assigned to them:

(a) "land station" means any factory or industrial establishment for the treatment of whales which is set up on the mainland or island shores of a particular country.

(b) "floating station" means any ship equipped to treat on board whales delivered to it, on condition that such ship moves on the sea, being either self-propelled or towed.

(c) "baleen whale" means any whale other than a toothed whale;

(d) "blue whale" means any whale known by the name of blue whale, Sibbald's rorqual or sulphur bottom;

(e) "finback" means any whale known by the name of fin whale, herring whale or razorback;

(f) "sei whale" means any whale known by the name of *Balaenoptera borealis* or Rudolphi's rorqual, and shall be deemed to include *Balaenoptera brydei*;

(g) "gray whale" means any whale also known by the name of California gray, devil fish, hard head or mussel digger;

(h) "humpback whale" means any whale known by the name of bunch, humpbacked whale, hump whale or hunchbacked whale;

(i) "right whale" means any whale known by the name of Pacific Arctic or Biscayan right whale, bowhead, great polar whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific whale, pigmy right whale, Southern pigmy right whale or Southern right whale;

(j) "sperm whale" means a toothed whale, cachalot, spermacet whale or pot whale;

(k) "Dauhval whale" means any unclaimed dead whale found floating with no signs of specific ownership;

(l) "quota" means the maximum number of units to be taken in the season of any one year.

21) AGREEMENTS¹ BETWEEN CHILE, ECUADOR AND PERU, SIGNED AT THE SECOND CONFERENCE ON THE EXPLOITATION AND CONSERVATION OF THE MARITIME RESOURCES OF THE SOUTH PACIFIC, LIMA, 4 DECEMBER 1954

(a) AGREEMENT SUPPLEMENTARY TO THE DECLARATION OF SOVEREIGNTY OVER THE MARITIME ZONE OF TWO HUNDRED MILES²

The Governments of the Republics of Chile, Ecuador and Peru, in conformity with the provisions of resolution X of 8 October 1954, signed at Santiago de Chile by the Standing Committee of the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific,

Having noted the proposals and recommendations approved in October of this year by the said Standing Committee,

Have appointed the following plenipotentiaries:

. . . .

AND WHEREAS

Chile, Ecuador and Peru have proclaimed their sovereignty over the sea adjacent to the coasts of their respective countries to a distance of not less than two hundred nautical miles from the said coasts, the sea-bed and the subsoil of this maritime zone being included;

The Governments of Chile, Ecuador and Peru, at the First Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in 1952, expressed their intention of entering into agreements or conventions relating to the application of the principles governing that sovereignty, for the purpose in particular of regulating and protecting hunting and fisheries within their several maritime zones;

¹ Ratified (up to June 1955) by: Peru.

² *Ibid.*, No. 46, 1954, pp. 276 *et seq.* Translation by the Secretariat of the United Nations.

NOW THEREFORE THE SAID PLENIPOTENTIARIES HEREBY AGREE AS FOLLOWS:

1. Chile, Ecuador and Peru shall consult with one another for the purpose of upholding, in law, the principle of their sovereignty over the maritime zone to a distance of not less than two hundred nautical miles, including the sea-bed and the subsoil corresponding thereto. The term "nautical mile" means the equivalent of one minute of the arc measured on the Equator, or a distance of 1,852.8 metres.

2. If any complaints or protests should be addressed to any of the Parties, or if proceedings should be instituted against a Party in a court of law or in an arbitral tribunal, whether possessing general or special jurisdiction, the contracting countries undertake to consult with one another concerning the case to be presented for the defence and furthermore bind themselves to co-operate fully with one another in the joint defence.

3. In the event of a violation of the said maritime zone by force, the State affected shall report the event immediately to the other Contracting Parties, for the purpose of determining what action should be taken to safeguard the sovereignty which has been violated.

4. Each of the Contracting Parties undertakes not to enter into any agreements, arrangements or conventions which imply a diminution of the sovereignty over the said zone, though this provision shall not prejudice their rights to enter into agreements or to conclude contracts which do not conflict with the common rules laid down by the contracting countries.

5. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

(b) AGREEMENT RELATING TO PENALTIES¹

1. If any person, whether a national or an alien and whether an individual or a body corporate, commits an offence against the regulations governing maritime fisheries and hunting which have been approved by the Conference, that person shall be liable to the penalties hereinafter prescribed.

2. Any such offence as aforesaid shall be punishable by the seizure of the product which is the object of the offence, in the condition in which it then is, without prejudice to the imposition of any or all of the following penalties:

(a) A fine of one to five times the commercial value of the product of hunting or fishing obtained through the offence;

(b) An order prohibiting the person in question from fishing or hunting in the maritime zones or from entering the ports of the contracting countries for a period which shall not be less than six months or more than three years; and

(c) In the event of a repetition of the offence, the court shall in addition impose the fines mentioned in subsection (a) above, increased at its discretion to any sum not exceeding the commercial value of the vessel or

¹ *Ibid.*, pp. 277 *et seq.* Translation by the Secretariat of the United Nations.

vessels which committed the offence. It may also make an order under subsection (b) providing for a prohibition to be in effect for double the period mentioned in the said subsection.

3. The vessel or vessels which committed the offence shall be under attachment pending trial, as security for the payment of the fines, unless the court has accepted some other form of security. The vessel in question shall remain answerable even in the event of a change in its nationality, ownership or management.

This provision shall apply also to any costs or disbursements which may have been occasioned, and the sum due by reason thereof shall constitute a prior charge.

4. The managing owner of the vessel and the captain or master shall be jointly liable for offences. Notices shall be served on the captain or master, who shall be deemed to be the authorized agent of the owner so long as the latter does not designate some other person to act on his behalf.

5. The court shall place at the disposal of the Standing Committee the entire cash proceeds of the fines recovered or seizures made in pursuance of these provisions relating to penalties. The Committee shall distribute these proceeds in equal shares among the Contracting Parties, subject to a deduction of 10 per cent representing receipts to be applied towards its budget.

6. In each contracting country a special court shall be constituted to try cases involving such offences and to impose the appropriate penalties. This court shall, in the several countries, be constituted in the following manner:

(a) In Chile, it shall be composed of the President of the Court of Appeal of Valparaiso, who shall act as president, the Superintendent of Customs and the Director of Coastal Areas and Merchant Marine;

(b) In Ecuador, it shall be composed of the President of the High Court of Guayaquil, who shall act as president, the Director-General of Customs and the Officer Commanding the Naval District; and

(c) In Peru, it shall be composed of the President of the High Court of Lima, who shall act as president, the Superintendent-General of Customs, and the Director of Port Authorities.

In the event of absence or impediment, any member of these courts shall be replaced by the person designated as his substitute by the law of the particular country.

7. The offences referred to in these provisions shall be tried and punished by the court of the country which effected the capture of the offender.

8. The Standing Committee is hereby empowered to propose to the several countries the rules to be observed by the courts in dealing with and adjudicating cases. Until these rules become operative, each country shall apply the provisions of municipal law.

9. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

(c) AGREEMENT RELATING TO MEASURES OF SUPERVISION AND CONTROL IN THE MARITIME ZONES OF THE SIGNATORY COUNTRIES ¹

1. It shall be the function of each signatory country to supervise and control the exploitation of the resources in its maritime zone by the use of such organs and means as it considers necessary.

2. The supervision and control referred to in section 1 shall be exercised by each country exclusively in the waters under its jurisdiction. Nevertheless, the ships or aircraft of a signatory country may enter the maritime zone of another signatory country, without requiring special authorization, in any case in which that other country expressly requests its co-operation.

3. The ships or aircraft of each of the signatory countries shall report to the authority designated in every such country the fullest particulars concerning the position, identification and occupation of the fishing or hunting vessels sighted by them in the course of their patrols. Any messages transmitted by telecommunications for this purpose shall be exempt from charges, dues and taxes. Each country shall make regulations for the purpose of giving effect to these provisions.

4. With a view to making supervision more effective, the technical agencies shall establish a rapid and efficient system for the exchange of information among the signatory countries.

5. Any person shall be empowered to report to the competent maritime authorities the presence of vessels engaged in the clandestine exploitation of maritime resources within the maritime zone.

6. The consuls of the signatory countries shall keep their Governments constantly informed of the preparation, departure, passage, arrival and provisioning of, and other particulars relating to all the whaling or fishing expeditions which leave or pass through the ports where the said consuls are stationed and the real or apparent destination of which is the waters of the South Pacific.

7. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

(d) AGREEMENT RELATING TO THE ISSUE OF PERMITS FOR THE EXPLOITATION OF THE MARITIME RESOURCES OF THE SOUTH PACIFIC ²

1. It shall not be lawful for any person, whether an individual or body corporate to engage in hunting or fishing, the extraction of vegetable products or in any other form of exploitation of resources existing in the waters of the South Pacific within the maritime zone, unless that person has first obtained the required permit.

2. The issue of permits authorizing foreign vessels not employed by national companies to operate in the maritime zone shall be governed by the terms of this Agreement and shall be contingent upon a favourable report by the technical agencies of each country.

¹ *Ibid.*, pp. 280 *et seq.* Translation by the Secretariat of the United Nations.

² *Ibid.*, pp. 281 *et seq.* Translation by the Secretariat of the United Nations.

Any permit for the fishing or hunting of species which are subject to international quotas shall be issued by the countries concerned, subject, however, to strict observance of the quotas fixed by the Standing Committee at its annual meeting, or in default of such meeting, by the Secretariat with the unanimous approval of the Standing Committee.

Pelagic whaling shall not be carried on in the maritime zone under the jurisdiction or sovereignty of the signatory countries except under a permit issued by the Standing Committee, which shall prescribe the conditions governing the issue of such permits. Any such permit shall not be issued except by unanimous decision of the Standing Committee.

3. The issue of a permit binds the applicant to observe the rules relating to the conservation of the species referred to in the relevant regulations and in the orders made by the contracting countries, and also to furnish security in an amount to be determined in each particular case.

4. Each permit shall specify the nature of the operations which may be carried on, the number of the species which the holder may fish or hunt, the area of sea in which he may operate, the opening and closing dates of his operations, the port at which the inspector or inspectors responsible for supervision are to be taken on board, the amount of the fees and the security which has been determined and any other conditions considered desirable for the purpose of securing compliance with the relevant regulations, including authorization to use the telecommunications service.

5. Applicants shall state at what port in any one of the countries they intend to call for the purpose of taking on board the inspectors who will ensure compliance with the relevant regulations. The costs of the services of these inspectors shall be chargeable to the applicant, with the exception of the inspectors' salaries, which shall be paid by the Government concerned.

In the discharge of their duties, the inspectors shall see to it that all the conditions are observed and shall keep a complete record of the operations.

6. Permits for national-flag vessels, or for foreign-flag vessels employed by national companies, whether engaged in fishing or hunting, authorizing them to operate in waters within the exclusive jurisdiction of any of the countries, shall continue to be issued by the competent authority in accordance with the domestic regulations in force and in conformity with the Conventions relating to the protection of maritime resources, without prejudice to the provisions of section 2, second subsection. The issue of such authorizations shall be reported to the Secretariat for the information of all the Parties.

7. Draft administrative and other regulations necessary for the proper application of this Agreement shall be prepared by the Secretariat within six months. The draft or drafts shall be submitted to the Standing Committee for approval but may be applied provisionally until that approval has been obtained.

8. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

(e) AGREEMENT RELATING TO THE REGULAR ANNUAL MEETING OF THE
STANDING COMMITTEE ¹

1. The Standing Committee shall meet annually at an appropriate date to determine the quota of sperm whales which may be hunted by foreign pelagic whaling expeditions during the whaling season from 1 July to 30 June of the following year.

2. At the said meeting the Standing Committee shall also determine the amount of the fees chargeable during the year for the issue of permits to foreign pelagic whaling expeditions. The Standing Committee shall deposit the proceeds of those fees, which are the joint property of the signatory countries, in a single bank, and shall apply them to the exclusive purpose of establishing such marine biology stations as may be necessary, first preference being given to the establishment of one such station at an appropriate point in the Galápagos Islands, other stations being established later at suitable points in the South Pacific. After this first need has been satisfied, the balance shall be applied to the purpose of promoting studies and research the object of which is to improve the production, conservation and utilization of the maritime resources of the South Pacific.

3. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

(f) AGREEMENT RELATING TO A SPECIAL MARITIME FRONTIER ZONE ²

AND WHEREAS

Experience has shown that innocent and inadvertent violations of the maritime frontier between adjacent States occur frequently because small vessels manned by crews with insufficient knowledge of navigation or not equipped with the necessary instruments have difficulty in determining accurately their position on the high seas;

The application of penalties in such cases always produces ill-feeling in the fishermen and friction between the countries concerned, which may affect adversely the spirit of co-operation and unity which should at all times prevail among the countries signatories to the instruments signed at Santiago; and

It is desirable to avoid the occurrence of such unintentional infringements, the consequences of which affect principally the fishermen;

NOW THEREFORE THE SAID PLENIPOTENTIARIES HEREBY AGREE AS FOLLOWS:

1. A special zone is hereby established, at a distance of 12 miles from the coast, extending to a breadth of 10 nautical miles on either side of the parallel which constitutes the maritime boundary between the two countries.

2. The accidental presence in the said zone of a vessel of either of the adjacent countries, which is a vessel of the nature described in the paragraph

¹ *Ibid.*, pp. 283 *et seq.* Translation by the Secretariat of the United Nations.

² *Ibid.*, pp. 285 *et seq.* Translation by the Secretariat of the United Nations.

beginning with the words " Experience has shown " in the preamble hereto, shall not be considered to be a violation of the waters of the maritime zone, though this provision shall not be construed as recognizing any right to engage, with deliberate intent, in hunting or fishing in the said special zone.

3. Fishing or hunting within the zone of 12 nautical miles from the coast shall be reserved exclusively to the nationals of each country.

4. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

. . .

INTERPRETATION OF THE PROVISIONS OF THE AGREEMENTS ¹

At the request of the representative plenipotentiary of Ecuador, it is hereby stated that each signatory State shall be responsible for the organization and operation of the marine biology stations referred to in Article 2 of the AGREEMENT RELATING TO THE REGULAR ANNUAL MEETING OF THE STANDING COMMITTEE and shall maintain such contact with the Standing Committee as is necessary for the purposes of co-ordinated research.

Likewise, with respect to the AGREEMENT RELATING TO A SPECIAL MARITIME FRONTIER ZONE, it is hereby stated that the authorities of the country whose maritime frontier is alleged to have been violated have exclusive competence to construe the expression " accidental presence " as used in Article 2 of the said Agreement.

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